Kerman Unified School District

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Guidance Memorandum

Student Participation in Athletics and Extracurricular Activities

Ensuring Students with Disabilities Have an Equal Opportunity

Background and Purpose

This memorandum ("Memo") provides districtwide guidance to ensure that students with disabilities have an equal opportunity to participate in and benefit from Kerman Unified School District ("District") athletics and other extracurricular activities, consistent with Section 504 of the Rehabilitation Act of 1973 ("Section 504"), Individuals with Disabilities Education Act ("IDEA") and Title II of the Americans with Disabilities Act ("ADA"). The Memo is intended to establish clear expectations for administrators, athletics personnel (including volunteer and part-time coaches), regarding a free appropriate public education ("FAPE") and equal opportunity for student participation in extracurricular activities, as well as provide useful information to parents/guardians and District students and the broader school community.

Freedom from Discrimination and Equal Opportunity in Athletics and Extracurricular Activities

Students with disabilities must be free from discrimination in extracurricular activities and must be afforded an equal opportunity to participate in those activities, including athletics, to the maximum extent appropriate to meet the needs of the student with disabilities. All extracurricular programs, tryouts, practices, competitions, and related activities must be structured and administered so that students with disabilities are not excluded or limited based on disability, and they must be provided an equal opportunity to access and participate comparable to their nondisabled peers.

FAPE During Extracurricular Activities

The District must respond to a student's participation request regarding extracurricular activities, including athletics, in a manner consistent with Section 504 or IEP requirements regarding the provision of a FAPE. Decisions about supports necessary for participation must ensure the student receives a FAPE in connection with extracurricular settings, including athletics, to the extent required by law. This topic is frequently addressed at IEP meetings and Section 504 meetings. Just because a student may not require services or programming outside of regular school hours to receive a FAPE in the student's least restrictive environment ("LRE") does not mean that the District can avoid consideration and discussion about the matter with the students, parents, and persons knowledgeable in the District about the student's disability and the desired athletic or other extracurricular activity. In this regard, it may be that a meeting of "persons knowledgeable" within the District about the student's disability and the desired athletic or other extracurricular activity occurs separate from a Section 504 or IEP meeting to comply with the District's non-discrimination obligations pursuant to Section 504 and/or ADA for school sponsored activities.

Notice of Nondiscrimination in District Programs and Activities: The Kerman Unified School District prohibits discrimination, harassment, intimidation, and bullying based on actual or perceived ancestry, age, color, disability, gender, gender identity, gender expression, national origin, nationality, race or ethnicity, ethnic group identification, religion, marital or parental status, sex, sexual orientation or association with a person or a group with one or more of these actual or perceived characteristics. (Designated Compliance Officer: Assistant Superintendent Personnel, Address: 15218 W. Whitesbridge Avenue, Kerman, CA 93630, Phone Number: (559) 843-9000)

Equal Opportunity Processes for Participation Requests

The District must respond to participation requests in extracurricular activities, including athletics, consistent with Section 504 and ADA requirements regarding equal opportunity to participate. Staff must ensure that communications, timelines, and procedures applied to students with disabilities mirror those used for all students, with necessary disability-related accommodations and/or supports provided in appropriate circumstances to ensure equal access to the process.

Concerning times of the day outside of the bell-to-bell schedule wherein athletics and other extracurricular activities occur, rather than utilize an IEP or Section 504 meeting to consider the request based on FAPE/LRE, the District may need to convene a meeting to ensure compliance with Federal anti-discrimination and equal opportunity laws related to Section 504 and/or ADA. For these meetings, in addition to the parents/guardian and where appropriate the student, additional meeting attendees would be "persons knowledgeable" within the District about the student's disability and the desired athletic or other extracurricular activity.

Individualized Inquiry for Reasonable Accommodations, Modifications, and Aids/Services

The District must conduct individual inquiries to determine whether reasonable accommodations, modifications, and/or aids and services are needed to provide a student with a disability both FAPE and an equal opportunity to participate in and benefit from District programs and activities, including athletic tryouts, practices, and competitions. Site administrators and Section 504/IEP teams must promptly evaluate requests, consider the specific activity's requirements, and determine appropriate and required supports consistent with safety and program rules applicable to the specific activity or event.

Inclusion of Athletics or Extracurricular Accommodations in IEPs or Section 504 Plans

Within the Bell-to-Bell Schedule

Title 5 California Code of Regulations § 3040 (b) states, "[t]he IEP shall show a direct relationship between the present levels of performance, the goals and objectives, and the specific educational services to be provided." What this means in practical terms is that a majority of students have their disability related needs met during school hours. Many extracurricular activities like competitive CIF sports, cheerleading, band, etc., occur outside of regular school hours. Further, very few students require IEP or Section 504 programming outside of the school day for their disability related needs to be properly addressed under the law. However, many such activities overlap during school hours and outside of school hours.

For those students that don't require extended school day programming and participate in an activity that occurs during and outside of school hours, the IEP and Section 504 teams should be discussing whether additional accommodations, modifications, supplementary aides and/or services are necessary for the student's participation and receipt of FAPE during the regular school hours and document those discussions and team proposals if any in the IEP or Section 504 plan.

Outside the Bell-to-Bell Schedule

For extracurricular activities occurring outside of regular school hours and subject to discussion by a group of "persons knowledgeable" as described above, separate District paperwork (non-IEP, non-Section 504 paperwork) may reflect the accommodations, modifications, supplementary aides and/or services necessary for the student to have an equal opportunity participating outside of regular school hours in the extracurricular activity in furtherance of the District's anti-discrimination obligations. Such separate paperwork will be incorporated by reference or attachment to the student's IEP or Section 504 plan and provided to District coaches and employees as needed to facilitate student participation in the extracurricular activity and the student's receipt, as may be required, of reasonable accommodations, modifications, supplementary aides and/or services for the student's participation.

Selection Criteria for Athletics Participation

Selection decisions for a student with a disability to participate in extracurricular activities, including athletics, must be based on the same criteria used for all other participants in that activity. Coaches must apply objective team and activity standards consistently and may not impose additional or different criteria because of a student's disability. However, the District is not obligated to fundamentally alter a program or activity. Examples would include a baseball diamond having two bases instead of three, a football field of 50 yards instead of 100 yards, a basketball rim set at eight feet instead of ten feet, etc.

Prompt Evaluation and, Where Required, Investigation of Complaints

Discrimination complaints based on disability are, in appropriate circumstances, addressed and investigated through the District's Board Policy and Administrative Regulation 1312.3. The compliance officer for such matters is the District's Assistant Superintendent Personnel.