

# U.S. Department of Education Clarifies Schools' Obligation to Provide Equal Opportunity to Students with Disabilities to Participate in Extracurricular Athletics

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Today, the Department's Office for Civil Rights [issued guidance](#) clarifying school districts' existing legal obligations to provide equal access to extracurricular athletic activities to students with disabilities. In addition to explaining those legal obligations, the guidance urges school districts to work with community organizations to increase athletic opportunities for students with disabilities, such as opportunities outside of the existing extracurricular athletic program.

Students with disabilities have the right, under Section 504 of the Rehabilitation Act, to an equal opportunity to participate in their schools' extracurricular activities. A 2010 report by the U.S. Government Accountability Office found that many students with disabilities are not afforded an equal opportunity to participate in athletics, and therefore may not have equitable access to the health and social benefits of athletic participation.

"Sports can provide invaluable lessons in discipline, selflessness, passion and courage, and this guidance will help schools ensure that students with disabilities have an equal opportunity to benefit from the life lessons they can learn on the playing field or on the court," said Education Secretary Arne Duncan.

The guidance letter provides examples of the types of reasonable modifications that schools may be required to make to existing policies, practices, or procedures for students with intellectual, developmental, physical, or any other type of disability. Examples of such modifications include:

- The allowance of a visual cue alongside a starter pistol to allow a student with a hearing impairment who is fast enough to qualify for the track team the opportunity to compete.
- The waiver of a rule requiring the "two-hand touch" finish in swim events so that a one-armed swimmer with the requisite ability can participate at swim meets.

The guidance also notes that the law does not require that a student with a disability be allowed to participate in any selective or competitive program offered by a school district, so long as the selection or competition criteria are not discriminatory.

"Participation in extracurricular athletics can be a critical part of a student's overall educational experience, said Seth Galanter, acting assistant secretary for the Office for Civil Rights (OCR). "Schools must ensure equal access to that rewarding experience for students with disabilities."

The mission of the Office for Civil Rights ("OCR") is to ensure equal access to education and to promote educational excellence throughout the nation through the vigorous enforcement of civil rights. Among the federal civil rights laws OCR is responsible for enforcing are Title VI of the Civil Rights Act of 1964; Title IX of the Education Amendment Act of 1972; Section 504 of the Rehabilitation Act of 1973; and Title II of the Americans with Disabilities Act. For more information about the Department of Education's Office for Civil Rights and the anti-discrimination statutes that it enforces, please visit OCR's website at <http://www2.ed.gov/about/offices/list/ocr/aboutocr.html> and follow OCR on twitter @EDcivilrights.