

School Law News Executive Summary

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Understanding Sports Eligibility Requirements for Students with disabilities:

- **Whether students with disabilities can participate in athletics will depend on the “unique” facts of the situation.**
- **Note: Courts have ordered State athletic associations to waive age limitations, allowing students with disabilities, who repeated grades due to the learning disabilities to participate in sports.**
- **Waiving the athletic code of conduct is considered an unreasonable accommodation under Section 504.**
- **You can apply three (3) countermeasures to avoid liability under Section 504:**
 1. Demonstrate that your accommodations to sports programs would be too expensive for the school.
 2. Detailed explanation as to why those change would significantly alter the nature of the sport.
 3. Providing evidence that the presence of student(s) with disabilities, in a particular sport, creates health or safety risks to themselves or others.
- **To keep your athletic program in compliance with Section 504**
 - Avoid excluding students with disabilities from sports programs solely due to their impairments.
 - Perform individual evaluations of student athletes with disabilities to determine if their impairment(s) are covered under Section 504.
 - Conduct individual determination(s) regarding any type of waiver for student athlete(s) who may not meet the usual requirements because of their impairment.
 - Evaluate regardless if the impairment is permanent or long term because this can help determine the accommodations that may be required.
 - Determine if students with disabilities are otherwise qualified by being able to meet the minimum academic requirements to become eligible to participate in sports with reasonable accommodations.
 - Avoid subjecting student-athlete(s) to any type of different treatment that is based on their disability/impairment or because they are receiving other accommodations.
 - If you have any reason to believe that the student-athlete(s) are at risk for injury based on their disability or impairment request a medical

clearance from the parents before allowing the student to participate in any sports programs.

- Districts should not make substantial modifications or essential alterations to any sport programs, in order to provide accommodation(s) to student-athlete(s) with disabilities, at the risk of negative impact on the rights of other participants.

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