When a family asks for an accommodation

The rules that reach your program, the steps they expect, and the reasons that never hold up.

Who this is for: directors, site leads and inclusion staff at afterschool, summer and youth development programs in New York City, when a family asks for a change for their child. It doesn't cover school-day special education (IEPs) or accommodations for your own staff.

Which rules reach your program

- **Private nonprofit programs: ADA Title III.** Privately run child care programs must comply with Title III whatever their size, and each child is assessed individually, not by assumptions about a diagnosis. Programs run by religious organizations, or entities they control, are exempt from Title III; a program that only rents space in a house of worship is not. *ADA.gov, Child Care Centers and the ADA (2020); 42 U.S.C. 12187*
- **Programs run by a government agency: ADA Title II.** Government-run summer and extended-day programs fall under Title II. *ADA.gov, Child Care Centers and the ADA (2020)*
- **Any federal money: Section 504.** Section 504 of the Rehabilitation Act reaches programs that receive federal financial assistance, including money that passes through the City or the State. Each funding agency writes its own Section 504 rules. Under the Education and HHS rules (behind 21st CCLC and Head Start), a recipient with fifteen or more employees must designate at least one person to coordinate its compliance and adopt grievance procedures. *34 CFR 104.3(f), 104.7; 45 CFR 84.7*
- **Programs open to the public in New York City: the City Human Rights Law.** Once a program learns of a request, or has notice a child may need one, it owes the family a cooperative dialogue. Refusing or failing to engage is a violation on its own, whatever the final answer. *NYC Admin. Code 8-107(4), 8-107(15), 8-107(28)*
- **Day and overnight camps: the State Sanitary Code.** A camp must obtain any existing treatment, care and behavioral plans for campers with disabilities, identify modified diets and other needs before arrival, and train staff with direct care duties on the needs of the campers in their charge. *10 NYCRR 7-2.25*

What the steps look like

1. **One clear way to ask.** Families can raise a need before enrollment or midway through the year, in any format: a form, an email, a word at pickup. Staff know where it goes next.
2. **A prompt reply.** The City treats an open-ended delay as having the same effect as a denial. Acknowledge the request and set a time to talk.
3. **Only the questions the decision needs.** When a need isn't obvious, a program may ask about the disability, the limitation it causes and how the change would help. It can't insist on a particular form or a diagnosis by default, and what the family shares stays confidential.
4. **A decision for this child.** Each request is weighed on its own facts. If the first idea looks too hard, the program puts workable alternatives on the table, and where two options work equally well, the family's preference counts.
5. **The answer in writing.** What was asked, what's offered and why, and how to ask again. City law doesn't require a written answer from a program, but the Commission encourages it, and families can rely on it.
6. **No penalty for asking.** A family that asks, or pushes back, is treated exactly as before. Retaliation is a separate violation.

NYC Commission on Human Rights, Legal Enforcement Guidance on Discrimination on the Basis of Disability (December 2025); Admin. Code 8-107(7), 8-107(28)

Reasons that never hold up

- A higher insurance premium, which ADA.gov says to treat as overhead.
- An extra fee for something the ADA requires, such as a simple blood sugar check.
- Speculation about what other children, parents or staff might think or do.
- “We've never done that,” or a view of what children with that condition usually manage.
- The rule itself. Changing a rule is often the accommodation; what the rule protects, shown with facts about this child, is what counts.

ADA.gov (2020); 28 CFR 36.302(a); NYC Commission Guidance (December 2025)

A note on this year’s federal funding questions

Executive Order 14173 asks federal contractors and grant recipients to certify that they don't operate programs promoting DEI “that violate any applicable Federal anti-discrimination laws.” The ADA and Section 504 are federal anti-discrimination laws, passed by Congress in 1990 and 1973. The order doesn't mention disability and doesn't amend either law, so the duty to accommodate a child still comes straight from them. *Executive Order 14173, section 3(b)(iv)(B), January 21, 2025; 42 U.S.C. 12101 et seq.; 29 U.S.C. 794*

ADA Access for All (Guillaume & Co. LLC) performs the ADA and Section 504 program function for organizations. Principal Marc Guillaume holds the ADA Coordinator Certification (Great Plains ADA Center, University of Missouri), is a DHS Trusted Tester and served as a Disability Service Facilitator for New York City Public Schools. More free material: adaaccessforall.com/resources · info@adaaccessforall.com