

Early Childhood Learning Centers and the ADA

KNOW YOUR CHILD'S RIGHTS

WHAT DOES THE LAW STATE?

- All early childhood learning centers must comply with the American Disabilities Act, or ADA, regardless of the size of the center. Even small, home-based providers need to follow ADA rules. Exceptions include centers that are operated by religious organizations.
- Early childhood learning centers may not discriminate against or exclude individuals on the basis of disability.
- Early childhood learning centers must provide children with disabilities an equal opportunity to participate in the program and its services.
- Early childhood learning centers need to make reasonable modifications to their policies and practices to integrate children with disabilities and make their facilities physically accessible by removing barriers.
- Early childhood learning centers must provide appropriate supports and services needed for effective communication, unless doing so causes an "undue burden" on the provider. For more information on "auxiliary aids and services" see the ADA Requirements: Effective Communication document below.
- Exceptions include: if the child's presence in the child care center would pose a direct threat to the health or safety of others, or would require a fundamental change of their existing program.

WHAT MUST EARLY CHILDHOOD LEARNING CENTERS DO?

An early childhood learning center has to make a case-by-case assessment of what the child needs in order to be integrated into the program. Once the provider knows what is needed, they must assess whether reasonable accommodations can be made to include the child. The provider should begin the process by discussing the child's needs with the parents or caregivers. The provider can also look at the Individualized Education Plan (IEP), if available, to get more information about what accommodations and services are already provided.

WHAT DO I DO IF MY CHILD'S RIGHTS HAVE BEEN VIOLATED?

You may file a complaint with the Department of Justice (DOJ) in Washington, D.C. Complaints should include the full name, address, and telephone number of the person filing the complaint, the name of the child discriminated against, the name of the program which engaged in the discrimination, and a description and dates of the discrimination.

You can also file a private suit or contact an advocate in your area to assist with communication and accessing appropriate accommodations.

References and Additional Resources:

[ADA.gov: Commonly Asked Questions About Child Care Centers and the Americans with Disabilities Act](#)

[Child Care Law Center: Know the Law About the Americans with Disabilities Act and Child Care](#)

[ADA Requirements: Effective Communication](#)

[The Arc Pennsylvania: Advocacy 101](#)

