

Child Care and the Americans with Disabilities Amendments Act

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As a parent myself, I know firsthand how difficult it was for me to find child care for my son. Many parents of young children with disabilities often have difficulty finding childcare. Either they don't meet the income criteria for Early Head Start, or simply cannot afford private childcare in addition to other family necessities. Most Head Start programs serve children ages three to five years, but the program also supports Early Start for infants and toddlers, Parent/Child Centers, and programs that help children make the transition to elementary school. In order to participate in Head Start, the family income must fall below the federal poverty line. Local programs are allowed to serve up to 10 percent of the children with family incomes over the poverty line. The program must use ten percent of the spaces for children with disabilities which parents are unaware of. Parents as well as, child care providers, often have questions and concerns about how to support children with disabilities in early childcare settings.

The Americans with Disabilities Act -- or "ADA" -- apply to child care centers. Privately-run child care centers -- like other public accommodations such as private schools, recreation centers, restaurants, hotels, movie theaters, and banks -- must comply with title III of the ADA. Both title, II and III of the Americans with Disabilities Act apply to a child care center's interactions with the children, parents, guardians, and potential customers that it serves. Almost all child care providers, 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.

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. Specifically:

- 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.

- 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.
- 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.
- 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 be fully accessible.

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. In making this assessment, the caregiver must not react to unfounded preconceptions or stereotypes about what children with disabilities can or cannot do, or how much assistance they may require. Instead, the caregiver should talk to the parents or guardians and any other professionals (such as educators or health care professionals) who work with the child in other contexts. Providers are often surprised at how simple it is to include children with disabilities in their mainstream programs. Childcare providers may NOT charge parents of children with special needs additional fees to provide services required by the ADA. . If the childcare provider is providing services beyond those required by ADA, like hiring licensed medical personnel to conduct complicated medical procedures, it may charge the child's family.

According to the ADA, The need of a child with a disability for individualized attention is not a valid reason for excluding that child, unless the extent of the child's need for individualized attention would fundamentally alter the child care program or the cost of providing the individualized attention would be an undue burden on the program.

For more information and resources on the Americans with Disabilities Act (ADA) and Childcare, click on the link below.

<http://www.ada.gov/childq&a.htm>