



MARYLAND
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RESOURCES

LOCATE: Child Care Special Needs Service
Maryland Family Network
800.999.0120
www.marylandfamilynetwork.org

Maryland Disabilities Law Center
800.233.7201
www.mdclaw.org

ADA Information Center
800.949.4232
www.adainfo.org

Child Care Law Center
415.558.8005
www.childcarelaw.org

WHAT IS THE AMERICANS WITH DISABILITIES ACT (ADA)?

The ADA is a federal civil rights law that assures full civil rights to individuals with disabilities, including access to and accommodations in child care settings.



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A PARENT'S GUIDE



The Americans with Disabilities Act and Child Care



accommodations services accessibility

WHO DOES THE ADA PROTECT?

The ADA protects any child or adult who:

- Has a physical or mental impairment which substantially limits one or more major life activities such as speaking, seeing, learning, walking, feeding, etc.
- Has a history of this type of impairment (such as a child with cancer now in remission);
- Is “regarded” as having the impairment (such as a child with facial scarring who has no limitations, but is stigmatized);
- Is “associated with” any of the persons described above (so that a child seeking admission to a child care program cannot be denied simply because her brother has tested positive for HIV or because her mother uses a wheelchair).

WHAT IMPACT DOES THE ADA HAVE ON CHILD CARE PROGRAMS?

As of January 26, 1990, child care programs, both family child care homes and child care centers, regardless of whether or not they receive public subsidies, can no longer discriminate on the basis of disability. Instead, the ADA demands a “new way of thinking” in which the accommodations required by the individual are weighed against the resources available to the child care program to make any necessary accommodations. The program or provider must make an individualized assessment about whether it can meet the needs of the child without fundamentally altering its program.

WHAT EXACTLY DOES THE ADA REQUIRE CHILD CARE PROGRAMS TO DO?

The ADA requires that child care programs consider making changes in three aspects of their programs.

First, they must make reasonable accommodations and modifications in their policies, practices, and procedures in order to accommodate the individual with a disability unless the modification would fundamentally alter the nature of the program and there are no reasonable alternatives.

Examples of modifications might include:

- Eliminating prohibitions against serving children with disabilities in admission policies; or
- Providing alternative foods at lunch and snack time for children with certain food allergies.

Secondly, child care programs must provide appropriate auxiliary aids and services for effective communication with children with disabilities, when doing so would not constitute an undue financial burden.

Examples of auxiliary aids and services might include:

- Creating a picture schedule; or
- Learning some sign language.

Finally, architectural barriers which prevent access to services must be removed if removal is readily achievable. Readily achievable means easily accomplishable and able to be carried out without much difficulty or expense.

Examples of barrier removal might include:

- Installing grab bars in toilet stalls; or
- Rearranging tables and chairs to allow a child in a wheelchair to participate in child care.

What safety considerations must child care programs take into account in determining whether a child will be admitted or maintained?

Child care programs may refuse to admit a child if they can document that the child will pose a direct threat to the health and safety of others in the child care setting. This is a very narrow exception.

Is it legal to charge extra for the cost of caring for a child with a disability?

No. The ADA is very clear that child care programs may not charge families with children with disabilities more than other families are charged to cover any increased cost the program incurs in making accommodations. To help defray any additional cost, child care programs are allowed to spread the cost to all families in the program.

If I feel that a child care program is not complying with the requirements of the ADA, what can I do?

First, let the child care program know what your concerns are and provide them with information about the legal requirements of the ADA. If you are still unable to get satisfaction, you might seek guidance from the Maryland Disabilities Law Center or the ADA Information Center.

This brochure is not a substitute for individual legal advice. If you need specific legal information on how the ADA applies to you, seek the assistance of a lawyer who is familiar with ADA requirements.