

Inclusion in Life of the School Outside of the School Day Policy

Background

The Public Schools of Brookline (PSB) are committed to sustaining inclusive classrooms, schools, and systems that foster a sense of belonging for all students, ~~including PSB out-of-district students~~, to participate in the life of their home-designated PSB school and district-wide activities made available to students by the districts. The PSB recognizes that participation in school activities outside of the school day enrich our students' lives, provide stability of care, and increase their sense of belonging in their school community. To this end, the district adheres to all state and federal mandates¹ regarding system-wide access to all school activities, with the provision of reasonable accommodations based on individual student need.

Some activities and programs that are typically considered to be outside of the school day include (these are examples and not to be considered exhaustive):

- extended day programs
- plays, choir, band, or other performances,
- sports teams or clubs,
- clubs or enrichment programs for cooking, math, photography, and other subjects, and
- school newspapers or yearbook committees.

Accommodations to be Provided Outside of the School Day

PSB is committed to providing the needed accommodations to access these activities and programs to the greatest extent possible as is appropriate to the needs of the student as set forth in 34 CFR 300.107 (see Footnote 1). The level of accommodation to be provided shall be determined by the Office of Student Services, in consultation with parents/caregivers and the student's Individualized Education Program (IEP) team. In the case of programs that are less than full-year, accommodations should consider explicitly the feasibility of staffing.

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.

¹ Under Section 300.107 of the Individuals with Disabilities Education Act (IDEA), available at <https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-B/subject-group-ECFRf27988d69cd5d3a/section-300.107>

"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. 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."

Commented [Im1]: Why do we say this instead of "all students in the LEA of Brookline" - this makes it sound like OOD students are different and normally not included

~~In the case of programs that are less than full year, accommodations should consider explicitly the feasibility of staffing.~~

Third-Party Compliance with this policy

Third-Party providers include service providers who operate in one or more PSB buildings, before or after the school day, exclusively or primarily serving PSB students: i.e.e.g., extended days, PTOs, enrichment programs, Brookline Music School, and Brookline Recreation ~~etc.~~. This definition excludes organizations/individuals that rent space in PSB buildings but do not primarily or exclusively serve PSB students.

Recognizing that the legal requirements for third-party providers may be less rigorous than those for the PSB, depending on the extent of the bidirectional relationship with the third-party provider, the onus shall not be on parents and caregivers to navigate the complexities of legal responsibility. Rather, the PSB shall work with each third-party provider to ensure awareness of and compliance with state and federal regulations, so that no child entitled to accommodations is left out of after school programs on account of disability.

In the case of Extended Days, which are vital for many working families, and without which, many families would face hardship, the Office of Student Services shall work proactively with each program before the start of the school year to identify students whose IEPs require accommodations for participation. Staffing or other requirements resulting from that planning shall be the responsibility of the district to either provide the staff or provide funding to the Extended Day to pay for the accommodations. OSS shall also work with each program to evaluate any needed accommodations for students who transition onto IEPs during the school year. including transportation to the activity for out-of-district students if determined by the IEP team.

In the interest of transparency, the Deputy Superintendent of Student Services, or designee(s), shall submit an annual report to school committee by December 31st of each year confirming that the district has met with each third-party provider for that fiscal year to review the provider's obligations under state and federal law, this policy, and to assess student participation needs. In addition, all future contracts to be negotiated with PSB partners running extracurricular programs shall include a non-discrimination clause that allows the district to terminate a contract based on the failure of the third-party provider to comply with this policy.

As the ability for the PSB to terminate a contract with a non-complying third-party provider in and of itself will not make an adversely impacted individual student whole, the district will work with any adversely impacted student and/or their caregivers to promptly provide that student with the necessary accommodations either in the non-complying program, or in a comparable one. In the case of a comparable program, the district will pay for any cost difference and, if determined necessary by the IEP team, provide transportation.

Districtwide/Offsite Programs

The policies laid out above also apply to programs for PSB students outside of their home school, e.g. districtwide chorus, offsite extended days serving multiple schools.

Further, for these districtwide/offsite programs where the PSB are not required to provide accommodations (e.g. for general education students who reside within 1.5 miles of their home school), the PSB shall nevertheless endeavor to voluntarily offer participation supports in the spirit of fostering maximal inclusivity, such as transportation offerings or multiple sites.

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Notification

As inclusion in life of the school activities necessitates regular communication, all district notifications regarding event cancellations, public emergencies affecting operation of one or more PSB schools, or changes to contracted transportation services, shall be disseminated to all students ~~(including out-of-district students)~~ potentially participating in impacted activities.

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Questions from the Extended Day directors (provided collectively)

- Who is hiring the teachers or support staff for each particular child?
- How will reimbursement work from the town to our programs?
- Who is responsible for making sure all IEP accommodations are being met in an extended day?
- What is the timeline for the school to inform us of each child's needs? Generally hiring will need to be confirmed before the child begins attending.
- Is the school noting that they will provide support with professional development, materials needed, classroom spaces and other specialized tools that some students require?
- Will there be any training provided to our staff members for those kiddos who are on IEPs? Or will this work be taken on exclusively by the person hired by PSB for this purpose?
- Are parents of students on IEPs going to be made aware of the changing policy?
- Some parents don't even indicate that their children may require accommodations on their enrollment forms (even though we ask!) Will we need to provide a list of our enrolled students to the town for them to determine who is eligible?
- Thinking of this from a budgetary perspective, placing the burden on PSB to provide communication from OSS and finance additional qualified staff will inevitably come back and fall on us in the form of rent, right? What is the hidden cost of the policy?