ADA & AFTER SCHOOL AND DAYCARE PROGRAMS FOR CHILDREN WITH DISABILITIES



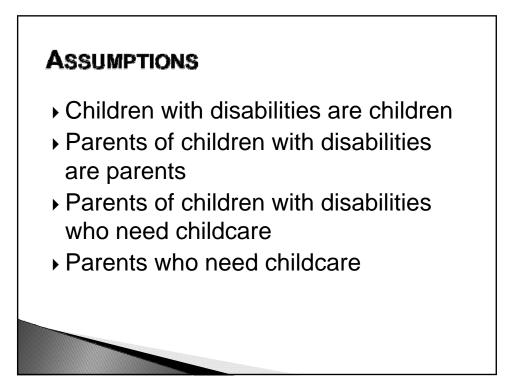
Ruth A. Wolery, PhD Assistant Professor Vanderbilt University

OBJECTIVES

- Basic Knowledge of the Americans With Disabilities Act (ADA) and Childcare
- Specifics: What Exactly Must Child Care Providers Do?
- Inclusion: The Obvious Alternative
- ADA and Individuals with Disabilities Education Act (IDEA)
- Individual Assessment and Case Studies



- Privately-run child care centers like other public accommodations - must comply with Title III of the ADA.
- Even small, home-based centers that may not have to follow some State laws are covered by Title III.
- Exception: Child care centers that are <u>actually</u> run by religious entities.
 - Private child care centers that are operating on the premises of a religious organization are generally **not** exempt from title III.

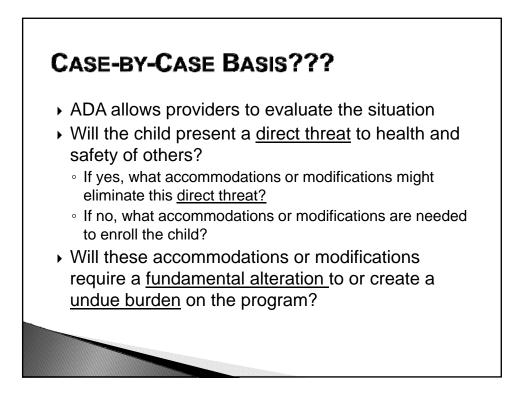


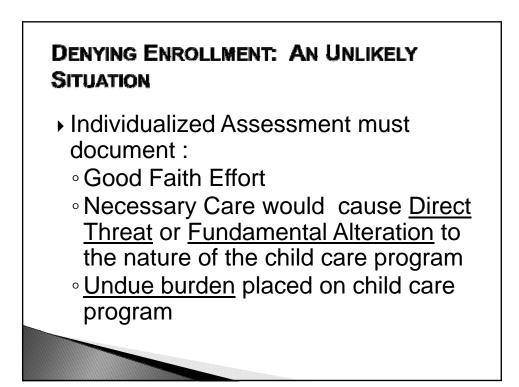
SPECIFICS: WHAT EXACTLY MUST CHILD CARE PROVIDERS DO?

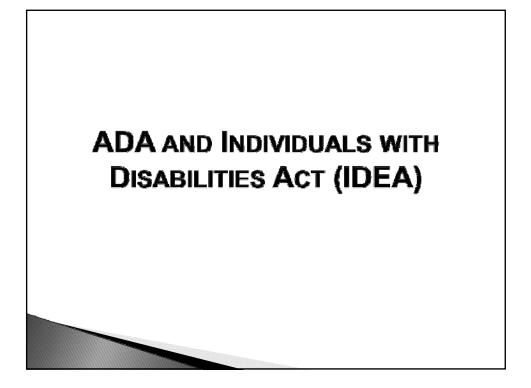
- Have enrollment policies and practices that don't discriminate against children with disabilities
- Cannot exclude children with disabilities from their programs unless their presence would pose a *direct threat* to the health or safety of others or require a *fundamental alteration* of the program.
- Provide <u>auxiliary aids and services</u> for <u>effective</u> <u>communication</u>
- Generally make their <u>facilities</u> accessible to persons with disabilities

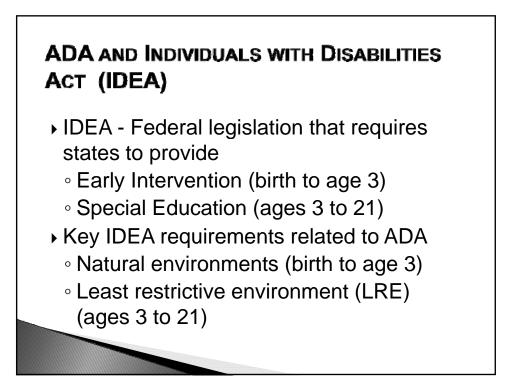
ENROLLMENT POLICIES & PRACTICES THAT DON'T DISCRIMINATE

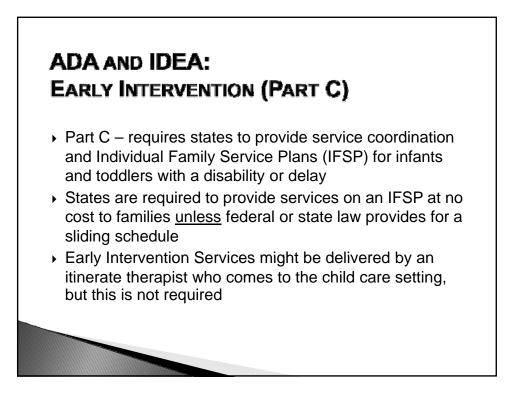
- Note: The ADA doesn't say that child care providers MUST enroll children with disabilities - it says we MUST NOT discriminate.
- Enrollment decisions for children with disabilities can be made on a <u>case-by-</u> <u>case</u> basis

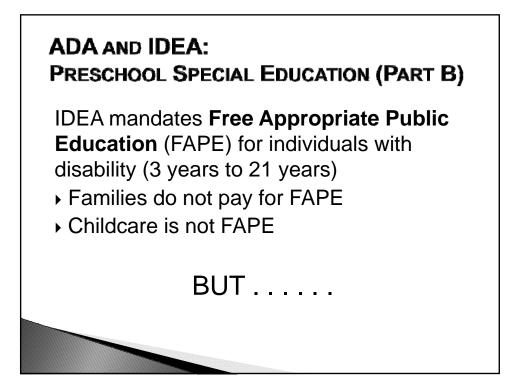












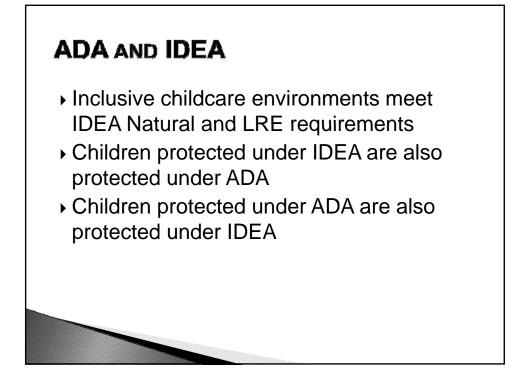
ADA AND IDEA: LEAST RESTRICTIVE ENVIRONMENT

IDEA mandates Least Restrictive Environment (LRE) for individuals with disability (3 years to 21 years)

- LRE means children with disabilities MUST be educated with their typically developing peers
- School systems vary but LRE is the legal support for families to get access to the general education environment

ADA AND IDEA: LEAST RESTRICTIVE ENVIRONMENT

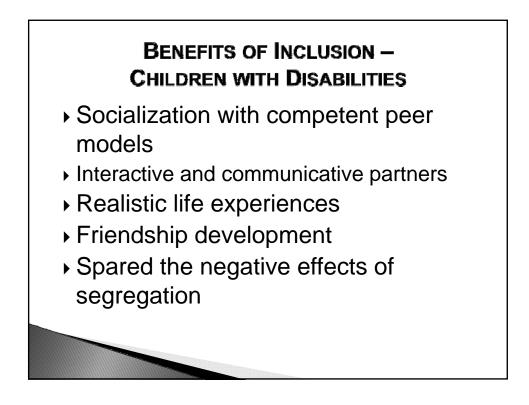
- Local Education Agency (LEA) may contract with community childcare centers for early childhood special education in the LRE
 - $^{\circ}$ Should be high quality, inclusive program
 - Should be age-placement appropriate
 - LEA should pay for educational portion of day
 - $\,\circ\,$ Parents pay for childcare portion of day





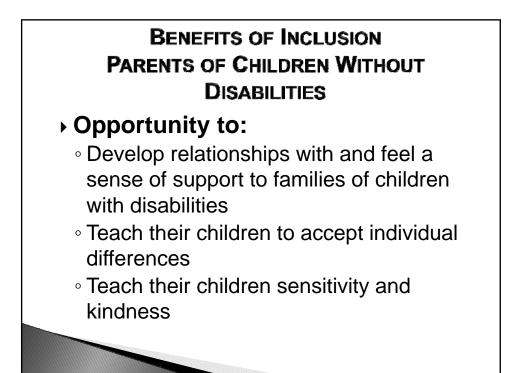


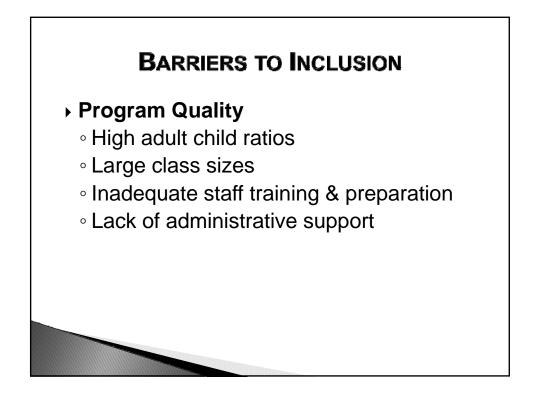






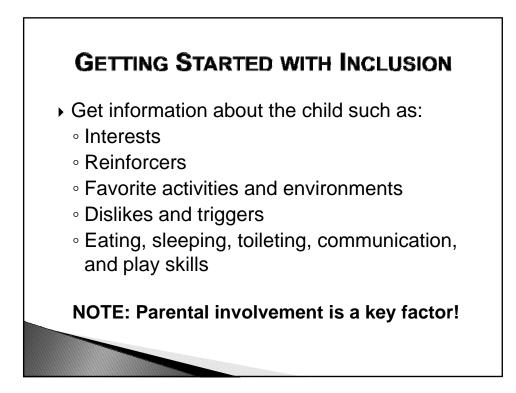


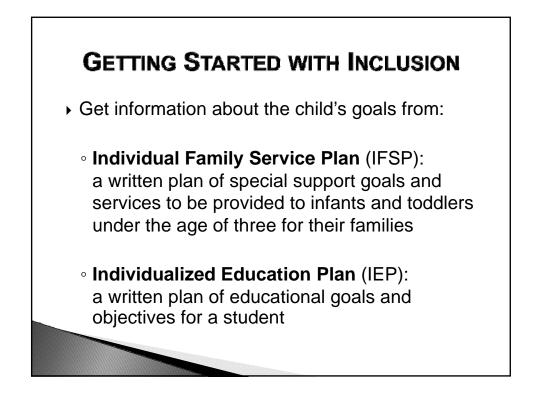


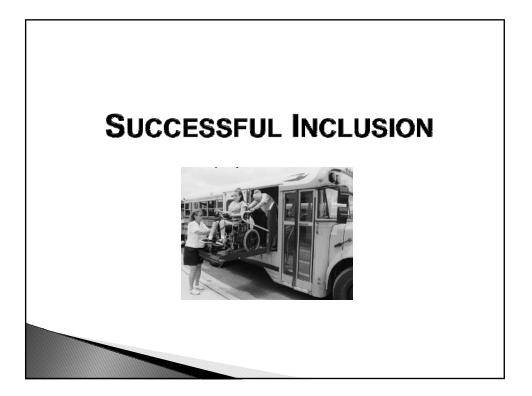


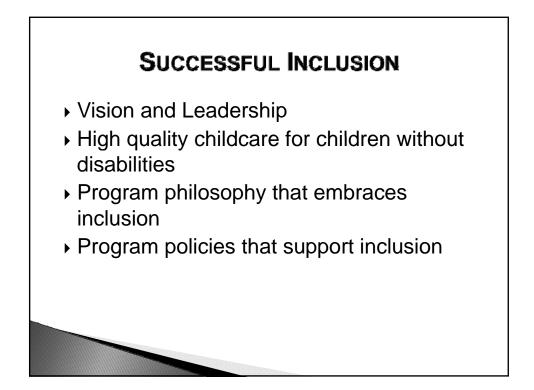


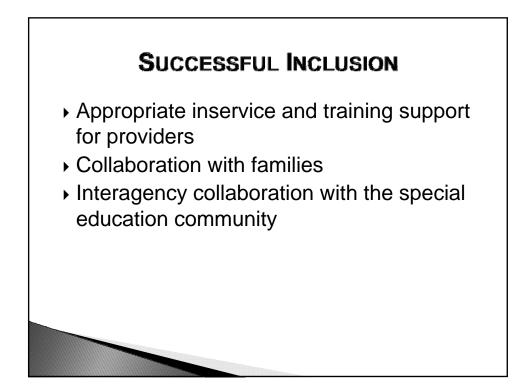




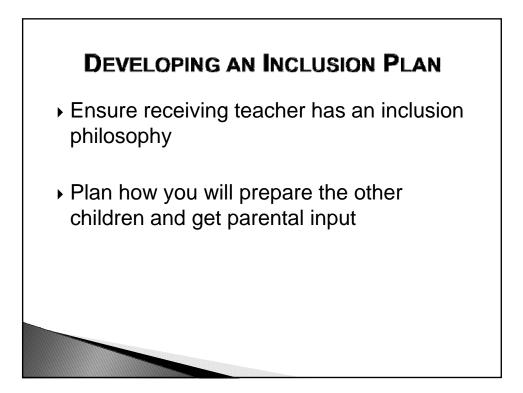


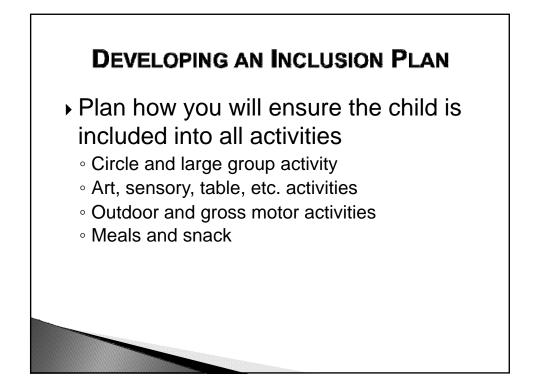




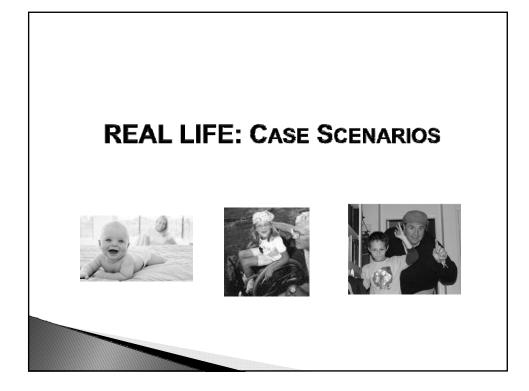




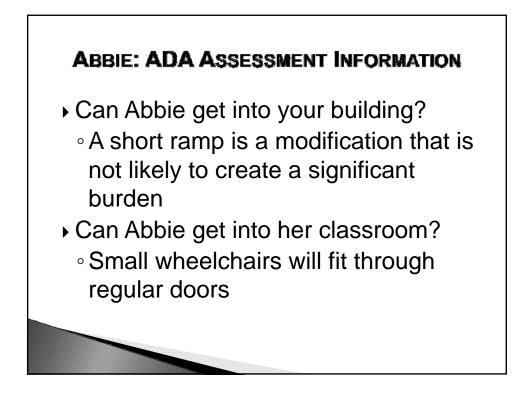


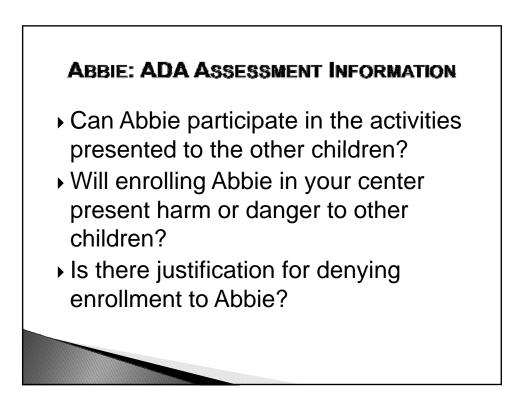


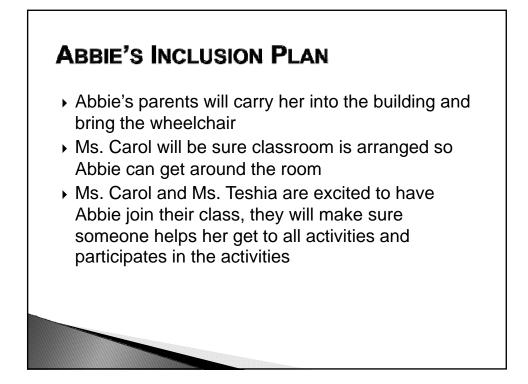


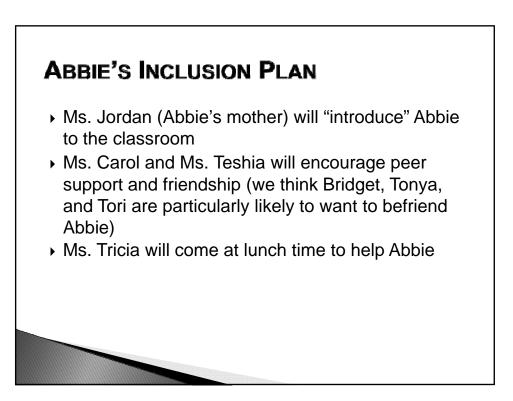


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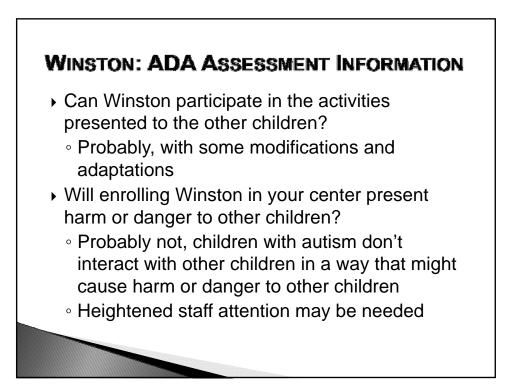


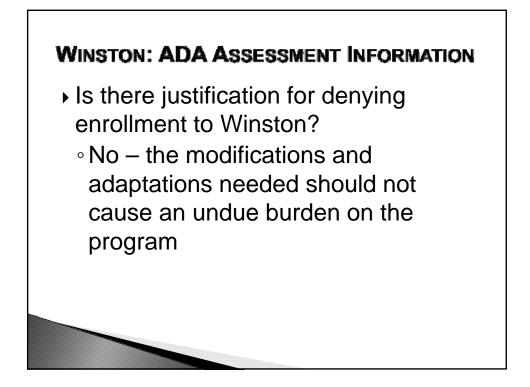


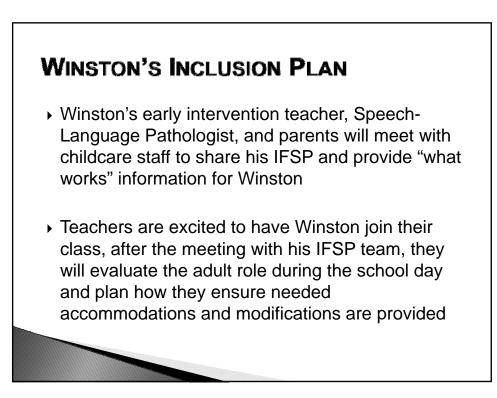


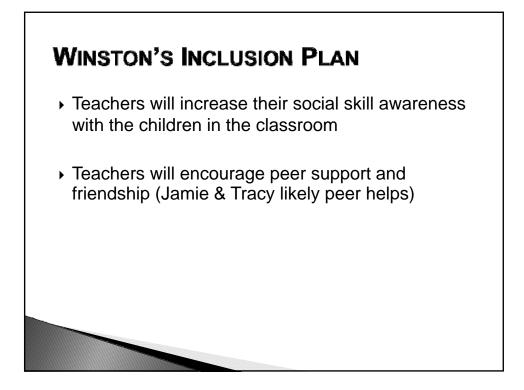
WINSTON

- Winston's mother calls inquiring about childcare. Winston is 2 ½ years old and has just been diagnosed with autism. She is working with the early intervention system and Winston has an IFSP so a teacher and speech/language therapist come to the home once a week. She needs to go back to work and needs childcare for Winston.
- What do you do?



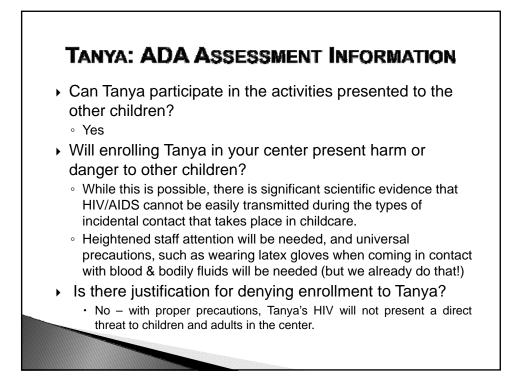


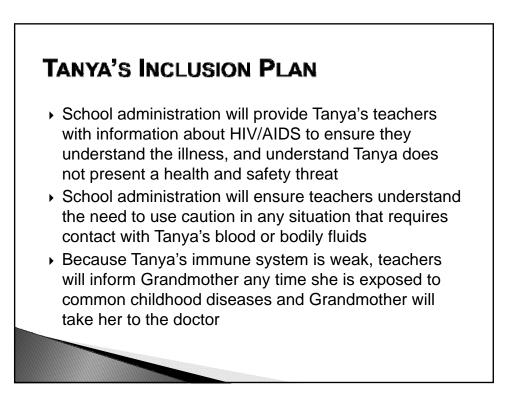


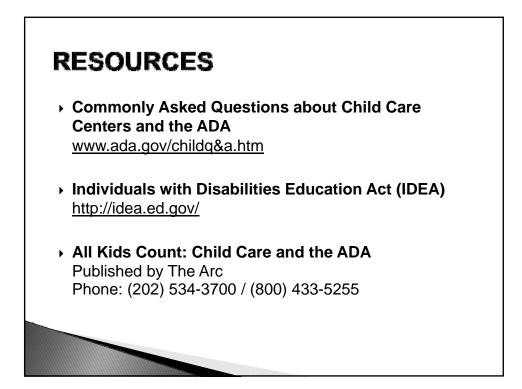


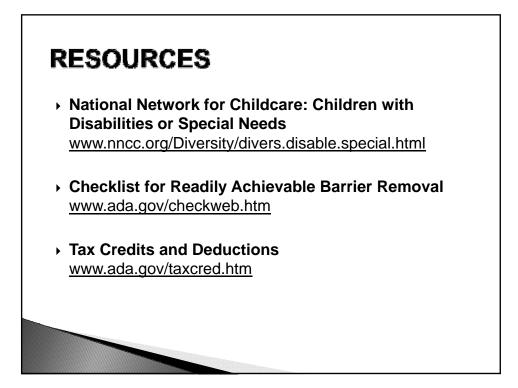
Tanya

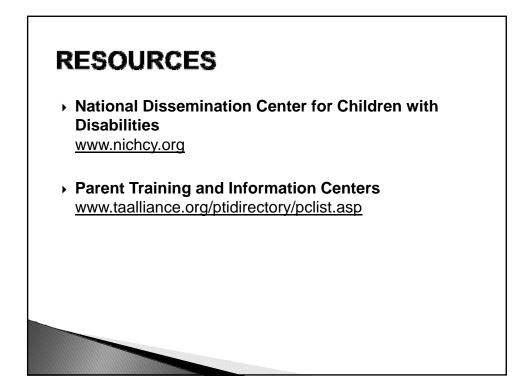
- Tanya's grandmother calls inquiring about childcare. Tanya is 16 months old and the grandmother has custody. In discussing Tanya, grandmother tells you she's the guardian because Tanya's mother died of AIDS. When you inquire, she tells you Tanya has also been diagnosed with AIDS! She says so far Tanya has been healthy and she's developing normally.
- What do you do?











STILL HAVE QUESTIONS?

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