

Americans with Disabilities Act (ADA), Title II and III

The Financial Cost of Violating the Law

Schools, preschools, universities, camps, childcare facilities and recreational programs must comply with the ADA.

Americans with Disabilities Act

Reasonable accommodations are required to ensure that children with disabilities have the opportunity to participate.

The ADA covers medical conditions:

Diabetes, HIV, Hepatitis B, Epilepsy, Sickle Cell Disease, Cystic Fibrosis, etc.

The ADA covers cognitive, mental health and behavioral health diagnoses:

Autism, Downs Syndrome, ADHD, etc.



Failure to comply with policies, procedures and practices of the ADA can lead to:

- Financial Penalties
- Attorney Fees
- Compensatory Damages (payments to claimants)
- Required changes to policies and practices

Case Examples

Milton Hersey School

Violation (Title III Violation)

Milton Hersey School, a private residential school in Pennsylvania, denied entry to a child with HIV.

Result (ada.gov/milton-hersey_sa.htm)

- \$750,000 payment to family
- \$15,000 civil penalty
- Enrollment of child
- Development of nondiscrimination policy
- Training of staff

Nobel Learning Center

Violation (Title III Violation)

Nobel Learning Center (network of private schools) engaged in a pattern of excluding and dis-enrolling children with disabilities including Down Syndrome and Autism.

Result (ada.gov/nobel_learning.htm)

- \$250,000 to families of affected children
- Development and implementation of non-discrimination policy
- Mandatory training of staff

PONY Baseball

Violation (Title III Violation)

PONY Baseball, Inc, a youth baseball organization, refused to provide accommodations to a deaf child.

Result (ada.gov/pony.htm)

- \$30,000 to family
- Attorney fees
- Changes in policies and practices of organization

Case Examples (continued)

Learning Center

Violation (Title III Violation)

Learning Center, a private school in Brooklyn, Connecticut, denied a child with bi-polar disorder, pervasive developmental disorder and attention deficit disorder equal access to the school campus. The school refused accommodation for a service dog and illegally required unnecessary verification of the dog's training, medical verification, etc. that amounted to an illegal surcharge.

Result (ada.gov/tlc.htm)

- \$35,000 in compensatory damages to family
- Modification of school policies and procedures
- ADA training to staff

Beach Babies Learning Center

Violation (Title III Violation)

Beach Babies Learning Center, Old Saybrook, Connecticut, excluded an autistic child from a preschool program.

Result (ada.gov/beach_babies.htm)

- \$7,341 in damages to family
- Adoption and enforcement of non-discrimination policy based on disability

Delran Township

Violation (Title II Violation)

Refusal of Delran Township School District (public school), New Jersey, to allow a service animal for an autistic child.

Result (ada.gov/delran-sa.htm)

- \$10,000 in damages to family
- Adoption of policies, practices and procedures for service animals
- ADA training for all school district members
- Concerns of other students, potential allergies or animal fears not relevant to decision

Milwaukee Montessori School

Violation (Title III Violation)

Milwaukee Montessori School dis-enrolled a child with neuromuscular and musculoskeletal disability

Result (ada.gov/milwaukee_montessori_ed.htm)

- \$50,000 to family
- \$5,000 in civil penalties, school to establish nondiscrimination policy
- ADA training for staff

Pine Hills Kiddie Garden

Violation (Title III Violation)

Pine Hills Kiddie Garden, Fort Wayne, Indiana, refused to accommodate a child with diabetes.

Result (ada.gov/pinehillsscare.htm)

- \$10,000 to family
- \$10,000 as civil penalty
- Change to camp policies and procedures

Raynor County Day School

Violation (Title III Violation)

Raynor County Day School summer camp, Speonk, New York, refused to admit children with diabetes.

Result (ada.gov/raynor/raynorsa.htm)

- Provide child with opportunity to attend
- Integrate diabetes care into school routine
- Diabetes training for staff

Quinnipiac University

Violation (Title III Violation)

Quinnipiac University, Hamden, Connecticut, inappropriately required student with depression to leave college and go on medical leave

Result (ada.gov/quinnipiac_sa.htm)

- \$17,000 to student
- \$15,126 to pay outstanding student loan

New Jersey School of Medicine

Violation (Title II Violation)

New Jersey School of Medicine, Newark, New Jersey, refused to accept two students with Hepatitis B.

Result (ada.gov/umdnj_sa.htm)

- \$37,000 to student in compensatory damages
- \$37,500 in tuition credits
- Modification of policies and procedures on acceptance of students with Hepatitis B
- ADA training of staff