

ADA Audio Conference Series
April 16, 2013

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 2. **By Email** adaconferences@adagreatlakes.org ; or
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Submitting Questions



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Customize Your View *continued*

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OCR Guidelines Inclusive Athletics at School

April 16, 2013

Presenters

Terri Lakowski, Esq. - Active Policy Solutions
Tommie Storms, Bev Vaughn – AAASP
Eli Wolff – Institute for Human Centered Design





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I. Current State of Opportunities

- The NCAA does not officially sanction any intercollegiate program, event or competition for individuals with disabilities
- Fewer than 15 colleges and universities offer adapted programs for students with disabilities
- The Paralympic Games had 1/3 of the level of participation of athletes with disabilities as did the Olympic Games of athletes without disabilities



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I. Current State of Opportunities

- Less than 10 State High School Athletic Associations offer adapted programs for students with disabilities
- There are 1.5 million first through twelfth graders with physical impairments that are not included in athletic competitions.



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Benefits of Inclusion in Sports

“The sport, recreation and play domain, far from being trivial, is essential for fully realizing the human rights promise.”

-Hubbard, 2004



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II. Road to the Guidance

Tatyana McFadden



American Association of
adaptedSPORTS
PROGRAMS



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Title IX

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance."

-- United States Congress, 1972

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PROGRAMS



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Rehab Act

"No other qualified individual with a disability in the United States shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance."

-- United States Congress, 1973

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Title IX Regulations

1. Participation Opportunities

Effective accommodation of student interests and abilities

2. Athletic financial assistance

Includes end of year high school scholarship awards as well as college athletic scholarships

3. Equal treatment/benefits

All other program components -- the "Laundry List"



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Title IX's Impact

- Female high school athletic participation has increased by 904%
 - (From 1 in 27 girls to 1 in 2.5 girls)
- Female college athletic participation has increased by 456%



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II. Road to the Guidance

- Fitness and Athletics Equity for Students with Disabilities Act
 - April, 2008 Maryland
- Inclusive Fitness Coalition
 - GAO Study
 - Department of Education
 - OSERS Resources
 - OCR Guidance



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II. Road to the Guidance GAO Study

- First Government Study Focused on Physical Activity and Athletic Opportunities for Students With Disabilities
- Scope of Study
 - What is known about PE opps, and how do schools provide them
 - What is known about extra-curr. athletic opps, and how do schools provide them
 - How does the DOE assist states in these areas
- Analysis: federal survey data, review of regs, interviews with state district and school officials, parents, and disability assocs.
- Major Finding
 - **Students with disabilities benefit from the positive social and health benefits of participation in PA and Sports**



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II. Road to the Guidance GAO Study: Sports Findings

- No reliable data exists that allows for an accurate comparison of participation rates
- Accommodation levels vary, and most accommodations that do occur are through mainstream athletic programs not creation of adapted programs
- District, local, and state officials generally lack info on how to provide athletic opps
- Officials lack information and clarify on legal requirements
- Additional barriers include lack of transportation, inaccessible facilities, lack of adapted equipment, budget constraints, and lack of trained coaches/personnel



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II. Road to Guidance GAO Study: ED Findings

- The OCR has not provided schools with guidance clarifying their obligations to provide students with disabilities with PE and athletic opportunities under Rehab Act.
- The DOE has distributed very little funds or grants to support PE or athletic opportunities for students with disabilities.
- Officials desired additional resources and guidance from DOE.



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II. Road to the Guidance GAO Study: Recommendations

- Recommendations:
 - DOE should clarify schools' obligations under the Rehab Act to provide athletic opportunities for students with disabilities
 - DOE should provide resources and facilitate information sharing to assist state and schools in serving students with disabilities in PE and athletics



II. Road to Guidance GAO Study: Response

- DOE Commitment to Congress (August 12, 2010)
 - Agrees to begin information gathering from Office of Special Ed and Rehab Services(OSERS) through Office of Special Education Programs (OSEP)
 - OCR will begin analysis of programmatic and legal issues to **provide additional guidance on Section 504's equal access to extracurricular activities.**



III. Legal Framework: Rehab Act

*"No other qualified individual with a disability in the United States shall, on the basis of **disability**, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance."*

-- United States Congress, 1973



III. Legal Framework: Rehab Regs.

- Mainstreaming required
 - Schools must ensure participation of SWD to “maximum extent appropriate”
- Provision of equal opportunity
 - Schools shall provide “to qualified handicapped students an equal opportunity for participation.”
- Creation of adapted programs encouraged



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III. Legal Framework: OCR Letter

- Clarifies when and how schools must include students with disabilities in mainstream athletic programs
- Defines what true equal treatment of student athletes with disabilities means
- Encourages and provides a road map for schools to create adapted programs for students with disabilities



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III. Legal Framework: Reasonable Accommodation

- 1) Fundamental alterations exist where a requested accommodation alters an essential aspect of the game or creates a competitive advantage;
- 2) Individualized assessments must be made to determine whether the specific modification for a particular athlete’s disability creates a fundamental alteration; and
- 3) Some administrative burdens are acceptable to incur in making this determination.



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Next Steps: Challenges

- Defining policies for individualized assessment
- Creation of model adapted programs
- Education and Awareness building





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Current State of Post Secondary Opportunities, Planning

- NCAA Subcommittee on Student Athletes with Disabilities
- NCAA Inclusion Forum (April 30 – May 2, 2013)
- Eight (8) men's and four (4) women's Intercollegiate wheelchair basketball programs; also several track programs
- Various adaptive athletic programs - Intramural vs. Intercollegiate





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Current State of Post Secondary Opportunities, Planning

RESOURCES:

Intercollegiate Wheelchair Basketball
National Wheelchair Basketball Association
<http://www.nwba.org>

Listing of Colleges/Universities that offer Adapted Sports
Intramural vs Intercollegiate, Sport programs
<http://www.acsaaorg.org/resources.php>





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August 20th Webinar :
Guidance for
Inclusion in Colleges/Universities



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IV. Secondary Education

Comprehensive Compliance

1. Mainstreaming – Local Assessment
 - Must be safe for all participants
 - Must not change the nature of the sport
 - Should not present an administrative burden
2. Cognitive Impairment – Unified Sport (Special Olympics)
3. Physically Disabled - Adapted Sports



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AAASP OVERVIEW



PROVIDES MEMBER SCHOOL DISTRICTS AND STATE ASSOCIATIONS WITH:

- An organizational structure and leadership to enable and facilitate statewide competition in adapted sports.
- Governing rules, sanctioning, policies, and guidance to enable high quality adapted sports programming.
- Assistance with implementation, plus ongoing support and technical expertise in all program areas.
- Representation at the state and national level with regard to promoting interscholastic adapted sports.



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Physically Disabled AAASP Sanctioned Adapted Sports



Wheelchair Team Handball (Fall)

Wheelchair Basketball (Winter)

Wheelchair Football (Spring)

Interscholastic Junior Varsity & Varsity school district teams compete in regular & post season competition in each sports season



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AAASP/GHSA ALLIANCE



AAASP works in partnership with the Georgia High School Association to improve the well being of students with physical disabilities by providing interscholastic adapted athletics & championship events throughout the school year

The top benefits parents identified were:

- Opportunity to play sports that the kids would otherwise never have
- The ability to work hard, participate in a group, set goals, & excel in sports
- Increased motivation to get good grades, improvement in academics
- Respect and consideration for others
- Active engagement and friendship with other students, mentors, & coaches



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AAASP Policies & Procedures

- District Teams
- Multi-District Teams
- Elementary/Middle/High School Age
- One Sanctioned Sport Per Season
- Inclusive events



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AAASP/GHSA ALLIANCE



Student athletes compete in the wheelchair events at the State High School Track & Field Meet



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AAASP Resources

- Membership
- Training – coaches, officials, coordinators, administrators
- Media and Publications – Rules, Manuals, Videos, Posters, Brochures, Handbooks, Teaching Guides
- Equipment Kits - Flaghouse
- Consulting – Service Guide



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Best Practices

- Needs Assessment
- State/Area Coordinator
- Special Ed. & Athletics Coordination/Cooperation
- Home Gym (per yr./season)
- Schools-Community Partnerships
- Transportation as needed (parent involvement)
- Inclusive Environment (AB Attendance, Cheerleading, Scores Published/Announced)



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QUESTIONS?



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May 21, 2013

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