NORTHLAND LEARNING CENTER COOPERATIVE

Supplemental Aids and Services Needed for Access to Extracurricular Activities

Follow this process at the IEP meeting, or call a meeting if parents of a student with a disability contacts any staff member with concerns that the student is struggling in an extracurricular activity and may need accommodations, or other supports.

START HERE

PART ONE

1. Is your child is participating in any extracurricular or nonacademic activities?
   - **YES** → continue
   - **NO** → Stop here and document.
2. Do you believe your child needs any Supplemental Aids and Services to access these activities?
   - **YES** → continue
   - **NO** → Stop here and document.

PART TWO

Determine Whether the Activity is "Appropriate"[1] for the Student

3. If supplemental aids and services[2] are provided, will the student's participation in the activity present a direct threat to the health or safety of the student or others?[3]
   - **NO** → continue
   - **YES** → The student may not participate in the activity. Stop here and document.
4. With the assistance of the individuals who are responsible for supervising or overseeing the activity, can the IEP team identify the essential requirements[4] for participating in the activity?
   - **YES** → Identify the essential requirements and continue.
   - **NO** → Skip to question 6.
5. If supplemental aids and services are provided, can the student meet the essential requirements of the activity?
   - **YES** → continue
   - **NO** → The student may not participate in the activity. Stop here and document.
6. Can the student meet all legitimate, nondiscriminatory[5] eligibility requirements established by any outside governing body, such as the Minnesota State High School League (MSHSL)?
   - **YES** → The activity is appropriate for the student. Continue to **PART THREE, question 7 ***.
   - **NO** → The student may not participate in the activity. Stop here and document.

PART THREE*

Determine whether supplemental aids and services are necessary and appropriate for the student.

7. Does the student's disability present any obstacles or concerns that would prevent the student from receiving the same opportunity to participate[6] in the activity as non-disabled students?
   - **YES** → continue
   - **NO** → The student may participate in the activity and does not require any supplemental aids and services.
8. Are Supplemental Aids and Services needed to remove or decrease the obstacles or concerns and give the student an equal opportunity to participate in the extracurricular or nonacademic activity?
   - **YES** → Identify the necessary supplemental aids and services. Continue.
   - **NO** → Supplemental Aids and Services should not be provided or listed on the IEP. Stop here.
9. Would providing the necessary Supplemental Aids and Services fundamentally alter[7] the nature of the extracurricular or nonacademic activity?
   - **NO** → continue
   - **YES** → The student is not entitled to receive the supplemental aid or service. Stop here and document.
10. Does the student need to participate in the extracurricular or nonacademic activity in order to receive a free appropriate public education (FAPE)[8]? Stated differently, does the student need to participate in the activity in order to make progress on the student's IEP goals and objectives?
    - **NO** → Document the following on the IEP: "The IEP team has determined the student does not need to participate in [LIST ACTIVITY] in order to receive FAPE, but has determined that the following supplemental aids and services, which are not related to FAPE, are necessary and appropriate for the student to have an equal opportunity to participate in the activity: [LIST THE NON-FAPE SUPPLEMENTAL AIDS AND SERVICES].
    - **YES** → Stop and return to the FAPE section of the IEP for this work.

Including Activity-Related Subject Matter Experts

The department that oversees the extracurricular or nonacademic activity is responsible for implementing all necessary and appropriate supplemental aids and services that are not required in order for the student to make progress on IEP goals and objectives (i.e., not required for FAPE). For example, although the IEP team determines the supplemental aids and services that are necessary and appropriate for a student to participate in SACC, Community Education is legally and financially responsible for providing the supplemental aids and services in a manner that assures the student has an equal opportunity to participate and is not discriminated against on the basis of disability. This underscores the importance of obtaining input from a supervisor in the impacted department and, if possible, having that person attend the IEP team meeting. In some cases, including various sports, the IEP team may not be able to identify the essential requirements for an activity without having someone from the impacted department present at the IEP team meeting.

See reverse for References

REFERENCES

1 The Minnesota Supreme Court has held that an activity may be "appropriate" even though it does not provide any educational benefit to the student.

2 "Supplemental Aids and Services" are aids, services, and other supports that are provided in regular education classes, other education-related settings, and in extracurricular and nonacademic settings, to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate. Examples include, but are not limited to, adaptations, modifications, accommodations, adaptive equipment, related services, and training for staff members who work with the student.

3 In making this determination, the IEP team must consider whether safe participation can be assured through the provision of Supplemental Aids and Services, which may include modifications or accommodations.

4 Generally, a requirement is essential if participation in the activity depends on the ability to meet the requirement and modifying the requirement would fundamentally alter the nature of the activity. For example, skating is an essential requirement for playing hockey; kicking a ball is an essential requirement for playing soccer; having the cognitive capacity to memorize and apply the rules of chess is an essential requirement for playing chess; running is an essential requirement for participating on the cross-country team; being able to consistently follow safety rules is an essential requirement for participating on the trap team; and not eloping is an essential requirement for going a field trip to a busy location in a city. The following are examples of requirements that are either too broad or are rarely essential:

- Participants must be able to read fluently.
- Participants must be able to listen and follow directions independently.
- Participants must have good hand-eye coordination.
- Participants must be able to communicate clearly.
- Participants must be able to easily accept change in daily plans or activities.
- Participants must be able to interact positively and independently within a group of 30 peers.

5 If the IEP team finds that an eligibility requirement is discriminatory with respect to a particular student, the team may be able to waive the requirement. For example, if the MSHSL requires students to be present for the entire school day to participate in an athletic context, and a student has a disability that requires the student to see a physician during the school day, the team could waive the eligibility requirement. However, the team should work with the Activities Director and the School Board's legal counsel to review the matter with the MSHSL.

6 Students must have an equal opportunity to obtain the same result, gain the same benefit, or reach the same level of achievement. The Office for Civil Rights has stated: "Schools may require a level of skill or ability for participation in a competitive program or activity; equal opportunity does not mean, for example, that every student with a disability is guaranteed a spot on an athletic team for which other students must try out. A school district must, however, afford qualified students with disabilities an equal opportunity for participation in extracurricular athletics in an integrated manner to the maximum extent appropriate to the needs of the student. This means that a school district must make reasonable modifications to its policies, practices, or procedures whenever such modifications are necessary to ensure equal opportunity, unless the school district can demonstrate that the requested modification would constitute a fundamental alteration of the nature of the extracurricular athletic activity."

7 For example, allowing a student to use a motorized wheelchair to participate in the 100-meter dash would fundamentally alter the nature of the activity, which requires that the student be able to ambulate without assistance.

8 In the rare case in which the IEP team determines that the student needs to participate in the extracurricular or nonacademic activity in order to receive FAPE, the IEP team must document the determination on the IEP along with the Supplemental Aids and Services that are required. The District would then be financially responsible for all aspects of the activity relative to the student.