Caring for Children with *special needs*

THE AMERICANS WITH DISABILITIES ACT

The Americans with Disabilities Act (ADA) is a federal law that requires anyone providing services to the public to make "reasonable accommodations" for people with disabilities. This law went into effect in 1985 and applies to many private businesses, including child care providers. It means that you, as a child care provider, must give children with disabilities equal access to participation in your program.

Many child care providers have questions about the ADA and their role in complying with it. Here are some of the common questions and issues regarding the ADA.

What are "reasonable accommodations"?

The term "reasonable" can vary. For example, if you provide services to a child who uses a wheelchair, you are obliged only to reduce barriers that you can afford to make. If you work in your home and care for a small number of children, a reasonable accommodation might be to move furniture. However, if you are a large center-based childcare provider and receive federal funds (such as from a Department of Social Services), you would be expected to provide more substantial accommodations, possibly a ramp. Funding and the size of your business bear heavily on the extent of your legal obligation in terms of what is considered "reasonable."

What if I can't afford to make accommodations?

If providing a particular accommodation presents an undue financial hardship, you can **legally** reject care for a child with a disability. In this case, you might say to the parents, "I've evaluated your child's needs, and I cannot accommodate her in my program without undue hardship." Your rejection must be due to the unreasonable burden (unaffordability) of the required accommodation, such as a ramp, not just the fact that the child has a disability.

What if parents offer to help pay for the accommodations?

Parents can **offer** to pay more money so that you can afford to make the accommodation (such as putting in a ramp), but you cannot **legally** ask for extra money to make your facility accessible. This might happen in the following scenario:

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Child care provider: "I'd love to have your child here, but putting in a ramp would be an undue hardship for me."
Parents: "We'd really love to have our child here, too. We also understand that a ramp would be an additional expense for you. Could we pay an extra $5 per week for the first six months so that you could afford to put in the ramp?"

Do I have any other options?

In reality, many accommodations require no actual cost or structural modification to a facility. For example, moving furniture can create wider "traffic lanes" for a child who uses a wheelchair. Other accommodations also can be inexpensive. For example, you can use scratch-and-sniff or textured stickers to reward a child with a visual impairment, rather than colored stickers. In addition, many structural changes benefit all users of a facility, not just the individual with a disability. For example, bar-type door handles make opening doors easier for everyone. Occupational or physical therapists involved in a child's care may be able to suggest other ways you can make simple and "readily achievable" accommodations.

Top 10 Tips on How to Care for Children with Disabilities

If you already care for a child with a disability, keep the following ideas in mind. These suggestions come from families of children with disabilities. In many ways, these "Top 10 Tips" form the real basis for the ADA, rather than just legal rights and responsibilities.

(from members of their families)

1. Children with special needs are children **first**. Just like all children, they need love, acceptance, friends, opportunities to participate, and chances to excel. Don't focus on problems, focus on the child's individual strengths.

2. You have resources on hand—the child's family, therapists, or other professionals who provide services. Feel free to ask them as many questions as you need.

3. A medical diagnosis does not tell you about a particular child. Each child is unique. You will want to meet a child ahead of time so you, the family, and the child can decide if you are all a good match.

4. Take time with family to go over your daily activities so that together you can develop a plan that addresses the child's specific needs. If therapists are working with the child, include them in your discussions.

5. Plan ways to keep lines of communication open with family members and therapists. You will want to be able to contact them whenever you feel you need additional guidance.

6. Take notes at meetings so you can refer to them when needed. Keep notes about this child as you learn and observe. Keep records of the child's accomplishments so you can see how you're doing!

7. When you introduce this child to the other children, remember that everybody is looking at you for cues about how they should act. If you are upbeat and comfortable, others will be, too.

8. Be positive with other staff members. You need to make sure all adults are comfortable with special procedures and prepared to care for this child. This should be done in a positive way.

9. Address child-specific safety issues in advance. In addition to the information you have for all children in your care, plan for changes that might need to be made, special equipment that may be needed, or medical supplies that are brought from home.

10. You are required only to make "reasonable" accommodations (ones that you can afford) for a child with special needs, depending on the size of your child care program. This is decided on a child-by-child basis.

More information

The information in this publication is not intended to be used as legal advice. For more information about the ADA as it applies to your situation, You may want to get additional information from a legal counsel or your local social services department about the ADA as it applies to your situation.

This publication is part of a series, Caring for Children with Special Needs. You may find other fact sheets in this series with helpful information. For the most current update of these fact sheets, check the National Network for Child Care website at: http://www.nncc.org

- Caring for Children with Special Needs: Feeling Comfortable (overview)-NNCC-98-06
- Caring for Children with Special Needs: The Americans with Disabilities Act-NNCC-98-07
- Caring for Children with Special Needs: Allergies and Asthma-NNCC-98-08
- Caring for Children with Special Needs: Attention Deficit Disorder-NNCC-98-09
- Caring for Children with Special Needs: Challenging Behaviors-NNCC-98-10
- Caring for Children with Special Needs: Chronic Illnesses-NNCC-98-11
- Caring for Children with Special Needs: Developmental Delays-NNCC-98-12
- Caring for Children with Special Needs: Hearing Imparments-NNCC-98-13
- Caring for Children with Special Needs: HIV or AIDS-NNCC-98-14
- Caring for Children with Special Needs: Physical Differences and Impairments-NNCC-98-15
- Caring for Children with Special Needs: Seizure Disorders-NNCC-98-16
- Caring for Children with Special Needs: Speech and Language Problems-NNCC-98-17
- Caring for Children with Special Needs: Visual Impairments)-NNCC-98-18

Also see the National Network for Child Care web site:
http://www.nncc.org

Developed for The National Network for Child Care by
Doreen B. Greenstein, Ph.D.
Developmental Psychologist
Cornell University Extension Services

Supported by the
Cooperative State Research
Education and Extension Service, U.S. Department of Agriculture and the Cooperative Extension System's Children Youth and Family Network

Edited by
Laura Miller
Communications Specialist
Iowa State University Extension

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NNCC-98-07 G98-35556