

Tip Sheets

What Does the ADA Mean to Child Care?



The Americans with Disabilities Act (ADA) is a federal civil rights law that protects people with disabilities from

discrimination. The law applies to any child care program open to the public whether it is a private, nonprofit, or for-profit program unless it is operated by a religious organization.

Child care is considered a **public accommodation** under the ADA and so must comply with the civil right mandates of access and non-discriminatory policies and practices for children and their families.

What does this mean for your child care program?

Expectations for Child Care Programs under the ADA

Make reasonable accommodations

- *Reasonable* means your program can afford the assistance needed to include a child with a disability without an undue burden to the program. For example, building a wheelchair ramp for a larger child care program is more doable than it might be for a smaller program with less resources, though each situation is case-by-case.
- Each child care program must determine what they think is reasonable in staffing, equipment, etc. knowing that they also need to stand by any decisions they make if a parent files a complaint under the ADA for discrimination.

- Many accommodations are small changes that make a child's day easier in your program. For instance, a child with sensory needs could benefit from adding a quiet space to your program, which could be accessed by all children needing to take-a-break space.

Make modifications to policies, practices, or procedures unless to do so would fundamentally alter the nature of service

- Ensure that your written policies are non-discriminatory and do not have language that could be seen as screening out enrollment of children with disabilities or special needs.
- Revisit any policies that would seem to discriminate against families of children with disabilities, for instance, in fees or penalties for sick days, etc. For instance, requiring a person to attend with the child with a disability could be seen as a discriminatory policy if it is not required of all families.
- Help all children participate in activities. Be creative! Often brainstorming with the family helps with solutions that have worked at home.
- Examine the procedures you have in place for emergencies, field trips and so on. What adjustments do you need to make for a child with a different ability? Examine your procedures regularly to keep them up-to-date.

Note that *fundamentally altering the nature of your service* is a narrow exception under the ADA and applies to programs offering a specific kind of programming/service. For instance, if your program is a preparatory for classic pianists, enrollment could be limited to children who are pianists.

Provide auxiliary aids and services unless this would create an undue burden or would fundamentally alter the nature of the service

- In child care this might include an amplification system to help a child hear teacher more clearly or learning sign language.
- The key phrase here is *undue burden* because the cost of the aid or service cannot be so much that it would jeopardize a program's ability to operate. Again, the size of a program would make a difference on how much might be expected for provision here.

Make physical modifications to existing facilities if they are readily achievable

- Readily achievable is defined in the law as easily accomplished without much difficulty or expense. Brainstorming solutions is important because the biggest and costliest modification may not be the most necessary in all situations.
- Keep in mind your goals for the child. How can you help them access all the necessary parts of the child care program so they can play and learn while feeling included? A child needs to be able to get into the playground, for instance, but think outside the box when considering how a child can be involved in active play with others if you can't afford to redo the entire playground.

Additional Measures Programs Can Take

Create an attitude of inclusivity

This one is free! Write a philosophy of inclusion and make sure all parents and staff know that your program is one where everyone belongs.

Approach any obstacle with a positive outlook

Ask questions and brainstorm ideas with staff, families, and professionals working with a child. Chances are someone has come up with a solution that will fit your program, too.

Know local resources and supports for staff

Child care staff need support, too. Learn what is available in your state or county for training or coaching around children with special needs.

Look online for free resources

You can create visual supports with free visuals online, adopt the NAEYC Position Statement on Inclusion for your program, or find free self-study courses and tip sheets on many inclusion topics at the Center for Inclusive Child Care.

Additional Resources

Head Start Center for Inclusion

<http://headstartinclusion.org>

Commonly Asked Questions About Child Care Centers and the ADA

<https://www.ada.gov/childqanda.htm>

For more information, visit www.inclusivechildcare.org.

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