When Are You Required to Admit a Child with a Disability? The Evaluation Process Under the ADA, Title III: Public Accommodations

A child with a disability requests enrollment into your child care program.

Evaluate the individual needs of the child with a disability.

Does the child's condition pose a direct threat? Yes → Can the direct threat be eliminated through reasonable modifications?

No → The child cannot be reasonably accommodated at this point. Reassess when direct threat can be eliminated.

Identify ways to reasonably accommodate the needs of the child.

Does the child need auxiliary aids and services to ensure effective communication? No → Yes → Does the child need to reasonably modify policies, practices and procedures to accommodate the child?

No → Yes → Do you need to remove any architectural (physical) barriers from an already existing facility to accommodate the child?

No → Yes → Will removing barriers be readily achievable?

Yes → The child can be reasonably accommodated. Admit the child into your program.

No → The child does not need to be accepted by your program now. If reasonably possible, set long-term goals to enable your program to meet similar needs in the future.

Will providing this impose an undue burden or fundamentally alter the nature of your program?

Yes → Are there any reasonable alternatives to accommodate the child?

No → Yes → The child can be reasonably accommodated. Admit the child into your program.

Will changing policies and practices fundamentally alter the nature of your program?

Yes → Are there any reasonable alternatives to accommodate the child?

No → Yes → The child can be reasonably accommodated. Admit the child into your program.
THE AMERICANS WITH DISABILITIES ACT (ADA)

A NEW WAY OF THINKING: TITLE III

ADA GOAL:

To make reasonable accommodations for individuals with disabilities in order to integrate them into the program to the extent feasible, given each individual’s abilities.

ADA PRINCIPLES:

• INDIVIDUALITY
  the abilities and needs of each individual;

• REASONABLENESS
  of the modification to the program and to the individual;

• INTEGRATION
  of the individual with others in the program.

TYPES OF MODIFICATIONS:

• AUXILIARY AIDS AND SERVICES
  special equipment and services to ensure effective communication;

• CHANGES IN POLICIES, PRACTICES AND PROCEDURES;

• REMOVAL OF BARRIERS
  architectural, arrangement of furniture and equipment, vehicular.

REASONS TO DENY CARE:

• ACCOMMODATION IS UNREASONABLE, and there are no reasonable alternatives.
  - For auxiliary aids and services, if accommodations pose an UNDUE BURDEN
    (will result in a significant difficulty or expense to the program) or will fundamentally alter the nature of the program;
  - For auxiliary aids and services, or changes in policies, practices or procedures, if accommodations FUNDAMENTALLY ALTER the nature of the program;
  - For removal of barriers for existing facilities, if accommodations are NOT READILY ACHIEVABLE (cannot be done without much difficulty or expense to the program). Child care facilities built after January 26, 1993 must comply with ADA Accessibility Guidelines (ADAAG)

• DIRECT THREAT
  The individual’s condition will pose or does pose a significant threat to the health or safety of other children or staff in the program, and there are no reasonable means of removing the threat.