



# Equity Dispatch

Co-Curricular &  
Extra-Curricular Activities

February 2015



## **IMPACT:** Educate, Engage, Empower - for Equity

(Click words to navigate to sections)

*" There is only one way to look at things until someone shows us how to look at them with different eyes."*

~ Pablo Picasso

## Educate

### Imagine this scenario:

*Mrs. Jones, the high school band director, decided to include Danny, a student with autism, in the marching band. She and Danny's parents decided that the best role for Danny would be with the sideline percussion; he was assigned the unusual role of playing bass drum on a steady beat while the rest of the band played their more intricate parts.*

## Meet the Authors

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## Equity Spotlight

*When the band attended its first competition, the judges made several comments about the bass drum and gave the band a lower rating as a result. Mrs. Jones was faced with a predicament: Does she allow Danny to continue to participate in the band at the risk of future judges giving the band low ratings? Or does she not allow Danny to play any instrument at all? What is fair and appropriate, given that she cannot control the rules for how bands are judged at competitions?*

The scenario highlights the exclusionary pressures that extracurricular educators, coaches, and sponsors face, particularly when the extracurricular activity involves competition regulated by a governing body (e.g., state music association, state athletic association, etc.) Interscholastic competitions, combined with longstanding misperceptions about students with dis/abilities, can push these students out of programs in a potentially otherwise inclusive educational environment. This newsletter explores the issue of inclusion in extracurricular activities, and provides some recommendations for equity-minded educators.

## **Office of Civil Rights Guidance**

In 2013, the US Department of Education Office of Civil Rights (OCR) released a Dear Colleague Letter (DCL) providing guidance to public elementary and secondary schools (including charter schools) about including students with dis/abilities in extracurricular programs. This guidance was a clarification of OCR's interpretation of Section 504 of the Rehabilitation Act of 1973 (Section 504). Though the DCL was focused on extracurricular athletics, it is reasonable to assume that principles informing the letter apply to other extracurricular activities, as well.

At its core, the DCL asserts that students with dis/abilities must be provided an equal opportunity to participate in extracurricular activities (Office of Civil Rights, 2013). This means providing equitable access to these activities by making reasonable modifications. There are a few relevant caveats that give this guidance some nuance.

First, OCR is not saying that students with dis/abilities must be allowed to participate in every extracurricular activity (DiPaolo, 2013; National School Boards Association, 2014). When getting a spot on the team or program is competitive (such as an audition or try-out), students with dis/abilities may be asked to compete for that spot like every other student. Additionally, schools can set minimum skill requirements for participation. However, try-outs, and/or minimum requirements themselves cannot be discriminatory. If the student is successful in winning a spot in the activity, reasonable modifications must be made to



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allow the student to participate, even in interscholastic competition.

Second, not every modification is reasonable. To determine if a modification is reasonable, schools are responsible for first determining what modifications may be necessary for the individual child without relying on generalizations or stereotypes associated with a dis/ability. Then they must determine if the modification changes the fundamental nature of the activity—even if that modification is applied to all participants. Using OCR's example, adding an extra base in baseball would not be considered reasonable, because it changes the nature of the game (Office of Civil Rights, 2013, p. 7). Schools must also consider if the modification would give the student an unfair advantage. If a given modification is determined to be unreasonable, schools should continue searching for alternative modifications.

Third, if a student with a dis/ability cannot participate even with reasonable modifications, the school still should provide an opportunity for the student to benefit from extracurricular activities. This means that in some cases schools should consider creating new opportunities for students with dis/abilities, though this may not be legally required (DiPaolo, 2013; National School Boards Association, 2014). If these opportunities are created, they must be supported equally compared to other programs.

Finally, OCR explicitly states that public schools (including charter schools) must comply with Section 504, regardless of the rules or regulations of any interscholastic governing body or association (e.g., state music association, state athletic association.) A school cannot discriminate against a student with a dis/ability and successfully argue that the governing body's rules are the basis of the discrimination.

## **Trends Toward Inclusivity**

The broader legal landscape suggests there may be a trend toward inclusive extracurricular activities (Ballard, 2013). Though OCR is not requiring that Individualized Education Plans (IEPs) must address participation in extracurricular activities (DiPaolo, 2013; National School Boards Association, 2014), neglecting these provisions in the IEP may mean noncompliance with Section 504 (DiPaolo, 2013). Furthermore, the Minnesota Supreme Court ruled that schools cannot exclude supports for extracurricular or nonacademic programming from the IEP—though parents also cannot unilaterally include them (Independents School District No. 12 v. Minnesota Department of Education, 2010). Furthermore, the Third Circuit found that an IEP does not mean a school can provide only a bare minimum education, but instead must provide meaningful education experiences relative to each child's potential (Ballard, 2013,

(2011). This is a comprehensive text written by practicing music educators, music teacher educators and researchers in the field of teaching music to children with dis/abilities. In 2009, Dr. Hourigan co-founded the Prism Project. This program provides an opportunity for Ball State students to gain skills in the area of teaching students with dis/abilities.

Dr. Hourigan maintains an active schedule of conducting and adjudicating regionally and nationally in both the vocal and instrumental area.

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## **Upcoming Events**

### **Illinois**

February 27-28, 2015  
Illinois Teacher of  
English to Speakers of  
Other Languages  
ITBE's 41st Annual  
Convention  
Naperville, IL

### **Indiana**

February 26, 2015  
Indiana Conference on  
Learning  
Indianapolis, IN

p. 1). There is an apparent trend that extracurricular activities may be included in an IEP, and that inclusive practice involves consideration of students' strengths rather than focus on their perceived deficits.

## Issues Raised

Equity-focused educators should be aware of the issues raised by OCR's DCL. It highlights ways students with dis/abilities may receive only bare-minimum educational experiences and have burdens that their non-disabled peers may not have. For example, law creates a situation in which students with dis/abilities must convince schools that participating in extracurricular activities provides an educational benefit to them—nondisabled students do not have that burden (Independent School District No. 12 v. Minnesota Department of Education, 2010). Inclusive educators frame schools as places where students belong by virtue of being human and reject assumptions that some students must prove that they belong.

OCR guidance toward inclusivity is a reminder of how deficit thinking about students with dis/abilities can limit access to educational opportunities. Deficit thinking is a focus on what these students *cannot* do, rather than what they *can* do. Instead, equity-oriented educators take the time to identify students' strengths, and gauge modifications according to those strengths.

Finally, this discussion suggests ways in which interscholastic competition and the related governing bodies may contribute to systemic inequity. Competition can create pressures on directors, instructors, and coaches to not be inclusive. Furthermore, the quasi-independent nature of interscholastic governing bodies adds a layer of complexity, dependent upon those organizations' attitudes toward inclusivity and willingness to change.

## Recommendations

A substantial body of research demonstrates that both students with dis/abilities and their nondisabled peers can gain a number of important benefits from learning together in inclusive environments (Salend & Duhaney, 1999; Staub & Peck, 1995). With the OCR guidance in mind, educators may want to consider the following recommendations.

Equity-focused educators can initiate discussions within schools across extracurricular programs. By bringing the broad array of athletic and non-athletic coaches and educators to the table, schools can be proactive about establishing consistent, systematic supports for programs and students to make these programs more inclusive and meaningful learning experiences for all students. Educators

## Michigan

February 27-28, 2015

Michigan Science

Teachers Association

62nd Annual Conference

"Engineering GRAND

Ideas in Science"

Grand Rapids, MI

## Minnesota

March 6, 2015

Minnesota Special

Education Director

Forum

Roseville, MN

## Minnesota

March 20, 2015

Special Education

Advisory Panel Meeting

Roseville, MN

## Ohio

February 7-10, 2015

National Reading

Recovery and K-6

Literacy Conference

Columbus, OH

## Wisconsin

April 19-21, 2015

Wisconsin State

Leadership Conference

Wisconsin Dells, WI

may want to raise awareness of students' rights, how coaches and sponsors may be consulted, and how lay coaches or other sponsors not otherwise affiliated with the school receive supports for inclusive practice. The important thing here is that there are school-wide and district-wide conversations so a culture of inclusivity is fostered.

Educators should initiate similar discussions across interscholastic governing bodies and professional associations. It may be beneficial here to identify key organizations to serve as brokers, providing access to a broader interscholastic network. For example, in some states interscholastic organizations (e.g., state athletic associations, state music associations) have principals or superintendents serving on their boards. By engaging the state's school leader associations, equity leaders may be able to initiate conversation across interscholastic organizations. These discussions should raise questions about the inclusivity of interscholastic regulations, and should note that interscholastic associations are targeted for litigation more often than school districts (Zirkel, 2013). Educators should ask about supports that these organizations' leadership, staff, referees, and judges receive related to their role in fostering inclusive practices. At the very least, interscholastic organizations should acknowledge exclusive practices and policies, and work toward greater inclusivity.

Again, inclusivity in extracurricular and nonacademic programming can be a complex issue. Despite the difficulties or challenges, this is the right thing to do for all students, whether those students have dis/abilities or not. Rather than displace this issue as a problem situated outside of schools and under the control of interscholastic organizations, equity-focused educators should look at this issue as a systemic problem. Having open conversations about inclusivity can help expose ways in which well-meaning educators, coaches, judges, and referees may all be complicit in creating an exclusive culture. If we are to move to an education system that is truly inclusive and values all children, these issues must be addressed.

*Our sincere thanks go to Dr. Janet Decker for her assistance and guidance on this newsletter.*

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**Engage**



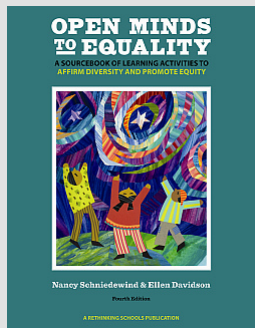
Indiana Music Education  
ASSOCIATION

## Indiana Music Education Association

Indiana Music Education Association (IMEA) is a not-for-profit professional membership organization for music teachers instructing from kindergarten to college. IMEA provides professional development opportunities for music teachers, as well as extracurricular performance and learning opportunities for Indiana music students. IMEA governs itself via a board of directors, advisory council, professional development conference area coordinators, representatives from the National Council for Music Education, and project chairs to provide quality learning experiences for music students and educators. Within its project chair appointments, IMEA has a Special Learner's Chair specifically focused on assisting the association with thinking through equity considerations as it pertains to preparing pre-service music educators to serve all students, including those with dis/abilities. Current Chair, Dr. Julia Heath-Reynolds, states, "All students deserve the opportunity to fulfill their musical potential. As educators, to ensure the success of each unique student, we must focus on their abilities. We must be proactive and collaborate with other teachers in the school to learn about our students." Dr. Heath-Reynolds' charge as the Special Learners Chair is to provide thought and capacity building to current and pre-service educators as well as in IMEA's competitive and non-competitive festivals to pursue inclusivity in music education and performance. "Believing in ourselves and developing the willingness to teach all students is possibly the most difficult challenge to overcome when working towards inclusion."

IMEA initiatives include an annual professional development conference for music teachers, Children's Honor Choir, Middle School Honor Choir, Honor Band, Future Music Educators Colloquium, the sponsoring of two workshops for beginning music teachers (in their first through fifth years of teaching music), and a quarterly state journal, INfORM. IMEA's membership is currently around 1100 active teachers, with approximately 100 retired members, and 700 collegiate members (who are music education majors).

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## Something to Read!

### *Open Minds to Equality: A Sourcebook of Learning Activities to Affirm Diversity and Promote Equity*

[Open Minds to Equality](#) is an educator's sourcebook of activities to help educators understand and change inequalities based on race, gender, class, age, language, sexual orientation, physical/mental ability, and religion. The activities also promote respect for difference and interpersonal equality among students, fostering a classroom that is participatory, cooperative, and democratic. Learning activities are sequenced to build awareness and understanding. This book is an essential resource for teachers, leaders in professional development, and curriculum specialists.

## Something to Watch!



### *Universal Design for Learning at a Glance*

[Universal Design for Learning \(UDL\) at a Glance](#) is a quick video that illustrates the three principles of UDL. Viewers will gain a better understanding of how to apply those principles to meet the needs of all learners and ensure quality learning opportunities for all.



## Something to Use!

### *Special Needs Inclusion Project (SNIP) Training Toolkit Part 5: Adapting Activities for All Learners*

Knowing that participation in high quality after school programs is an important part of education, this toolkit provides activities that engage all learners. This [toolkit](#) will help you understand: what makes some activities more

inclusive than others, how to use a tool to help you select and adapt activities for diverse learners, and specific tips and strategies for working with children with disabilities.

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## References

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**\*\* Dis/ability is used throughout this edition of *Equity Dispatch* intentionally to emphasis that dis/ability is socially constructed through the interactions, of language, space, place, human experience, and power within a particular context (Annamma, Conner, & Ferri, 2014).**

### Disclaimer:

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