



## AMERICANS WITH DISABILITIES ACT GUIDELINES

### What is the Americans with Disabilities Act (ADA)?

The ADA is a federal law requiring that qualified individuals with a disability cannot be excluded from participation in programs or activities on the basis of disability. An individual who meets the basic requirements imposed on other participants (e.g., appropriate age, residential status, payment of registration fees) is considered a qualified individual.

### What is disability?

The ADA defines disability as follows:

- A physical or mental impairment that substantially limits one or more major life activities.
- Have a record of having such an impairment.
- Being perceived as having such an impairment.

Because the definition of disability is broad, program and event administrators should focus on responsibilities rather than on whether or not an individual's condition constitutes a disability.

### What does the ADA require?

- Refrain from engaging in discrimination based on a child's, parent's or guardian's disability.
- Refrain from engaging in disability-based harassment.
- Provide reasonable accommodations to ensure an individual's equal access to benefits, services and activities.
- Evaluate each child on an individual basis to determine what accommodations must be provided to ensure equal access.
- Provide reasonable accommodations in order ensure children with disabilities can fully participate in the program/event activities.
- Take steps to integrate children with children without disabilities.
- Train authorized adults regarding ADA responsibilities.

### What is a reasonable accommodation?

- A modification that allows a child with a disability to have equal access to program or event activities.
  - Examples include, but are not limited to: modifying games or activities, providing adaptive equipment, modifying schedules or locations, allowing children to be accompanied by a parent or guardian.
- Modifications are not required if:
  - The accommodation would create a direct threat to the health or safety of the child or others.
  - The accommodation would impose an undue burden.
    - Note: the definition of "undue burden" depends on multiple individualized factors and must be assessed on a case-by-case basis.
  - The accommodation would result in a fundamental alteration to the program or event.
- Participants cannot be charged extra fees for any reasonable accommodations.
- If multiple accommodations would be effective, program/event administrators can choose which accommodations to apply.

### How are reasonable accommodations identified and evaluated?

- Seek clarification through an interactive process with children and parents/guardians:
  - What accommodations may be appropriate
  - What barriers may need to be addressed
  - What health or safety risks may be involved
  - Ask the child or parents/guardians for suggestions

- Consider physical accessibility
  - Building entrances and exits
  - Routes to rooms and areas where activities are held
  - Restrooms
  - Dining areas
  - Indoor and outdoor seating
  - Transportation
- Consider resources to facilitate communication
  - Qualified interpreter, reader or note taker
  - Real-time computer-aided transcription services
  - Materials provided in large-print, Braille or other formats
  - Text telephones, videophones, captioned telephones
  - Magnification equipment or software
- Consider equal access
  - Games, crafts, competitions, sports (including necessary equipment)
  - Food, drink, lodging, personal care
  - Educational and training programs
  - Orientation, registration, informational materials (including online content)
- Consider evacuation and emergency response procedures
  - Preparation for emergencies
  - Notification of when an emergency is taking place
  - Response to emergencies including evacuation
  - Clean-up once the emergency has been resolved
- Service animals (dog or miniature horse that is individually trained to perform tasks for people with disabilities)
  - Ask if the animal is required because of a disability
  - As what work or task has the animal been trained to perform
  - Must be harnessed, leashed or tethered
  - May not be asked to remove the animal unless the animal is out of control or the animal is not housebroken.
  - Allergies and fear of dogs/horses are not valid reasons for denying access.
  - Animals whose sole function is to provide comfort or emotional support to not qualify as service animals under the ADA.
  - Do not seek special identification, demonstration of the task, the nature of the child's disability or require medical documentation for the child's disability
- Document conversations to ensure accommodations are provided consistently.

### **When can a child be excluded from participating in a program or event?**

- The child does not meet the basic requirements for other participants.
- The child's participation would pose a direct threat to the health or safety of themselves or others.
- The child's participation would fundamentally alter the nature of the program or event.

### **Disability awareness and biases**

Most misconceptions are based on insufficient/inaccurate information about people with disabilities. It is important for program/event staff to be aware of unintentional biases in order to ensure positive interactions.

- Avoid negative labels or connotations (e.g., "handicapped," "special needs," "invalid")
- Use "accessible" or "barrier-free" for architecture (i.e., ramp, restroom, door, etc.)
- Do not refer to a person's disability unless it is relevant to the conversation.
- Don't use "normal" or "able-bodied" to describe people who do not have disabilities. If it is relevant to the conversation, use "individuals without disabilities".
- Do not assume your help is needed. Offer to help, but make sure to first ask how best to assist the child.
- Be patient, flexible and supportive.

## Who can I contact with questions?

### The Office for Institutional Equity

(734) 763-0235

<https://hr.umich.edu/working-u-m/workplace-improvement/office-institutional-equity>

## Other Resources

- Risk Management Children on Campus  
<http://www.childrenoncampus.umich.edu>

## Michigan State Resources

- PTS Paratransit Services (<https://pts.umich.edu/transit/paratransit.php>)
- A-Ride (AATA) (<http://www.theride.org/Services/A-Ride-ADA-Disability-Services>)
- Ann Arbor Center for Independent Living (<http://www.annarborcil.org/>)
- Bureau of Services for Blind Persons (<http://www.michigan.gov/lara/0,4601,7-154-28313---,00.html>)
- Michigan Division on Civil Rights -- Division on Deaf, DeafBlind and Hard of Hearing (<http://www.michigan.gov/mdcr/0,4613,7-138-28545---,00.html>)

## National Resources

- Department of Justice (<https://www.ada.gov>)
- Access Board (<https://www.access-board.gov/>)
- American Camp Association ([www.acacamps.org](http://www.acacamps.org))
- Mid-Atlantic ADA Center ([www.adainfo.org](http://www.adainfo.org))