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IMMEDIATE RELEASE

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Colonial Williamsburg Sued for Discrimination

Norfolk, Virginia – A Maryland family filed suit against the Colonial Williamsburg Foundation (“Colonial Williamsburg”) in federal court today on behalf of their eleven-year-old child alleging that Colonial Williamsburg discriminated on the basis of disability in violation of federal and state law when it excluded the child from part of an educational field trip the child’s class took to the historic village and made the child eat outside one of their facilities while his classmates experienced life in the 17th Century inside.

The child plaintiff, identified by his initials J.D. because he is a minor, visited Colonial Williamsburg in May as part of a class trip. The trip was the culmination of five years of fundraising and a full year curriculum on life in Colonial America. A highlight of the educational tour was a visit to Shields Tavern where the children got to experience social and cultural life in the British Colony with the assistance of costumed educational interpreters. J.D., who loves history and dreams of growing up to be a history professor, long anticipated the Colonial Williamsburg trip, and worked hard to make the most of the experience, even earning a grade of 99% on his research paper about political life in the colonies.

Because of a severe autoimmune disorder, J.D. is unable to safely consume food containing gluten. When he ingests gluten, he experiences side effects including loss of consciousness, difficulty concentrating, asthma flares, and pain. As a result, although J.D. was a paid participant in the educational tour, J.D. was not able to eat the food that was served. J.D. was excited simply to soak in the experience even though he could not eat the food. His father who was a chaperone on the trip brought food that was safe for J.D. to eat. After J.D. was seated at a table with his class, management learned that he could not eat their food because of his disability and told the eleven year old that if he was going to eat his food, he needed to leave immediately. Although his father and his teacher both attempted to reason with management, J.D. was made to leave the facility with his father and eat outside in the rain while his classmates remained inside.

The Americans with Disabilities Act provides that places of public accommodation like Colonial Williamsburg cannot exclude people on the basis of disability. Section 504 of the Rehabilitation Act provides that entities that accept federal funding must provide equal access. Virginia law also prohibits discrimination on the basis of disability by recipients of state funding.

“My son was making strides in feeling comfortable with the fact that he is different because of his inability to eat any food that has the potential of cross contamination with gluten. This changed with the irrational actions made by Shields Tavern,” said J.D.’s father. “He was happy to experience Shields Tavern with his friends, now he is uncomfortable eating anything outside of the home because of the embarrassment they inflicted upon him. Colonial Williamsburg used J.D.’s disability to humiliate and exclude J.D. in front of his peers, making him sit out in the rain as if he weren’t even worthy of the opportunity to learn.”

“Children with disabilities that require strict adherence to special diets often find themselves on the outside of school parties and social events, but here this child was quite literally removed to the outside in a way that left him feeling humiliated and unworthy,” commented Mary Vargas, a lawyer representing J.D. and his family. “This is despicable behavior by any adult but especially by an organization that professes to offer educational programming for children.”

J.D. is represented by Stein & Vargas, LLP.

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Stein & Vargas, LLP is a civil rights firm based in Washington, D.C. and committed to the principle that all people have full and equal access to all parts of society.

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