



Differences between a “reasonable accommodation” and a “reasonable modification of policies, practices, or procedures”

Although they sound very similar, under the Americans with Disabilities Act (ADA) there are important differences between a “reasonable accommodation” and a “reasonable modification of policies, practices, or procedures.” To understand the difference, we have to understand how the ADA is organized. This law is divided into five sections. Each section is referred to as a “title.” Title I covers employment. This is the section where the term reasonable accommodation is used. Title II covers state and local government, and Title III covers public accommodations (businesses and non-profits). Titles II and III are where the term reasonable modification is used.

The use of reasonable accommodations and reasonable modifications of policies, practices, or procedures allows people with disabilities to have equal opportunities to participate in several important aspects of society. This factsheet will provide a high-level overview of these two concepts.

Reasonable accommodations apply to employment situations

The term “reasonable accommodation” is found within Title I, which means it relates to employment. Title I helps people with disabilities access the same employment opportunities and benefits available to people without disabilities. Employers must provide reasonable accommodations to qualified applicants and employees. **A reasonable accommodation is any modification or adjustment enabling a job applicant or employee with a disability to participate in the application process, to perform essential job functions, or to enjoy the privileges of employment.** In other words, a reasonable accommodation addresses workplace barriers so that qualified individuals with disabilities can apply for a job, perform their work, and access benefits or privileges the employer gives to other employees. This includes things like health insurance, employee shuttle services, training opportunities, or social events like a holiday party.

An employer does not have to provide the exact accommodation the employee or job applicant requests. If more than one accommodation would be effective, the employer may choose which one to provide. If an accommodation would result in an undue hardship, it is not required.

Every situation must be considered on a case-by-case basis. The following are examples of possible reasonable accommodations:

- Hiring an American Sign Language (ASL) interpreter for an interview.
- Changing non-essential job tasks.



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- Providing reserved parking.
- Allowing a flexible work schedule.
- Improving physical accessibility in a work area.
- Providing electronic documents for a professional development class.

Reasonable modifications of policies, practices, and procedures must be made by state and local governments and public accommodations (businesses and non-profits)

The term “reasonable modification of policies, practices, and procedures” is found within Titles II and III. This means the term is used within the context of state and local governments and public accommodations. Under both Titles II and III, state and local governments and public accommodations must ensure that people with disabilities have equal opportunities to use and access programs, activities, goods, services, and facilities by making reasonable modifications to policies, practices, and procedures. **Reasonable modifications of policy, practice, and procedure are changes to the way things are typically done.**

Reasonable modifications of policies, practices, and procedures in Title II

The goal of Title II of the ADA, which covers state and local governments, is to ensure people with disabilities have equal access to civic life. Individuals with disabilities must be provided equally effective opportunities to participate in or benefit from state or local governments’ aids, benefits, and services.

Examples of reasonable modifications that a state or local government may make include:

- Allowing service animals in public spaces, including on the decks around public pools.
- Extending test time for college students who attend public colleges or universities.
- Offering tax forms to people with vision impairments in a form they can use, like large print, Braille, or electronic formats.
- Reading driver’s license exam questions out loud to a person with dyslexia.

The law also requires that policies, practices, and procedures be modified so that government transportation services are accessible to individuals with disabilities. This may include:

- Assisting an individual with limited mobility to insert money into a farebox.
- Allowing a person with diabetes to eat on a transit vehicle to avoid a drop in blood sugar.
- Adjusting pick-up or drop-off locations if a temporary condition (e.g., a snow bank or construction at a bus stop) may interfere with the ability for someone who uses a mobility device to get on or off the transit vehicle.

A state or local government does not have to take any action that would cause a fundamental alteration in the nature of its program or activity or an undue financial and administrative burden. An “undue burden” is something that causes a great deal of difficulty or expense. If the modification would cause an undue burden, the public entity must look for another way to provide the benefit or service.

Reasonable modifications of policy and procedure in Title III

Title III of the ADA states that public accommodations like restaurants, hotels, retail stores, and theaters cannot discriminate against people based upon their disability. Religious entities and private membership clubs are not considered public accommodations under the ADA. Public accommodations



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need to make reasonable modifications to their usual ways of doing things when necessary to give people with disabilities opportunities to use their goods, services, or facilities. They cannot charge a person with a disability to cover the cost of the modifications.

Examples of reasonable modification that a place of public accommodation may make include:

- A medical office may need to complete a medical form for a patient who cannot hold a pencil.
- A restaurant kitchen may be asked to cut food into smaller pieces before serving.
- A hotel must permit a service animal without charging a pet fee to an individual with a disability.
- A movie theater may need to modify their policy of allowing patrons to sit anywhere they choose, and request other patrons move to allow wheelchair users and their companions to sit next to each other.

As in Title II, a public accommodation does not have to take any action that would cause a fundamental alteration in the nature of the business’s good or services. If a modification would cause an undue burden, the public accommodation must look for another way to provide the goods or services.

Simple summary of reasonable accommodations and reasonable modifications

Reasonable Accommodation	Reasonable Modification of Policies, Practices, or Procedures
<p>Applies to:</p> <ul style="list-style-type: none"> • Title I of the ADA (employment). 	<p>Applies to:</p> <ul style="list-style-type: none"> • Title II of the ADA (state and local government). • Title III of the ADA (public accommodations).
<p>Purpose:</p> <ul style="list-style-type: none"> • To allow people with disabilities to apply for a job, work, and enjoy the privileges of employment. 	<p>Purpose:</p> <ul style="list-style-type: none"> • To ensure people with disabilities have equal opportunities to use and access state and local government programs, services, and facilities (Title II). • To ensure people with disabilities have equal opportunities to use a business’s goods, services, or facilities (Title III).
<p>Who is eligible to receive a reasonable accommodation:</p> <ul style="list-style-type: none"> • <u>Qualified individuals</u> who: <ul style="list-style-type: none"> ○ Have a disability. ○ Have a record of a disability. 	<p>Who is eligible to receive a reasonable modification:</p> <ul style="list-style-type: none"> • People with a disability. • People with a record of a disability.

The ADA is applied on an individual, case-by-case basis

Under the ADA, the case-by-case specifics are important in figuring out how the law applies. There are various reasons an employer, a state or local government, or a public accommodation may not provide the requested accommodation or modification. For example, an employer is not required to provide the exact accommodation requested by an employee; the employer can offer another effective



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accommodation. A business is not required to make modifications that create a fundamental change in the nature of its goods, services, or activities. Likewise, if providing the modification would create an undue burden, the request may be turned down, although options should be explored.

Do you still have questions about reasonable accommodations or reasonable modifications of policies, practices, or procedures?

Because each situation is different, it can help to speak with an expert. Contact us toll-free, voice or TTY, at 1-800-949-4232 or [email](#) us to speak with one of our ADA Specialists. All requests for assistance are strictly confidential.

Resources

- Employment Resource Hub
 - <https://adata.org/employment-resource-hub>
- Reasonable Accommodations in the Workplace
 - <https://adata.org/factsheet/reasonable-accommodations-workplace>
- Reasonable Modifications to Policy, Practice & Procedure in Public Transportation
 - <https://adata.org/factsheet/ADA-reasonable-transport-mods>

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<https://adata.org/ADAKTC>

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