

# LEGAL REQUIREMENTS

## for Including Children with Intellectual and Developmental Disabilities in Physical Activity

**By including children with I/DD in physical activity, you are not only following the law—you are helping raise healthy kids and teach lifelong healthy habits!**



The following three documents govern the inclusion of children with intellectual and developmental disabilities (I/DD) in physical activity.

- Section 504 of the Rehabilitation Act of 1973
- Office for Civil Rights (OCR) Dear Colleague Letter of 2013
- Individuals with Disabilities Education Act (IDEA) of 2004

These documents establish the responsibilities of physical education instructors, extra-curricular activity providers, and recreation providers. By becoming familiar with them and meeting their requirements, school districts can ensure that children with I/DD have the same opportunities to be physically active as their typically developing peers.

### Section 504 of the Rehabilitation Act of 1973

A federal law designed to protect the rights of individuals with disabilities in programs and activities that receive federal assistance, including all elementary and secondary public schools. According to this law:

- All students with disabilities must be provided with physical education.
- All students must have the same opportunities to engage in extra-curricular athletic activities.

### Office for Civil Rights (OCR) Dear Colleague Letter of 2013

Written in response to reports that schools were not complying with requirements to offer students with disabilities the same opportunities to be as physically active as their non-disabled peers. The letter recommends that school districts:

- “...work with their athletic associations to ensure students with disabilities are not denied an equal opportunity to participate in interscholastic athletics.”
- “...(do) not rely on generalizations about what students with a type of disability are capable of—one student with a certain type of disability may not be able to play a certain type of sport but another student with the same disability may be able to play that sport.”
- “...(make) reasonable accommodations—to ensure (a student has) an equal opportunity to participate.”

MaineHealth

**LET'S GO!**

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continued

## Individuals with Disabilities Education Act (IDEA) of 2004

A federal law that requires schools to serve the educational needs of students with disabilities. According to this law:

- Schools are required to provide students with a “free and appropriate public education” in the “least restrictive environment.”
- Physical education is a requirement for students who receive special education.

U.S. Department of Education Office for Civil Rights (OCR). Protecting Students with Disabilities, Frequently Asked Questions About Section 504 and the Education of Children with Disabilities. U.S. Department of Education. [www2.ed.gov/about/offices/list/ocr/504faq.html](http://www2.ed.gov/about/offices/list/ocr/504faq.html). Accessed on July 5, 2016.

U.S. Department of Education Office for Civil Rights (OCR) Dear Colleague Letter: Office of the Assistant Secretary. <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201301-504.pdf>. Accessed on July 5, 2016.

U.S. Department of Education. Building The Legacy of IDEA 2004. [idea.ed.gov](http://idea.ed.gov). Accessed on July 5, 2016.