



WEST CENTRAL EDUCATION DISTRICT

Supplementary Aids & Services in Nonacademic and Extracurricular Activities and Services Guidance

Background: Supplementary aids and services means aids, services and other supports that are provided in the regular education classes, other education related settings and in extracurricular and nonacademic settings to enable students with disabilities to be educated with nondisabled students to the maximum extent appropriate.

Please do not leave this section of the IEP blank.

Important Definitions

“Acquiring the requisite skills” refers to the child’s ability to learn and utilize the skills necessary to safely access and participate in the service or activity when provided instruction.

“Allowable” and “Reasonable” refers to what is permitted under the rules or norms of an activity. For example, an electronic communication device (such as a Dynavox) would not be allowed on the court during a basketball game. The determination of whether an accommodation exceeds what would be considered allowable and/or reasonable should be managed on a case by case basis.

In any childcare setting, it is reasonable to provide support with toileting for students with a disability that may impact their development. Programs may have a prerequisite of a child being toilet trained as a general practice, but should not exclude a student for this reason if they are a child with a disability.

“Equal opportunity to participate” means that the child has equal access to an activity and an equal opportunity to succeed. However, an equal opportunity to participate does not guarantee any opportunities that are not available to children without a disability (such as access to a gifted program that is based on school performance or to an athletic team that is determined based on try-outs and merit).

“Essential Skills or Requisite Skills” are considered a requirement for participation in an activity. In addition, modifying a 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.

“Extracurricular and nonacademic activities” means all athletic activities, clubs, and other activities that are offered by groups that are sponsored by the school district.

“Otherwise qualified” refers to the eligibility requirements for participation in the activity. For example: MN State High School League rules require that a child pass a physical exam and refrain from the use of alcohol and drugs. If the child cannot pass the physical or uses drugs or alcohol, s/he is not eligible to participate in an activity governed by the League.

If the IEP team finds that an eligibility requirement is discriminatory with respect to a particular child, the team may be able to waive the requirement. For example, if the MSHSL requires a child to be present for the entire school day to participate in an athletic contest, and a child has a disability that requires the child 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.

If eligible, a child must be provided an opportunity to try out for a competitive team, but cannot be guaranteed a position on that team. If an activity (e.g. intramural sports, school clubs and volunteer jobs such as an athletic team manager) has no eligibility criteria or description of essential duties or skills, it must be assumed the child is otherwise qualified.

“School Sponsored Activity” refers to an activity that is organized and supervised by the school district. Examples would include school athletics, school activities, community education activities that are supervised by community education staff, and/or school sponsored child care programs.

Some activities might be advertised through the Community Education Catalog or may lease space from the school. These activities would not be considered school sponsored. Some examples may include youth sports organizations, Just For Kix, and child care services provided by an outside organization like the Boys and Girls Club.

“Supplementary aids and services” means “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 child. 34 C.F.R. § 300.42.

“Nonacademic activities” Based on MDE Complaint Decision File 20-041C: Child care programs are “nonacademic activities,” and IEP teams must decide what supplementary aids and services are necessary in order for a special education child to have an equal opportunity to participate in such a program.

How to address this at IEP meetings

STARTING THE CONVERSATION AT THE IEP TEAM MEETING

At the annual IEP meeting...

Ask the parents/guardians if their child is participating or plans to participate in any extracurricular or nonacademic activities.

If **yes**, the team should determine whether the activities are school sponsored.

If **yes**, the team should determine whether the child needs any supplementary aids or services to participate by completing the steps below. When the activity is coordinated by Community Education, an Authorization to Release Information should be signed by the parent/guardian that allows the Community Education Staff to gather more information and participate in the steps below.

IS THE ACTIVITY “APPROPRIATE” FOR THE CHILD?

1. If supplementary aids and services are provided, will the child’s participation in the activity present a direct threat to the health or safety of the child or others?

NO Move to question 2.

YES The child may not participate in the activity.

2. If supplementary aids and services are provided, can the child meet the essential requirements of the activity?

NO The child may not participate in the activity.

YES Move to question 3.

3. Can the child meet all legitimate, *nondiscriminatory* eligibility requirements established by any outside governing body, such as the Minnesota State High School League (MSHSL)?

NO The child may not participate in the activity.

YES The activity is appropriate for the child. Move to Question 4.

ARE SUPPLEMENTARY AIDS AND SERVICES NECESSARY AND APPROPRIATE FOR THE CHILD?

4. Does the child’s disability present any obstacles or concerns that would prevent the child from receiving the same opportunity to participate in the activity as a child without a disability?

NO The child does not need any supplemental aids or services.

YES Move to question 5.

5. Are supplementary aids or services needed to remove or decrease the obstacles or concerns and give the child an equal opportunity to participate in the extracurricular or nonacademic activity?

NO Supplementary aids or services should not be provided or listed on the IEP.

YES Identify the necessary supplemental aids and services and move to Question 6.

6. Would providing the necessary supplementary aids or services fundamentally alter the nature of the extracurricular or nonacademic activity?

NO Move to Question 7.

YES The child is not entitled to receive the supplementary aid or service.

7. Does the child need to participate in the extracurricular or nonacademic activity in order to receive a free appropriate public education (FAPE)? Stated differently, does the child need to participate in the activity in order to make progress on the child's IEP goals and objectives?

NO Document the following on the IEP: **“The IEP team has determined the child does not need to participate in [LIST ACTIVITY] in order to receive FAPE, but has determined that the following supplementary aids and services, which are not related to FAPE, are necessary and appropriate for the child to have an equal opportunity to participate in the activity: [LIST THE SUPPLEMENTARY AIDS AND SERVICES].**

YES In the rare case in which the IEP team determines that the child 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 child.

When it is determined that the child may participate in a school sponsored activity through Community Education, the case manager will have the parent/guardian sign the Authorization to Release Information form.

A review of any needed supplementary aids and services should be completed at each annual IEP meeting. The needs of the child may change based on the activities they participate in and their development of skills.

The District should also convene an IEP team meeting and follow the process described above when a parent/guardian contacts a staff member and states that the child is struggling in an extracurricular or nonacademic activity and needs help, accommodations, or any words to that effect.

Frequently Asked Questions

- Who should participate in determining what supplementary aids and services may be needed for a child to participate in a school sponsored activity?
 - It is important that a representative from the department that oversees the activity assists with determining what supplementary aids and services may be needed. This could also include a coach or advisor.
 - The parent and IEP team members should also be part of the discussion.
- Who is responsible for paying for the costs associated with participation in an activity?
 - Under most circumstances, the family is responsible for paying any registration fees or other equipment/material fees associated with the activity.

- In very rare instances, the IEP team may determine that the child needs to participate in the extracurricular or nonacademic activity in order to receive a free appropriate public education (FAPE)? Stated differently, the child needs to participate in the activity in order to make progress on the child's IEP goals and objectives. In the rare case in which the IEP team determines that the child 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 child. The District special education supervisor should be included in the determination process if any activity may be considered necessary for FAPE.
- 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 child 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 child to participate in a school-aged child care program, Community Education is legally and financially responsible for providing the supplemental aids and services in a manner that assures the child 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 associated department present at the IEP team meeting.
- Is the school responsible for providing supplementary aids and services when an activity is not sponsored by the school?
 - No, the school is not responsible for providing supplementary aids and services when the activity is not sponsored by the school.
 - The IEP team may be aware of additional resources in the community that may be able to assist the child.
- Are childcare services sponsored by the school considered a “non-academic” activity?
 - Yes. According to MDE Complaint Decision File 20-041C, child care programs are “nonacademic activities,” and IEP teams must decide what supplementary aids and services are necessary in order for a child to have an equal opportunity to participate in such a program.
 - If an outside agency is leasing school space to offer childcare services, the district is not obligated to provide supplementary aids and services.
- If a child has paraprofessional support during the school day, will they always need paraprofessional support in order to participate in extracurricular or non academic activities?
 - No. The IEP team should determine what, if any, supplementary aids and services a child may need in order to have an equal opportunity to participate in a program or activity.
- What happens if the school is not able to find paraprofessional support for a child who would like to participate in a school sponsored activity?

- The District should continue to pursue filling positions even after the activity has started. It is important to keep the parent/guardian informed of the attempts being made to fill the position.
 - If there are health or safety concerns that cannot be supported in another way, the child should not participate in the activity until the position can be filled.
 - In the event that support is not provided, parents should not be charged for the activity.
 - The District should thoroughly document their efforts to fill the position.
- If the District preschool program is considered a Community Education activity, should an Authorization to Release Information be signed by the parent/guardian before information is shared by other school staff.
 - Yes, if the District offers preschool through their Community Education Department, an Authorization to Release Information should be signed by the parent/guardian before school records are shared.

Resources:

[Extracurricular Flowchart from SpEd Forms](#)

[Rochester Flow Chart](#)