# Superintendent’s Memo #018-21


**COMMONWEALTH of VIRGINIA
Department of Education**

DATE: January 22, 2021

TO: Division Superintendents

FROM: James F. Lane, Ed.D., Superintendent of Public Instruction

## SUBJECT: Extracurricular Activities and Students with Disabilities

Following a two-year study, the Joint Legislative Audit and Review Commission (JLARC) released its *Report on K-12 Special Education in Virginia* in December 2020. In addressing the inclusion of students with disabilities in academic and extracurricular school programs and activities, the report (i) acknowledged Virginia schools’ progress in inclusive practices for these students in academic areas and (ii) indicated overall parent satisfaction with the efforts of the schools to include students with disabilities in general education settings with non-disabled peers. However, the report identified access for students with disabilities to extracurricular activities as an area of concern.

The purpose of this memo is to clarify, for local school divisions, their responsibility to ensure that, during the Individualized Education Program (IEP) development process, the IEP Team must consider accommodations, supplementary aids, and services needed to provide access and participation in extracurricular activities, such as sports and clubs. According to the [*Regulations Governing Special Education Programs for Children with Disabilities in Virginia*](https://www.doe.virginia.gov/special_ed/regulations/state/regs_speced_disability_va.pdf), school divisions must:

1. Take steps, including the provision of supplementary aids and services determined appropriate by the 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 (8 VAC 20-81-100.H;
8 VAC 20-81-130.A.2); and
2. Include a description of these aids, services, and program modifications in students’ IEPs, as appropriate (8 VAC 20-81-110.G.4.b).

To support inclusive practices, the Virginia Department of Education (VDOE) developed Virginia’s [K-12 Inclusive Practices Guide](https://www.doe.virginia.gov/special_ed/iep_instruct_svcs/inclusive/k-12-inclusive-practices-guide-ada.docx) and other resources, available on the VDOE [Inclusive Practices](https://www.doe.virginia.gov/special_ed/iep_instruct_svcs/inclusive/index.shtml) webpage. In addition, the U.S. Department of Education, Office for Civil Rights released a [Dear Colleague Letter: Students with Disabilities in Extracurricular Athletics (January 25, 2013)](https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-201301-504.html) and the U.S. Department of Education, Office of Special Education and Rehabilitative Services issued a guidance document, [Creating Equal Opportunities for Children and Youth with Disabilities to Participate in Physical Education and Extracurricular Athletics](http://www2.ed.gov/policy/speced/guid/idea/equal-pe.pdf).

The VDOE is committed to assisting divisions in this area. If you have additional questions or concerns, contact Kathleen Harris, Compliance Specialist, at Kathleen.Harris@doe.virginia.gov, or Teresa Lee, Education Coordinator, at [Teresa.Lee@doe.virginia.gov](file:///C%3A%5CUsers%5Ceka21805%5CDownloads%5CTeresa.Lee%40doe.virginia.gov).

JFL/TL/KH