

Tip Sheet: *ADA Law*

What is the Americans with Disabilities Act?

The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the public.

How does this law impact child care in New Mexico?

ADA says that any childcare home or center that offers their services to the public must comply with ADA. (There is an exception if a center is run by a religious organization). The law says you must make “reasonable accommodations” for children with disabilities.

What are the basic requirements for childcare providers?

The ADA requires that childcare providers not discriminate against persons with disabilities on the basis of disability, that is, that they provide children and parents with disabilities with an equal opportunity to participate in the child care center's programs and services. Childcare providers must make “reasonable accommodations” for children with disabilities.

How do I evaluate accommodations and support my program?

In making this assessment, the caregiver must not react to preconceptions or stereotypes about what children with disabilities can or cannot do, or how much assistance they may require. Instead, the caregiver should talk to the parents or guardians and any other professionals (such as educators or health care professionals) who work with the child in other contexts.



Tip Sheet: *ADA Law*



Undue Burden: When the accommodation is unreasonable, and there are no reasonable alternative. Or if the accommodations pose a financial burden to the program in which the result would be significantly difficult to achieve or it poses a significant expense to the program.

Direct Threat: The individual's condition will pose or does pose a significant threat to the health or safety of another child or staff in the program, and there are no reasonable means of removing the threat.

Glossary

Individuality: A principle of ADA that states that accommodations must address the abilities and needs of each individual.

Reasonableness: A principle of ADA that states that all modifications and accommodations, in the program and for the individual, are within reason.

Integration: A principle of ADA that states that all accommodations are supporting individuals in integrating with others in their program.

Modifications Fundamentally Alter Program: the removal of physical barriers for the existing facilities, remodeling or building new structures that are beyond reason either financially or individually.

