

Child Care and the Americans with Disabilities Act (ADA)

What is the Americans with Disabilities Act?

The Americans with Disabilities Act (ADA) is a federal civil rights law. The ADA says that people with disabilities are entitled to equal rights in employment, public services, and access to public accommodations. The act was created to remove barriers that often limit basic opportunities and choices.

Does the ADA apply to child care providers?

Yes, "public accommodations" include family child care homes, preschools, child care centers and group homes. If you provide child care as a business in a home or center you cannot refuse to serve a child just because he or she has a disability. The ADA says you must make "reasonable accommodation" to serve children with disabilities. "Reasonable accommodation" means adaptations that are not excessively expensive and that do not cause you to make fundamental changes in your setting or program.

How can I make sure I comply with the ADA?

Here are some things you can do to assure that you are in compliance with the ADA:

- ◆ Take time to talk to parents who call about child care for a child with special needs. Discuss how you could meet the child's needs, and find out if the child requires adaptations or accommodations.
- ◆ *Make your decision whether or not you are able to serve a child on an individual basis.* If you are not sure that you can safely or appropriately care for a child, decide only after talking with parents about their child's specific needs. It may also be helpful to speak to someone who has expertise in the child's disabilities. Parents may be able to direct you to a professional who can help with this.
- ◆ Evaluate your policies and procedures. Make sure they don't screen out children with disabilities.
- ◆ Be ready to make simple changes in activities that allow all children to participate.
- ◆ Do not have a higher rate that applies just to children with disabilities.
- ◆ Be sure to ask parents about the information and support that they or professionals that work with the child may be able to offer.

For Additional Information on the ADA

Northwest ADA/Information Technology Center

The Northwest ADA/Information Technology Center offers technical assistance, training and materials about the legal obligations and rights established by the Americans with Disabilities Act.

Northwest ADA/Information Technology Center

Oregon Health Sciences University

1-800-949-4232

nwada@ohsu.edu.

The Center's website is found at www.nwada.org.

U.S. Department of Justice

The Department of Justice (DOJ) provides information about the Americans with Disabilities Act through a toll-free ADA Information Line. The service permits businesses and others to call and ask questions about general or specific ADA requirements. These include questions about Accessible Design.

ADA specialists are available Monday through Friday from 6:30 am until 2:30 p.m. (Pacific Time) except on Thursday when the hours are 9:30 am until 2:30 p.m. Spanish language service is also available. For general information, answers to specific technical questions, free ADA materials, or information about filing a complaint, call: (800) 514-0301 (voice) or (800) 514-0383 (TTY).

The Department of Justice publication, "Commonly Asked Questions about Child Care and the Americans with Disabilities Act" is available online at <http://www.usdoj.gov/crt/ada/childq&a.htm>.