ALL KIDS COUNT
Child Care and the ADA

Top 10 Things You Need to Know About the ADA

1. The Americans with Disabilities Act (ADA) is the most comprehensive federal civil rights statute protecting the rights of people with disabilities. It affects access to employment; state and local government programs and services; access to places of public accommodation such as businesses, transportation, and non-profit service providers; and telecommunications.

2. Under the ADA, an individual with a disability is a person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.

3. The ADA applies to privately-run child care centers and home daycare providers. Like other public accommodations such as private schools, recreation centers, restaurants, hotels, movie theaters, and banks, child care providers must comply with Title III of the ADA.

4. Almost all child care centers, regardless of size or number of employees, must comply with Title III of the ADA. Even small, home-based centers that may not have to follow some state laws are covered by Title III. The exception is child care centers that are actually run by religious entities such as churches, mosques, or synagogues. Activities controlled by religious organizations are not covered by Title III.

5. The ADA requires that child care providers not discriminate against persons with disabilities on the basis of disability, that is, that they provide children and parents with disabilities with an equal opportunity to participate in the child care center's programs and services.

6. Centers cannot exclude children with disabilities from their programs unless their presence would pose a *direct threat* to the health or safety of others or require a *fundamental alteration* of the program.

7. Centers have to make *reasonable modifications* to their policies and practices to integrate children, parents, and guardians with disabilities into their programs unless doing so would constitute a *fundamental alteration.*

8. Centers must provide appropriate auxiliary aids and services needed for *effective communication* with children or adults with disabilities, when doing so would not constitute an *undue burden.*

9. Centers must generally make their facilities accessible to persons with disabilities. Existing facilities are subject to the *readily achievable* standard for barrier removal, while newly constructed facilities and any altered portions of existing facilities must meet the new construction standards for accessible design.

10. Child care centers cannot just assume that a child's disabilities are too severe for the child to be integrated successfully into the center's child care program. The center must make an *individualized assessment* about whether it can meet the particular needs of the child without fundamentally altering its program.

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