

## **Inclusion in Life of the School Activities Policy**

The Public Schools of Brookline are committed to sustaining inclusive classrooms, schools, and systems that foster a sense of belonging for all students to participate in the life of their schools. The PSB recognizes that extracurricular activities such as clubs, arts programs, music, school spirit events, sports, dances, and more enrich our students' lives and increase their sense of belonging in their school community. To this end, the district adheres to all state and federal mandates allowing system-wide access to all school activities, with the provision of reasonable accommodations based on individual student need.

Under Section 300.107 of the Individuals with Disabilities Education Act (IDEA):

“Each public agency must take steps, including the provision of supplementary aids and services determined appropriate and necessary by the child’s IEP team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities.”

In other words, every student has a right to equal access to school-sponsored activities such as clubs, arts programs, music, school spirit events, sports, and dances. Any activity hosted by the school or district falls into this category. The Individuals with Disabilities Education Act does not explicitly define extracurricular activities, however lists generalized examples, including “athletics,” “recreational activities,” and “special interest groups or clubs.”

Some activities and programs that are typically considered to be extracurricular include:

- grade or school-wide performances,
- sports teams,
- choir or band,
- clubs for cooking, math, photography, and other subjects, and

- school newspapers or yearbook committees.

In the case of competitive programs such as athletics and some choir and theater productions, participation may be determined through a try-out process, which means a student will need to perform at a certain level to join the program or team. However, even in competitive programs, a student with disabilities has a right to try out with reasonable accommodations as determined by that student's IEP team. For example, if a hard of hearing student wants to join the track team, it is reasonable for the coach to wave a flag rather than blow a whistle to signal to the runners that the race is starting.

### **Limits on student rights for extracurricular activities**

Private companies and third-party providers, including nonprofits, are not required to follow IDEA regulations or to provide Free Appropriate Public Education (FAPE). However, other anti-discrimination laws do apply, such as the Americans with Disabilities Act. Furthermore, a student cannot be denied access on the basis of disability. If an activity is provided on-campus by a third party, or is provided off-campus by the district, the PSB may be required to provide the supports and modifications listed in a child's IEP. Private providers may not have to provide services if the activity is not sponsored by the school, or if it is off-campus.

Recognizing that the requirements for private companies and third party providers are less rigorous than those for the PSB, the PSB shall ask each private and third party provider who operates at one or more PSB property to provide the PSB with a written plan for how it intends to comply with the Americans with Disabilities Act (ADA), as well as the extent to which the program intends to voluntarily comply with the spirit of IDEA regulations. Any future contracts to be negotiated with PSB partners shall set as a condition of partnership public disclosure of the foregoing information. This paragraph shall become effective immediately upon the School Committee's adoption of this policy.

For programs where the PSB are not required to provide accommodations, the PSB shall nevertheless retain the option to voluntarily offer such accommodations. Parents and caregivers shall also have the option of independently providing necessary accommodations, such as a 1:1 aide, as long as the PSB and/or third party provider is not charged, and the program not fundamentally altered.