

Leadership...Service...Accountability

April 3, 2013
USOE Educational Equity Section
SEA Civil Rights Monitoring Office

Executive Summary Section 504

Dear Colleague Letter Regarding Equality in Sports for Student's with Disabilities (January 2013)

Dear Colleague:

The following is a summary of suggested "best practice" guidelines to follow when providing equal access to athletic activities.

If the school is unable to effectively meet the interest and abilities of some students with disabilities in the school districts existing extracurricular athletic program, the school district *should create additional opportunities for those students.

If those circumstances occur, a school district *should offer students with disabilities with other opportunities for athletic activities that are separate from those offered to non-disabled students.

Emerging Q's and A's

- 1. Does OCR require districts to create disability specific teams or activities for students with disabilities?
 - No, you will be required to make a decision based on the individual needs of each student just like every decision made with 504 or IDEA.
- How can school districts expand athletic opportunities to students with disabilities?
 - Schools can organize their own programs.
 - They can combine their program with other schools in their district.
 - Find an adaptive program in the community that offers modified sports or have activities for individuals with disabilities.
 - An alternative if the student doesn't meet the criteria to participate in a team sport, they may
 participate in the team as a team manager or work out with the team during practice (Make sure the
 student wants to participate as manager or just practice with the team).
 - If they do not want to participate another way, you may consider looking for an intramural team in the community that does not have a competitive cut off.
- 3. If you create separate teams for students with disabilities, will it constitute discrimination?
 - Only separate students in separate programs if it is impossible to include them with everyone else.
 - However, if a group of kids within the school or district express interest in starting a wheelchair track team for example, the district should consider it.
 - Schools or districts run a risk of violating Section 504 by creating separate teams.
 - Comply with current Section 504 as it is written.

Note:

This document is a USOE-specific summary of information from guidance material adapted from the January, 2013 Section 504 Compliance Advisor, Volume 17, Issue 2

*Should, comes directly from the Dear Colleague Letter January 2013, article IV, pg.11

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