

# Legal responsibilities for accommodating children with special needs in after school & summer programs

Responsibilities under the Law	Public School	After school program operated or funded by a public school	After school program operated by a private organization (non-profit or for-profit) or public entity other than school	After school or summer program operated by a religious organization	Summer Programs
<b>Individuals with Disabilities Education Act of 2004 (IDEA)</b>	Makes determination of eligibility. Meets with parents to develop goals, services & accommodations in an IEP (Individualized Education Program).	Must follow IEP goals and provide accommodations although services may be different.	May follow IEP if the parent, school and provider agree to goals, services & accommodations. Parent-initiated.	May follow IEP if the parent, school and provider agree to goals, services & accommodations. Parent-initiated.	School programs must comply with ESY* services in the IEP. Non public school programs, if agree, must comply.
<b>Americans with Disabilities Act (ADA) Title II - Public entities</b>	All schools have an ADA compliance officer under Title II.	Must comply.	Only programs operated by government entities must comply.	Does not apply.	Must comply if operated by a public entity.
<b>Americans with Disabilities Act (ADA) Title III -Public Accommodation</b>	Does not apply.	Applies to places of public accommodation including after school programs.	Applies to places of public accommodation including after school programs.	Only applies if the organization accepts state or federal funding.	Applies to summer programs serving the general public, not to religious organizations.
<b>Section 504 of the Rehabilitation Act of 1973</b>	Makes determination of eligibility. Meets with parents to set accommodations in a 504 Plan.	Must follow school 504 Plan but services &/or accommodations may be different.	Must make accommodations but not required to follow the school 504 Plan.	Only applies if the organization accepts state or federal funding.	Must make accommodations but not required to follow the school 504 plan.
<b>New Jersey Law Against Discrimination Broader than ADA or IDEA</b>	Must comply.	Must comply.	Must comply.	Exempt unless required by contract or regulation.	Must comply unless a religious organization-see box at left.

Fees and/or waiting lists for after school program may apply.

Afterschool programs operated by municipal governments must comply with Title II and III of ADA and must be licensed in NJ.

\*ESY- Extended School Year, breaks in school calendar (i.e. summer or holidays)

# Resources for accommodating children with special needs in after school & summer programs



**Department of Education:** General information on special education: <http://www.nj.gov/education/specialed/info/>  
information on filing a request for mediation, a due process hearing, or a complaint investigation  
**(609)292-0147**  
<http://www.nj.gov/education/specialed>

## **Department of Children and Families:**

**Office of Licensing:** Oversees the official state licensing requirements governing child care centers and family child care homes in New Jersey  
**1-877-667-9845**  
<http://www.state.nj.us/dcf/divisions/licensing/centers.html>

**Division of Child Behavioral Health Services:** Services to children and adolescents with emotional and behavioral health care challenges and their families  
**1-877-652-7624**  
<http://www.state.nj.us/dcf/behavioral/>

**Department of Human Services, Division of Disability Services:** Information and referral to people with disabilities and their families who are seeking help locating appropriate resources in their communities  
**1-888-285-3036 TTY 1-609-292-1210**  
<http://www.state.nj.us/humanservices/dds/index.html>

**Child Care Resource and Referral Agencies:** Information about child care programs and services, vouchers for low income working families, and training for child care programs within each county  
**1-800-332-9227**  
<http://www.njaccrra.org/parentsAgencyListings.shtml>

**Child Care Health Consultant Coordinators:** Registered nurses in each county provide consultation, education and training about health and safety needs of children in child care **1-800-332-9227**  
<http://www.njaccrra.org/parentsAgencyListings.shtml>

**NJ Inclusive Child Care Project:** Regional trainings, telephone assistance and on-site consultation to licensed child care providers  
**1-800-654-7726 Ext.108**  
[www.spannj.org](http://www.spannj.org)

**NJ School-Age Care Coalition:** Training, telephone assistance and on-site consultation to school age child care providers **908-789-0259**  
[www.njsacc.org](http://www.njsacc.org)

**New Jersey Statewide Parent Advocacy Network:** Information about federal and state education law and resources for families  
**800-654-SPAN**  
[www.spannj.org](http://www.spannj.org)

**Division on Civil Rights:** Information about filing a discrimination complaint under the Law Against Discrimination or to get local contact numbers **(973)-648-2700; TTY 973-648-4678; or (609) 292-4605, TTY 609-292-1785**  
[www.NJCivilRights.org](http://www.NJCivilRights.org)

## **Produced by the MAP to Inclusive Child Care Team**

A coalition of state government agencies, child care providers, parents, advocates and other stakeholders, that promotes the supported inclusion of children with special needs in all child care settings. For more information call: **856-582-8282 ext . 161.**

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