



An Administrator's Introduction to The Americans with Disabilities Act (ADA)

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Introductions & Housekeeping

PLEASE TURN OFF/SILENCE CELL PHONES

SELF INTRODUCTIONS

What position/responsibilities do you have in your organization?

What role do you have in setting your organization's policies?

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What is The Advocacy Network on Disabilities?

MISSION

"The Advocacy Network on Disabilities champions the rights of individuals with intellectual, developmental, and other disabilities by promoting inclusion, providing services, and advancing systems change."

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Our Services

- **FAMILY SUPPORT:** Experienced, family-friendly staff help people with disabilities and their families identify and access services.
- **ALL CHILDREN TOGETHER (ACT):** An initiative of The Children's Trust, project staff work with the organizations it funds to increase their capacity to provide quality, inclusive programs.
- **SYSTEMS ADVOCACY:** Seeking change that can help many people at once, staff works to change policies, rules or laws that determine how services are provided.

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At the end of this workshop you will be able to...

- **Identify an organization's legal responsibilities for inclusion under the Americans with Disabilities Act (ADA).**
- **Identify the policies and procedures that facilitate compliance with the ADA.**

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To successfully complete this training and receive a certificate, you must answer a minimum of **8 out of 10 questions** correctly on the **Learning Assessment** at the end of today's session.

To receive your certificate, please visit:
<http://collabornation.net/login/advocacynetwork>

We welcome you to ask as many questions as you want, and to fully participate in today's activities.

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We Are Not Attorneys

Our goal today is to give you general information so your organization can comply with the requirements of the Americans with Disabilities Act (ADA) and achieve inclusion.

Please contact your attorney for legal advice.



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This Year We Celebrated the 28th Anniversary of the ADA

ADA **28** 1990 - 2018
AMERICANS WITH
DISABILITIES ACT

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ADA **25** 1990-2015
AMERICANS WITH
DISABILITIES ACT

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Discussion

How did the video make you feel?

How can you, in your role as an Administrator, help shape staff attitudes about acceptance and inclusion?

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What is Inclusion?

Inclusion is when all people, regardless of their diverse abilities, actively participate in all aspects of community life.



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Characteristics of An Inclusive Program

Natural Settings

Active Participation

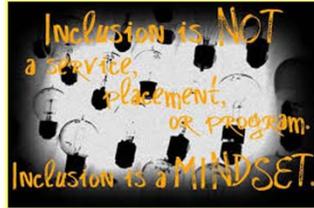
Natural Proportions



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What Inclusion is NOT



Inclusion is **NOT** a service,
placement or program.
Inclusion is a **MINDSET**.

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THE AMERICANS WITH DISABILITIES ACT (ADA)



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- Passed by Congress in 1990.
- Prohibits discrimination in employment, public services, public accommodations, and telecommunications.
- Provides Americans with disabilities similar protections as the Civil Rights Act of 1964 did based on race, gender, national origin, etc.



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Under the ADA . . .

A person with a disability is someone who . . .

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Has a Physical or Mental Impairment

- Medical conditions (diabetes, HIV)
- Emotional or mental illness
- Intellectual/Developmental disabilities
- Learning disabilities



The ADA does not specifically list all the conditions that are covered; there is no exhaustive list

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That substantially limits *one or more* major life activities.

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Seeing
Hearing
Talking
Learning
Working
Caring for oneself
(feeding, toileting)

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OR



Has a record of such
an impairment

(Recovered from cancer, previously
treated for a mental illness)

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OR

Is regarded as having
such an impairment

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Meets Essential Eligibility Requirements

THE REQUIREMENTS FOR ADMISSION TO YOUR PROGRAM

For example:
AGE



If there are additional Prerequisite Skills, they **must** be advertised in advance. All children must pass the same test – but not necessarily in the same way.

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Meets Essential Eligibility Requirements?



ENROLL

✓The ADA prohibits denying enrollment simply because a child has a disability.

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Does your program accept children with disabilities?



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List 3 essential eligibility requirements for **your** program:

- 1.
- 2.
- 3.



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Does your program have any **pre-requisite skill** requirements?

PRE-REQUISITE SKILL	HOW DO YOU TEST FOR IT?



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Registration process



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**Registration process is accessible
to child and his or her
family/guardian**

How would you accommodate:

Parent with a visual impairment?

**2nd Floor registration for someone
using a wheelchair?**



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Now What?

Conduct an
Individual Assessment
to determine if
accommodations
are needed

(accommodations may or may not be necessary)

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**If the
INDIVIDUAL ASSESSMENT
indicates reasonable accommodations
are needed, it becomes the basis for
the INDIVIDUAL INCLUSION PLAN**

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Individual Inclusion Plan

Addresses the:

- Who
- What
- When
- Where
- How



Sets forth the accommodations required to fully participate

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OR . . .

**Determine
&
Document WHY
a child cannot be
accommodated.**

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Accommodations

A change to the way things are usually done that allows an individual with a disability to fully participate.

Changes to the environment, materials used, scheduling, and/or instructions

based on an individual student's strengths and needs

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Accommodations

The ADA lists 4 primary types

<p>1. Admission policies that do not screen out, or tend to screen out persons with disabilities</p>	<p>3. Provision of auxiliary aids and services to insure effective communication</p>
<p>2. Changes in policies, practices and procedures</p>	<p>4. Removal of physical barriers</p>

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Accommodations



Allowing a child to wear headphones to reduce noise even though there is a policy prohibiting headphones in your program.

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Accommodations

ADAPTING EQUIPMENT: For sports equipment – using balls with bells in them.

REMOVING COMMUNICATION BARRIERS: Providing sign language interpreters or written materials in large print or Braille.




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Accommodations

ADAPTING ACTIVITIES: Using volunteer “buddies” to assist others with homework, lowering the basket for basketball, choosing games that emphasize cooperation rather than competition.

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Accommodations

REMOVING ARCHITECTURAL BARRIERS:

- Rearranging the room
- Providing a portable ramp



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Reasonable Accommodations

can be

NEGOTIATED

between the provider and the parent/family

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Break Time



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ADA Activity



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Which Child With A Disability Am I Not Required To Serve?

A Child Who:

does not meet the
essential eligibility requirements

OR

after an individualized assessment,
requires accommodations that:

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Cause an Undue Financial or Administrative Burden

FINANCIAL:

Cost of installing an elevator
Determined by the **organization's**
budget—not **program's**

•Programs may *not* charge parents with
children with disabilities *more* for providing
reasonable accommodations

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Cause an Undue Financial Or Administrative Burden

ADMINISTRATIVE: You have made
arrangements for extra staffing for a
child during a field trip. On the
morning of the field trip, the person
does not show up, and no one else is
available.

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Requires a Fundamental Alteration to the Program

A FUNDAMENTAL ALTERATION
is a change so significant it alters
the essential nature of the program.

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Poses a Direct Threat To Self Or Others

Must be based on **actual risk**,
Not assumptions or stereotypes



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Refusals/Terminations

Must Be

**DOCUMENTED AND
CONSISTENTLY APPLIED**

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Documentation In Case Of Refusal or Termination

The actions the organization took to
provide reasonable and appropriate
accommodations



Communication with the family
Any outside assistance sought

PLAN FOR REFERRAL *

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POLICIES SUPPORTING INCLUSION



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First Steps



Review all current policies and procedures to ensure there are no provisions that inadvertently discriminate against children with disabilities.



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Sample Areas to Review

- **Staff Orientation & Training**
- **Safety Procedures**
- **Medication**
- **Discipline**
- **Recruitment**
- **Information Sharing & Confidentiality**



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REMEMBER! Information Sharing And Confidentiality

Should be shared only with staff and volunteers who have a need to know in order to appropriately provide services.



All program staff/volunteers are trained to protect confidential information.

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Discussion Keep or Revise?

- Children can only eat at designated meal/snack times
- Children that take medication cannot participate
- Child terminated after 3 behavior incidents

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Review

“Common Questions
About the ADA”

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How The Advocacy Network on Disabilities & The All Children Together (ACT) Resource Network Can Help

- Contact The Advocacy Network on Disabilities and utilize the expertise of an Inclusion Specialist
- Become an Individual Program Inclusion Partner (IPIP)
- Determine where you are on the pathway to inclusion, and plan next steps by completing the Inclusion Readiness Tool (IRT)

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In conclusion, you should now be able to...

- Identify an organization's legal responsibilities for inclusion under the Americans with Disabilities Act (ADA).
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Parking Lot Questions/Thoughts...



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Wrapping Up...

LEARNING ASSESSMENT AND EVALUATION

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Visit www.advocacynetwork.org and register to receive the **News in ACTION** e-newsletter or call 305-596-1160 to seek additional information or assistance.



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