

## **Students with Disabilities Equal Access to Existing Extracurricular Athletic Activities**

RSU 40/MSAD 40 will provide students with disabilities equal access to existing extracurricular athletic activities. The District will not exclude a student with a disability based on stereotypes and assumptions about the student or about students with disabilities; rather, the District will consider each student, individually.

For students who may require reasonable modifications in order to participate, the District will make an individualized inquiry to determine if reasonable modifications could be made, or aids and services provided, that would allow those students an equal opportunity for participation.

Some examples of such modifications and aids and services include, but are not limited to, using a light along with a starter pistol so that a deaf runner can compete and assisting with the administration of needed medicine like insulin so a student with diabetes can take part in an after-school gymnastics club.

Providing equal opportunity does NOT mean:

- 1) Compromising student safety;
- 2) Changing the nature of selective teams --students with disabilities have to compete with everyone else and legitimately earn their place on the team;
- 3) Giving a student with a disability an unfair advantage over other competitors; or
- 4) Changing essential elements that affect the fundamental nature of the game.

### **Reference:**

United States Government Accountability Office, *Students with Disabilities: More information and Guidance Could Improve Opportunities in Physical Education and Athletics*, No. GA0-10-519, at 1, 31 (June 2010), available at <http://www.gao.gov/assets/310/305770.pdf>.

"Reading Room," "Documents – Title IX," at <http://www.ed.gov/ocr/publications.html#TitleIX-Docs>.

Correspondence (e-mail and regular mail) between John K DiPaolo, Deputy Assistant Secretary for Policy, Office for Civil Rights and Francisco M. Negron Jr., Esq., General Counsel National School Boards Association, dated May 21, 2013 and December 16, 2013

### **Legal Reference:**

Section 504 of the Rehabilitation Act of 1973 34 C.F.R. § 104.37; Individuals with Disabilities Education Act, 20 U.S.C. § 1400 34 C.F.R. § 300.320(a) (4) (ii); 34 CFR §§ 104.33-36 29 U.S.C. § 794(a), (b); 42 U.S.C. § 12132.