

Child Care for Children with Special Needs

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Introduction

ADA Title III Most child care centers and family day care homes are public accommodations under the Americans with Disabilities Act (ADA) and must provide equal opportunity for children, parents and others with disabilities to participate in programs and services. A parent or child may not be excluded solely on the basis of disability.

Programs and Protections

Equal access Some of the ways child care programs are required to ensure equal access include: eliminating or modifying eligibility criteria which discriminate simply on the basis of disability; removing physical barriers; making reasonable modifications in policies, practices or procedures; and providing auxiliary aids and services to ensure effective communication. Higher insurance premiums for the child care program is not a valid reason for denying the enrollment of a child with a disability.

Changes are not required if:

- barrier removal is not “readily achievable”;
- modification of policies, practices or procedures “fundamentally alters” the essential nature of the goods and services the center provides; or
- the provision of auxiliary aids and services to ensure effective communication “fundamentally alters” the nature of the service or is an “undue burden” to a business.

Definition of special needs

Child Day Care Manual, Chapter 1, 8.2.2

“Special needs” is defined in the child care rules as: emotional, behavioral, physical or personal needs of a child requiring more than the usual amount of care and supervision for the child’s age as documented by a physician, psychologist, special educator or other qualified professional. A special need includes a developmental disability.

Some families with children between the ages of birth to 19 are eligible for the Wisconsin Shares Child Care Subsidy Program if they meet all income and program requirements. (*See below.*) For children without special needs, the age limit is up to 13 years.

Care rates for children with disabilities

Child Day Care Manual, Chapter 1, 8.2.2

Under the ADA, child care programs cannot charge parents of children who have disabilities more to provide their care. They also cannot ask the family to cover the expenses for providing accommodations for the child. Additional costs should be passed on to all participants in the program, just like any other overhead cost. One exception to this rule exists, which is explained in the next paragraph.

Wisconsin Shares Child Care Subsidy Program

If the child with special needs is eligible for the Wisconsin Shares Child Care Subsidy Program, the local county or tribal agency that administers the program can set a higher reimbursement rate for the child. Decisions about whether or not to set a higher rate are handled on a case-by-case basis. The child care provider can seek the higher subsidy rate by contacting the administering agency and documenting the reason for the higher price of care and the need for extra services for the child. The parent may need to advocate with the provider and with the administering agency to receive the higher rate.

In-home care for a child with special needs

Child Day Care Manual, Chapter 2, 2.6.3

If the special needs of a child can only be met in his/her home and if the child is eligible for the Child Care Subsidy Program, the parents can receive financial support for an in-home provider. The provider must be regulated. Care provided in the child's home by a person living in the home can be reimbursed only when the local agency determines that the care is necessary because of the special health condition of the child. This provider must be certified to receive payment.

Head Start and young children with special needs

45 CFR § 1308

Head Start and Early Head Start Programs serve low income children ages birth to age 5. Programs are required to have at least 10% of their federally funded "slots" used by children with disabilities. The disability eligibility criteria closely matches that of IDEA. (*See Special Education chapter, pg. 105.*) To locate the closest Head Start Program call the Wisconsin Head Start Association (608-265-9422).

Collaboration between child care programs

Birth to Three, Early Childhood EEN (Exceptional Educational Need), Head Start and Child Care Programs can work together to provide child care and education in the most natural environment for the child. Parents can work with providers in the development of plans to help the coordination of needed services.

Resources for Families and Child Care Providers

Wisconsin First Step (1-800-642-STEP) is a good place to start in looking for information about a wide range of local, regional and statewide services for children. Their computer database includes the phone numbers for many services, support groups and other resources.

The **Wisconsin Child Care & Resource Network (CCR&R)** of 17 Child Care Resource and Referral Programs act as information brokers for families looking for appropriate child care in their area. They can

provide training and technical assistance to child care providers to help in the inclusion of a child with special needs. Each CCR & R has a “Tool Box: Opening Doors to Inclusive Child Care” that has information on providing inclusive child care environments. To locate the closest CCR & R call 608-271-1230.

The **Wisconsin Child Care Improvement Project (WCCIP)** (1-800-366-3556) assists child care programs and parents through training and technical assistance on inclusive child care.

The **Child Care Information Center**, (1-800-362-7353), a resource and loan library, has information available on children with special needs and a variety of other issues of interest to child care providers.

www.familyvillage.wisc.edu

The **Family Village Web Site** of the University of Wisconsin, Waisman Center, offers linkages to parent support groups, resources for families and child care providers, and information on specific disabilities.