

## **SCHOOL SPONSORED NONACADEMIC AND EXTRACURRICULAR ACTIVITIES AND FIELD TRIPS**

### ***School Sponsored Nonacademic and Extracurricular Activities***

Under both Section 504 of the Rehabilitation Act (Section 504) and the Individuals with Disabilities Education Act (IDEA), the District is responsible for providing students with disabilities equal opportunity to participate in school-sponsored nonacademic services and extracurricular activities. The District must ensure that each child with a disability is afforded an equal opportunity to participate with their nondisabled peers in school sponsored extracurricular services and activities to the maximum extent appropriate. Additionally, the District must take steps, including ensuring supplementary supports and services, generally determined by the IEP or 504 team, to ensure that the child has equal access to participate in school-sponsored extracurricular services and activities.

Under Section 504, the District is required to provide an individual with a qualifying disability the opportunity to *benefit* from the District's program equal to that of individuals without disabilities.

Under Section 504 a person with a disability is one who:

- Has a physical or mental impairment that substantially limits one or more major life activities;
- Has a record of such impairment; and/or
- Is regarded as having such an impairment.

(34 C.F.R. 104.3(j)(2)(i).)

School sponsored nonacademic and extracurricular activities include, but are not limited to:

- Counseling services;
- Athletics;
- Transportation;
- Health services;
- Recreational activities;
- Special interest groups, clubs, or before/after school daycare sponsored by the District;
- Referrals to agencies that provide assistance to individuals with disabilities; and

- Employment of students, including both employment by the public agency and assistance in making outside employment available.

(34 C.F.R. 104.37.)

Simply because an individual is a “qualified” student with a disability does not mean that the student must be allowed to participate in any selective or competitive program offered by the District. The District that offers school sponsored extracurricular athletics (which include clubs, intramural, or interscholastic athletics) may require a level of skill or ability of a student in order for that student to participate in a selective or competitive program, as long as the set criteria are non-discriminatory. Additionally, the District must afford students with a qualified disability an equal opportunity to participate in the school sponsored extracurricular athletics. This means making reasonable accommodations/modifications and providing the supports and services necessary to ensure equal opportunity, unless the district can show that by doing so would fundamentally alter the program or activity.

### ***Field Trips***

The District must afford students with disabilities an equal opportunity to participate in school-sponsored field trips, as well as supply the necessary supports or services in order for that student to participate in the field trip.

The District cannot exclude a student with a disability from participating in a school sponsored field trip because of a lack of funds when such funding is made available for students in general education. Additionally, the District may not deny a student with a disability the opportunity to attend contingent upon parent/guardian supervision. Generally, the District may not require that a parent/guardian of a student with a disability accompany the student on a field trip when parents/guardians of non-disabled peers are not obligated to attend. Although a parent/guardian cannot be required to attend a field trip, they may certainly be invited to attend. In addition, the District may not deny a student with a disability the opportunity to attend a field trip as a result of the school’s failure to provide the student equal notice about the planned field trip.

In some cases, an IEP or 504 team or the District may determine that a student with a disability should not participate in a field trip. A determination as to whether a student with a disability may be denied the opportunity to participate on a field trip must be made on an individual basis. In these circumstances it is critical that the District provides sufficient documentation and evidence to support why the student was prohibited from attending the field trip. It is best practice to convene an IEP meeting to discuss the upcoming field trip and if any reasonable accommodations can be put in place to facilitate the student’s attendance.

The District may only prohibit a student with a disability from attending a field trip under the following circumstances:

- If the purpose of the field trip is related to curriculum and the student with disabilities is not studying that curriculum (i.e., a field trip to a local museum that is intended to

supplement a social studies curriculum, but the student with the disability does not participate in the social studies curriculum; the student may be excluded from the trip).

- If the school has applied behavior and attendance rules for all students and the student with disabilities breaches the District's behavior or attendance policy.
- If the District believes participation presents an unacceptable risk to the student's health or safety.