

Americans With Disabilities Act

The Americans with Disabilities Act (ADA) is a federal civil rights law that prohibits discrimination against people with disabilities. All family child care providers, including providers exempt from state regulations must comply with the ADA.

A disability is a physical or mental impairment that limits one or more major life activities: hearing seeing, learning, speaking, and walking. Such disabilities include, but are not limited to cancer, cerebral palsy, deafness, diabetes, emotional or mental illness, epilepsy, HIV and AIDS, learning disabilities, and mental retardation.

Providers must make reasonable accommodations to include children with disabilities. What is reasonable will depend on the individual assessment of the child's needs and the program's ability to accommodate those needs.

Providers cannot deny care to a child with a disability for these reasons:

- Child has a severe disability
- Provider doesn't feel she has skill to deliver care
- Provider policies say she doesn't care for children with disabilities
- Provider doesn't feel comfortable dealing with certain disabilities, such as AIDS

Providers must care for children with disabilities unless

- Offering her services to the child would impose an "undue burden" (significant difficulty or expense)
- The child's condition poses a "direct threat"
- Removing an architectural changes isn't "readily achievable"
- Accommodating the child would "fundamentally alter" the nature of the program