



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

# 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?**

# 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.”**

# 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.

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

- **I**dentify two legal responsibilities for inclusion that an organization must comply with under the Americans with Disabilities Act (ADA).
- **I**dentify three policies and procedures that facilitate an organization's compliance with the ADA.

- Define two fundamental functions of the ADA.
- Name two components under the ADA that covers an individual with a disability.
- State three reasonable accommodations for a person with a disability under 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://collaboronation.net/login/advocacynetwork>

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

# 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.**



This Year We Celebrated the  
28<sup>th</sup> Anniversary of the ADA

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

**ADA 25  
AMERICANS WITH  
DISABILITIES ACT**

1990 - 2015

# 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?**

# What is Inclusion?

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



# **Characteristics of An Inclusive Program**

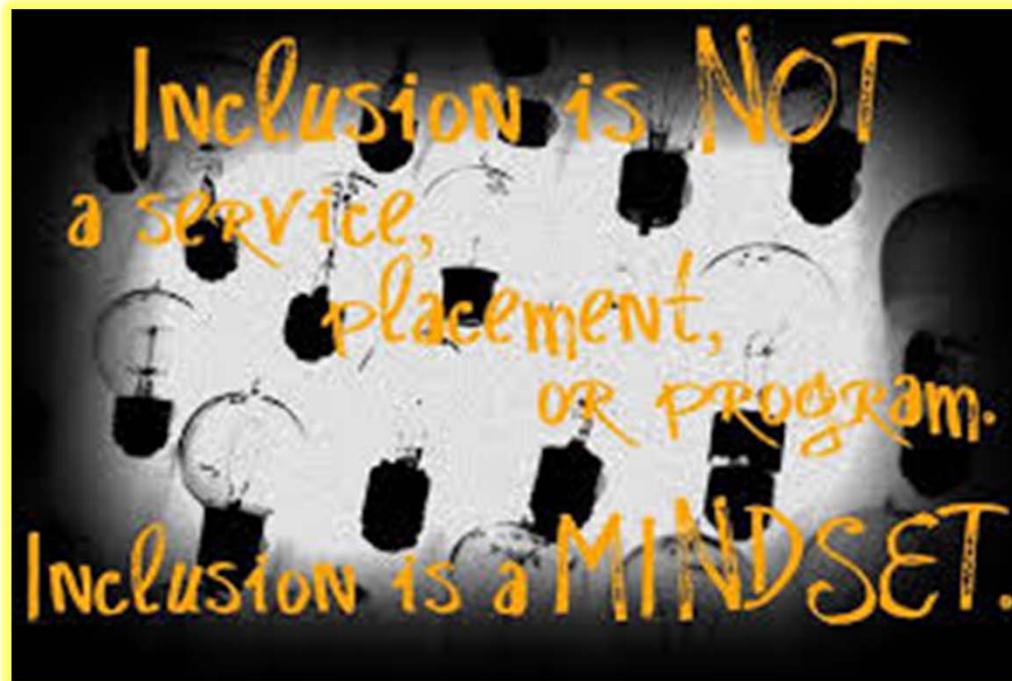
## **Natural Settings**

**Active Participation**

**Natural Proportions**



# What Inclusion is NOT



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

# THE AMERICANS WITH DISABILITIES ACT (ADA)



- 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.



# **Under the ADA . . .**

**A person with a  
disability  
is someone who . . .**

# Has a Physical or Mental Impairment

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



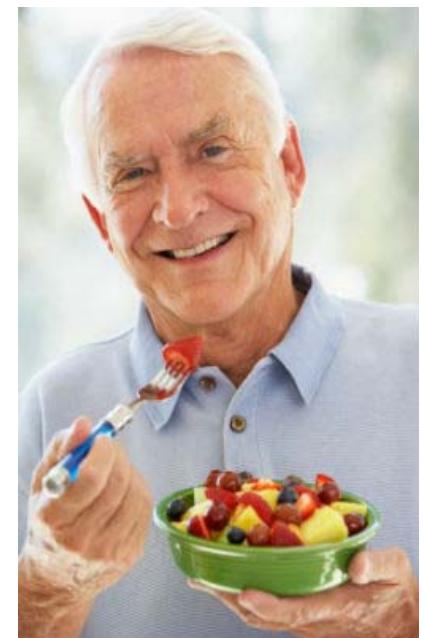
The ADA does not specifically list all the conditions that are covered; there is no exhaustive list

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



**Seeing  
Hearing  
Talking  
Learning  
Working**

**Caring for oneself  
(feeding, toileting)**



**OR**



**Has a record of such  
an impairment**

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

OR

Is regarded as having  
such an impairment

# 5 Titles of ADA

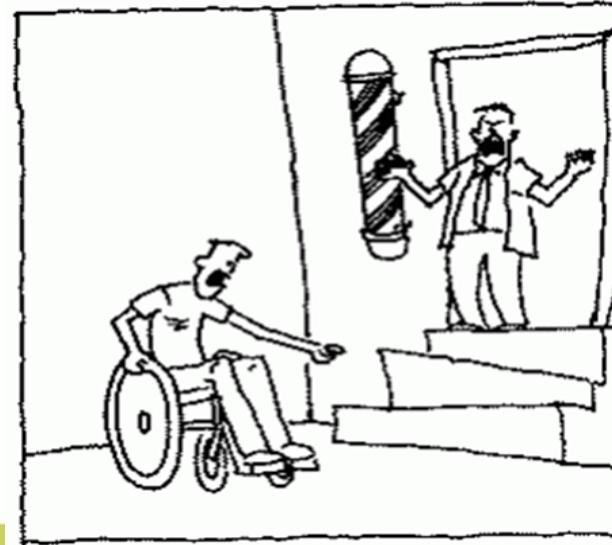
**Title 1: Employment**

**Title 2: State & Local Government**

**TITLE 3: PUBLIC ACCOMMODATIONS**

**Title 4: Telecommunications**

**Title 5: Miscellaneous Provisions**



# Public Accommodations

Any business or organization that offers services to the public.



# RELIGIOUS ENTITIES ARE EXEMPT

These are programs operated by religious organizations, not those simply located in a church, synagogue, or mosque.

**Under the law, you  
MUST enroll a child  
who...**

# Meets Essential Eligibility Requirements

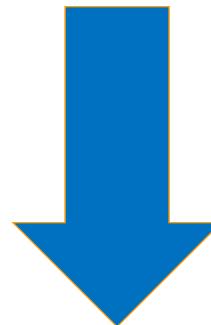
THE REQUIREMENTS FOR  
ADMISSION TO YOUR PROGRAM

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.

# Meets Essential Eligibility Requirements?



**ENROLL**

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

*Does your  
program accept  
children with  
disabilities?*



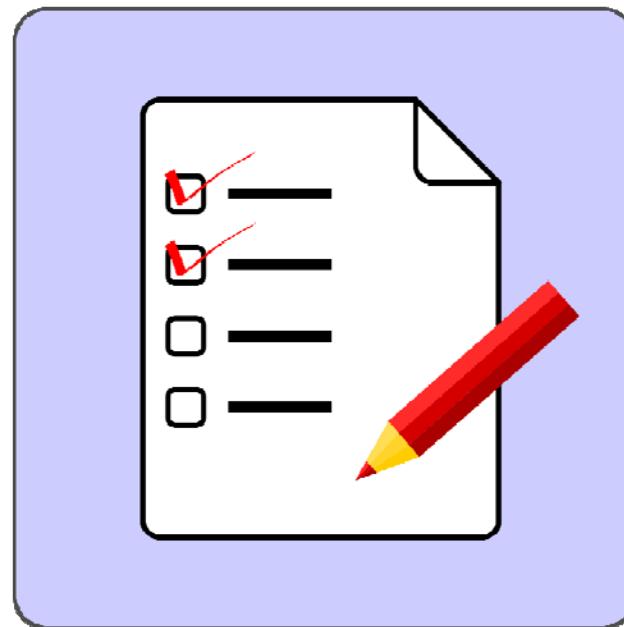
# List 3 essential eligibility requirements for your program:

- 1.
- 2.
- 3.

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

PRE-REQUISITE SKILL	HOW DO YOU TEST FOR IT?

# Registration process



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

**How would you accommodate:  
Parent with a visual impairment?**

**2<sup>nd</sup> Floor registration for someone  
using a wheelchair?**



# Now What?

Conduct an  
**Individual Assessment**  
to determine if  
accommodations  
are needed

(accommodations may or may not be necessary)

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

# Individual Inclusion Plan

**Addresses the:**

- Who
- What
- When
- Where
- How



**Sets forth the accommodations required to fully participate**

**OR . . .**

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

# **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**

# Accommodations

## The ADA lists 4 primary types

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

# Accommodations

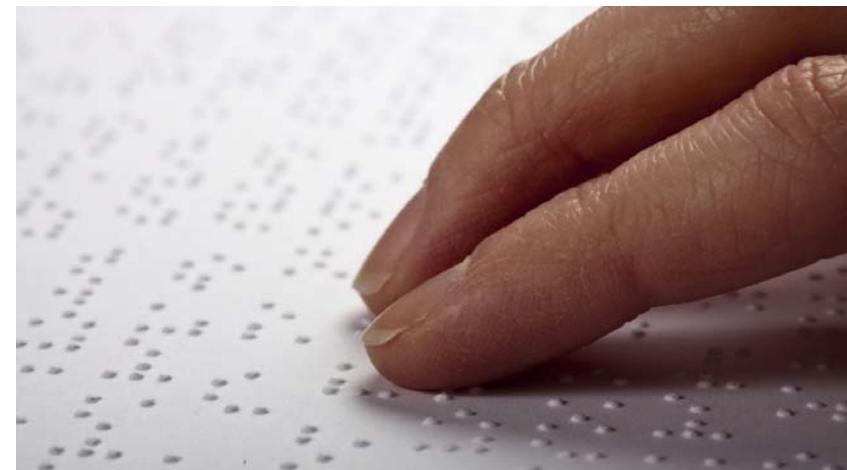


Allowing a child to wear headphones to reduce noise even though there is a policy prohibiting headphones in your program.

# 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.



# Accommodations

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

# Accommodations

## REMOVING ARCHITECTURAL BARRIERS:

Rearranging the room

Providing a portable ramp



# **Reasonable Accommodations**

**can be**

**NEGOTIATED**

**between the provider and the parent/family**

# Break Time



# ADA Activity



# **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:**

# 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

# 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.

# **Requires a Fundamental Alteration to the Program**

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

# Poses a Direct Threat To Self Or Others

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



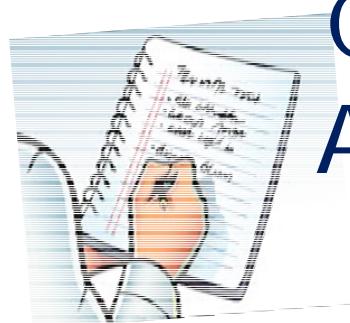
# **Refusals/Terminations**

**Must Be**

**DOCUMENTED AND  
CONSISTENTLY APPLIED**

# Documentation In Case Of Refusal or Termination

The actions the organization took to provide reasonable and appropriate accommodations

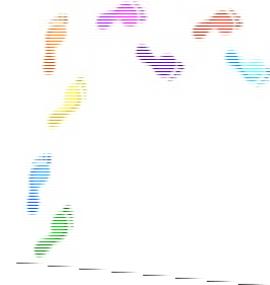


Communication with the family  
Any outside assistance sought

## PLAN FOR REFERRAL\*

# POLICIES SUPPORTING INCLUSION

# First Steps



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

# Sample Policies to Review

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

# **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.**

# 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

# Review

## “Common Questions About the ADA”

# **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)**

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

- Identify two legal responsibilities for inclusion that an organization must comply with under the Americans with Disabilities Act (ADA).
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# Parking Lot Questions/Thoughts...



# Wrapping Up...

## LEARNING ASSESSMENT AND EVALUATION



Visit [www.advocacynetwork.org](http://www.advocacynetwork.org) and register to receive our monthly newsletter or call 305-596-1160 to seek additional information or assistance.

