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U.S. Department of Justice
Civil Rights Division

Equal Access to Child Care

Currently, children with disabilities are thriving alongside their nondisabled peers in childcare centers across the country that foster inclusion. A child with a disability must never be turned away from a child care center based on assumptions about the severity of the disability or how much assistance they may need. Inclusive programs fulfill the ADA's promise to ensure equal access to child care programs for all children. The information below is intended to help ensure that your child care program fulfills this promise, too.

Topic

Read this to get a basic understanding of this topic.

For more detailed information on a topic, view [Guidance & Resource materials](#)

For information about the legal requirements, visit [Law, Regulations & Standards](#)

About Child Care Centers

Child care centers that must comply with the ADA include:

- ✔ Privately run child care centers, including home day care
- ✔ Government-run centers
- ✔ Before and after school centers
- ✔ Summer centers

They do not include:

- ✘ Programs run by religious organizations such as churches, mosques, and synagogues.

Basic obligations

Child care providers must:

- ✔ Make an *individualized assessment* about whether they can meet the particular needs of a child with a disability.



What do we mean by *individualized assessment* under the ADA?

The question of whether a child care center can meet a child's needs must not be based on negative feelings or assumptions about children with disabilities. This is why blanket policies that exclude children with certain types of disabilities are unlawful. Parents or guardians can be valuable resources to help child care centers meet the individualized needs of their children.

- ✔ Make reasonable modifications to their policies and practices to allow for children with disabilities to participate. Here are examples of some common reasonable modifications:
 - *Change a toilet training policy* to assist a child with Down syndrome who, due to her disability, requires assistance with going to the bathroom.
 - *Change a discipline policy* to ensure that a child with autism has equal access to the program with appropriate supports, such as training staff to aid the child in deescalating behavior when the child acts out.
 - *Change a medication policy* so that a trained staff person may assist a child with diabetes in the administration of insulin or Glucagon, an emergency, life-saving medication for individuals with diabetes.

- ✔ Provide appropriate aids and services needed to effectively communicate with children or adults with disabilities.
 - If a child care center is closing early due to bad weather, that may mean using different methods — not just calls but emails or text messages — to communicate with deaf or hard of hearing parents or guardians.
 - If a child care center is using websites or parent portals to keep parents informed concerning their child’s participation in the program, all such technology must be accessible to those with hearing, vision, or speech disabilities (for example, those who use screen readers).

- ✔ Make sure physical spaces are accessible. Remove architectural barriers that interfere with or prevent children from fully participating (or parents, guardians, or prospective customers with disabilities) if removing the barriers is readily achievable, meaning if it can be easily accomplished without much difficulty or expense.

For example, installing grab bars in toilet stalls or replacing playground pea gravel with ADA-compliant materials.

Child care providers must not:

- ✘ Exclude a child with a disability from their programs based on their disability, or separate that child from their nondisabled peers.

Example:

- A child care center cannot turn away or isolate a child because the child has intellectual disabilities.
 - The center must instead take steps to integrate that child into every activity available to other children, including participation in extra-curricular activities and field trips.
- ⊗ Exclude children with disabilities from their programs unless their presence would pose a direct threat to the health or safety of others or fundamentally alter the nature of the program.

More about direct threat

Whether a child poses a direct threat, meaning a substantial risk of serious harm to the health and safety of others, may not be based on generalizations or stereotypes about the effects of a particular disability. A child care center must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence to determine the nature, duration, and severity of the risk; the probability that potential injury will occur; and whether reasonable modifications of policies, practices, or procedures or the provision of aids or services will address the risk.

Before excluding any child with a disability based on behavioral concerns, care providers must consider reasonable modifications to address behavioral issues. They must not assume a child can be excluded for disability-related behavior.

More about fundamental alteration

In general, the question of whether a requested modification results in a fundamental alteration of the program may be answered by whether the policies, practices or procedures at issue are essential to the provision of

childcare services. If they are, the requested change may amount to a fundamental alteration.

For example, if a parent requests that a childcare provider modify its hours of operation for aftercare to begin at 4:30 p.m. instead of 3:00 p.m. to accommodate a child's disability-related daily medical appointments, such a change would fundamentally alter the nature of the program. On the other hand, it might be a closer question whether a child care center would be required to modify its toileting assistance policy to accommodate a child who needs assistance with toileting. But remember, even if the center never provides toileting assistance to nondisabled students, the center still must not exclude the child with a disability from its program if alternate arrangements can be made.

Learn More About the ADA and Child Care Programs

- [Commonly Asked Questions About Child Care Centers and The Americans with Disabilities Act](#)

The Americans with Disabilities Act authorizes the Department of Justice (the Department) to provide technical assistance to individuals and entities that have rights or responsibilities under the Act. This document provides informal guidance to assist you in understanding the ADA and the Department's regulations.

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