

# Protecting Children with Developmental Disabilities

## Attending Camp, Daycare or After-School Programs

### Federal Law

#### American's with Disabilities Act (ADA)

No child with a diagnosis of developmental disability can be excluded from a camp, daycare or after-school program because of that diagnosis.

#### Title II of the ADA

- Persons with disabilities must be provided with access to the programs, services and activities of state and local governments
- Mandate applies regardless of the size of the government entity

#### Title III of the ADA

- *Public accommodations* (private schools, restaurants, hotels, movie theaters, etc) cannot discriminate against a disabled person on the basis of disability
- Public facilities must allow persons with disabilities full and equal access to goods and services

### Do camps, daycare and after-school programs have to comply with the ADA?

Camps, daycare and after-school programs must comply with the ADA.

- Camps, daycare and after-school programs provided by government agencies (town programs, school run programs, etc) must comply with Title II of the ADA
- Camps, daycare and after-school programs operated by private institutions are considered *public accommodations* and must comply with Title III of the ADA

### What are the ADA requirements for camps, daycare and after-school programs?

Camps, daycare and after-school programs are required to make *reasonable modifications* to policies, practices and procedures necessary to avoid denial of access to programs and services to children with disabilities.



### What is a reasonable modification in a camp, daycare or after-school program setting?

Each individual's disability affects that person in a unique manner. Modification for a disabled child is based on the that child's disability.

### How does a camp, daycare or after-school program make modifications for a child with developmental disabilities?

Modifications necessary for a child with developmental disabilities are based on an evaluation of the child's specific needs. A developmental disability diagnosis does not mean that the child cannot be successfully integrated into a camp, daycare or after-school program.



(continued)



## Examples of required modifications

### Cerebral Palsy

An after-school program incorrectly excluded a child with cerebral palsy. The child had been attending public school without supplemental assists, but needed to be monitored for occasional petit mal seizures. The program was required to accept the child and train staff to monitor him.

### Down Syndrome

A high functioning four year old with Down Syndrome did not have independent toileting skills. She was denied admission to a camp that required all four year olds to be toilet trained. The camp had an existing nursery program which included services for children who were not toilet trained. The camp was required to accept the child and provide diapering services – a *reasonable accommodation*.

## ADA Assessment Requirements

### Addressing concerns about participation

The ADA begins with the premise that disabled children should be able to attend camp, daycare and after-school programs covered by Title II and Title III. Camps, daycare and after-school programs should exercise flexibility and make their programming available to all children.

### If a child's disability presents particular challenges, the ADA provides this assessment:

1. **Would inclusion of the child *fundamentally alter the nature of the program*?**  
(camp, daycare or after-school program would have to abandon its fundamental mission or offer a fundamentally different program)
2. **Would the inclusion of the child result in an *undue burden to the program*?**  
(cost is excessive in relation to the benefit of the modification or the entity's financial health)
3. **Would inclusion of the child present a *direct threat to the health and safety of others*?**  
(determination is based on individualized assessment from objective medical sources)