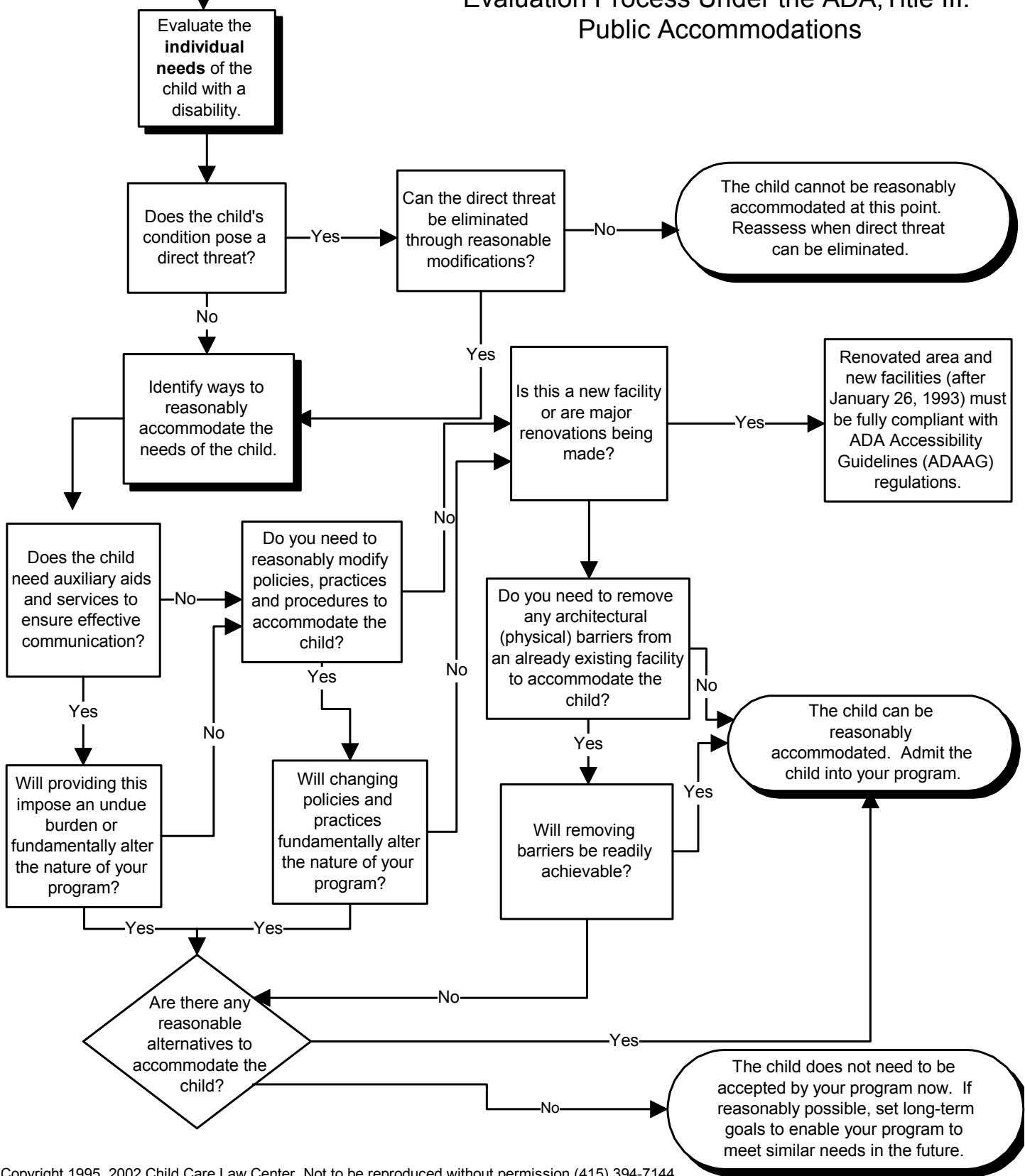


# When Are You Required to Admit a Child with a Disability? The Evaluation Process Under the ADA, Title III: Public Accommodations



# 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.

Copyright 2002 Child Care Law Center. Not to be reproduced without permission (415) 394-7144.

*This document is intended to provide general information about the topic covered. It is believed to be current and accurate as of January 2003, but the law changes often. This document is made available with the understanding that it does not render legal or other professional advice. If you need legal advice, you should seek the services of a competent attorney.*