

The Americans with Disabilities Act (ADA)

What is the Americans with Disabilities Act (ADA)?

The Americans with Disabilities Act (ADA) was signed into law on July 26, 1990 and is an important piece of American civil rights legislation. The ADA prohibits discrimination on the basis of disability in employment, state and local government, public accommodations, commercial facilities, transportation, and telecommunications.



Who is covered under ADA?

The ADA applies to persons who meet the definition of “disabled” under the law. A person is considered disabled if they have, or are thought to have, a physical or mental impairment that substantially limits one or more major life activities.

What does ADA mean for child care programs?

Child care programs fall under Title III (Public Accommodations) of the ADA. Title III requires that child care programs, regardless of size or number of employees, not discriminate against persons with disabilities on the basis of their disability. Therefore, children with disabilities must be provided with equal opportunities to participate in all aspects of the child care program, including learning activities, services, outdoor spaces, etc.



Programs cannot exclude or deny access to a child with a disability unless their presence would pose a *direct threat* to the health or safety of others or require a *fundamental alteration* of the program.

RESOURCES

https://www.ada.gov/ada_intro.htm

<https://adata.org/factsheet/ADA-overview>

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

<http://www.parentcenterhub.org/repository/ada/>

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Strategies for success:

- Don't be afraid! If a family of a child with a disability is looking to enroll in your program, don't immediately think of the barriers or difficulties that may exist. Instead, begin by treating this family like you would any other family, for that's exactly what they are.
- Meet the family and child. It is always beneficial to take the time to talk with any family that wants to enroll in your program, and this is especially true for families that have a child with special needs. Meeting the family will not only give you a chance to get to know a little about them and their child, but it will also allow you to share some things about your program. You might also think about setting up a separate time for the family and child to visit the classroom. Watching the child spend time with other kids in a classroom setting can provide you with invaluable information.
- Sharing information. It's understandable that the thought of having a child with a disability in your program may cause some nervous feelings, but it shouldn't, and really can't, be a reason for deciding not to care for the child. As you talk with the family, really listen to what they're sharing with you. Ask supportive, open-ended questions that will provide you with information that you will be able to use to help the child once they are in your program.
 - For example, if the parent shares that their child has some challenging behaviors, try asking, "What types of situations are difficult or stressful for your child?" and "What strategies work best when your child is upset?"

By talking with the family and brainstorming about solutions to possible barriers, you will not only show that you are interested in supporting their family and child, but you will be laying the groundwork for an honest and fruitful partnership.

Remember, as a child care provider, it is against Title III of the ADA to:

- 1) Deny enrollment to a family who has a child with a disability, based solely on their disability
- 2) Charge a family a higher rate to care for a child with a disability or other special needs

****If you are unsure if your policies or actions are in line with ADA regulations, please contact the Child Care Information Center (CCIC) at 1-800-362-7353 or email them at: ccic@wi.gov**

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