WYOMING SCHOOL BOARDS ASSOCIATION

2013 Convention

LEGAL UPDATE

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FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

FERPA
# Educational Record

![Report Card Image]

## Report Card

<table>
<thead>
<tr>
<th>Grading Period</th>
<th>1</th>
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<td>C</td>
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<td>A</td>
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<tr>
<td>Physical Education</td>
<td>A</td>
<td>C</td>
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**Grade Average:** B

**Attendance:**

- Present: 40
- Absent: 6
- Tardy: 1

*Grading Scale:*

- A = Excellent
- B = Good
- C = Satisfactory
- I = Insufficient / Incomplete

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<thead>
<tr>
<th>Grade</th>
<th>Year</th>
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*Student:*
• “Education Records”
• 20 U.S.C. §1232g(a)(4)(A)(i)
• 34 CFR 99.3
• “directly related to the student”
• “maintained by the educational agency or institution or any party acting for the agency”
“Record” means any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

34 CFR 99.3
• What’s **not** included:
  • Sole possession notes
  • Law enforcement unit records
  • “Directory” Information

Student peer graded papers are not “maintained” within the meaning of FERPA
Personally Identifiable Information includes, but is not limited to—

(a) The student's name;
(b) The name of the student's parent or other family members;
(c) The address of the student or student's family;
(d) A personal identifier, such as the student's social security number, student number, or biometric record;
(e) Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;
(f) Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
(g) Information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

34 CFR 99.3
The “Out”

- Release of directory information
  - 20 U.S.C. §1232g(a)(5)(B)
- Opt-out permitted
- Annual Notices
- Record of Release
Directory information means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed.

34 CFR 99.3
Directory information includes, but is not limited to, the student's name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study; grade level; enrollment status (e.g., undergraduate or graduate, full-time or part-time); dates of attendance; participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors, and awards received; and the most recent educational agency or institution attended.

34 CFR 99.3
Directory Information

“These amendments specifically provide that a school may safely provide what is termed “directory information”—such personal facts as name, address and telephone number—to third parties without fear of having its Federal funds withdrawn.”

Joint Statement in Explanation of the Buckley/Pell Amendment
120 Cong. Rec. 39863 (December 13, 1974)
Any educational agency or institution making public directory information shall give public notice of the categories of information which it has designated as such information with respect to each student attending the school and shall allow a reasonable period of time after such notice has been given for a parent to inform the institution or agency that any or all of the information designated should not be released without the parents’ prior consent.
We determined awhile back that schools can, under FERPA, choose an all or nothing approach with directory information because in some school districts it would be too cumbersome to keep track of the directory information items that certain parents want to opt out of or not. I know that some schools do do that; I know that some schools do give them the choice, but if a school says look, we can’t do it, we can just have an opt in for everything or an opt out, that’s perfectly fine under FERPA.”
§ 99.7 What must an educational agency or institution include in its annual notification?

(a) (2) The notice must inform parents or eligible students that they have the right to—

(i) Inspect and review the student's education records;
(ii) Seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;
(iii) Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the Act and § 99.31 authorize disclosure without consent; and
(iv) File with the Department a complaint under §§ 99.63 and 99.64 concerning alleged failures by the educational agency or institution to comply with the requirements of the Act and this part.
Annual Notices, Continued

(3) The notice must include all of the following:

(i) The procedure for exercising the right to inspect and review education records.

(ii) The procedure for requesting amendment of records under § 99.20.

(iii) If the educational agency or institution has a policy of disclosing education records under § 99.31(a)(1), a specification of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

(b) An educational agency or institution may provide this notice by any means that are reasonably likely to inform the parents or eligible students of their rights.

(1) An educational agency or institution shall effectively notify parents or eligible students who are disabled.

(2) An agency or institution of elementary or secondary education shall effectively notify parents who have a primary or home language other than English.
Production of Student Records in Response to Subpoena:

Under what conditions is prior consent not required to disclose information?

(9)(i) The disclosure is to comply with a judicial order or lawfully issued subpoena.

(ii) The educational agency or institution may disclose information under paragraph (a)(9)(i) of this section only if the agency or institution makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek protective action.
Eligible student means a student who has reached 18 years of age or is attending an institution of postsecondary education.

When a student becomes an eligible student, the rights accorded to, and consent required of, parents under this part transfer from the parents to the student.

34 CFR § 99.5
Parents

§ 99.3 Parent

Parent means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.
34 CFR § 99.4 What are the rights of parents?

“An educational agency or institution shall give full rights under the Act to either parent, unless the agency or institution has been provided with evidence that there is a court order, State statute, or legally binding document relating to such matters as divorce, separation, or custody that specifically revokes these rights”
Uninterrupted Scholars Act: January 14, 2013, Amends FERPA

- Schools authorized to share without parental consent student records with DFS case workers or other representatives of the State or Tribal organizations who are authorized to access student case plans. Typically this is pursuant to a court order and frequently involves establishment of an MDT. The law allows school district to divulge confidential information to DFS or Tribal organizations personnel only if the school receives assurance that the educational record will not be disclosed by such agency or organization except to an individual authorized by that agency to address the student’s educational needs and is authorized by the agency to receive the information.
Get a letter of assurance.

A draft letter is available.
SURVEILLANCE CAMERAS:

Footage from surveillance cameras is generally not an education record unless there is a specific incident involving specific students, such as a disciplinary infraction. In that instance, the U.S. Dept. of Education’s Family Policy Compliance Office determined that the parents of the involved student may view the footage but would not be permitted to receive a copy unless the parents of the other involved students provided consent. Consent from parents of students in the background is not required.
Emails among staff discussing a student, including discussions about his educational progress or program, were not educational records subject to disclosure to parents. In *L.A. & M.A. vs. Tulane Co. Office of Education*, the Court ruled that in those instances only documents placed in a student’s permanent file are considered “maintained” and, as such, those not in the permanent file were not educational records that had to be produced to the parents.
GENDER IDENTITY
In November, Wyoming High School Activities Association (WHSAA) approved first reading of Rule 6.8.0: Gender Identity Participation. Second reading will be in February 2014.

The policy requires school districts to “be the first point of determination for the student’s eligibility...”
The WHSAA policy states that the school may consider the following in making its decision:

- Gender identity from school registration records;
- Medical documentation (hormonal therapy, sexual re-assignment surgery, counseling, medical personnel, etc.)
- Balancing the effects the approval would have on the individual and those other individuals that would be affected by the change.
GENDER IDENTITY ISSUES IN SCHOOLS

- If a parent or the school disagrees with the decision, that party can appeal to the WHSAA.
- Schools will need to adopt a policy to determine who will make these decisions, how they will make the decisions, and what process they will use.
- There may be other criteria in addition to those identified in the WHSAA policy.

Mathis is NOT a court case, and is based on Colorado law.

BUT – the discussion sheds light on the kind of evidence boards may have to consider.
GENDER.IDENTITY
ISSUES IN SCHOOLS

- Facts: a 6-year-old/first grade student registered for school as a boy, and the birth certificate shows he is a boy.
- As early as 18 months old, the child begins showing a preference for female gender identity: feminine clothing and toys. Between 4 and 6, began articulating a belief that she was a girl, and became vocal about her female gender identity.
The school eventually told the 1st grade teacher that the student must use the boys bathroom.

Colorado Division of Civil Rights investigated the complaint from the family, and found that the school discriminated against the student on the basis of a protected class: transgendered.
The school argued that they were trying to 1) protect the student from harassment or bullying; and 2) consider the effect on other students and parents.

“The [school]...cannot legally bar transgender students from their statutory right to use the restroom of their choice because of the school’s preoccupation with situations which have not yet occurred or in order to assuage the discomfort of parents.”
GENDER IDENTITY ISSUES IN SCHOOLS

“Sex assignment at birth... is merely a category that a child is placed in based on observable anatomy, and does not take into consideration the psychological and biological variations associated with the composition of each person. Given the evolving research into the development of transgender persons, compartmentalizing a child as a boy or a girl solely based on their visible anatomy, is a simplistic approach to a difficult and complex issue.”
GENDER IDENTITY ISSUES IN SCHOOLS

• “The evidence demonstrates that socially, legally, and medically the [student] is considered female.”
The school offered to let the student use the gender neutral staff bathroom.

“This...is reminiscent of the ‘separate but equal’ philosophy, which revealed, at least in terms of protected classes, that separate is very rarely, if ever, equal.”
GENDER IDENTITY ISSUES IN SCHOOLS

“Telling the [student] that she must disregard her identity while performing one of the most essential human functions constitutes severe and pervasive treatment, and creates an environment that is objectively and subjectively hostile, intimidating or offensive.”
GENDER IDENTITY ISSUES IN SCHOOLS

- TRANSGENDER IS NOT A PROTECTED CLASS UNDER FEDERAL LAW, OR WYOMING LAW
- BUT:
  - WHSAA IS ADOPTING POLICY ON TRANSGENDERED STUDENTS; AND
  - ON NOVEMBER 7, U.S. SENATE APPROVED BILL WHICH WOULD MAKE TRANSGENDERED STATUS AND SEXUAL ORIENTATION PROTECTED CLASSES UNDER FEDERAL LAW. THE HOUSE OF REPRESENTATIVES LIKELY WILL NOT AGREE (NOT THE LAW NOW)
WAIVER OF CONTINUING CONTRACT STATUS/TENURE

1. Teacher to administrator
2. Teacher to non-teaching position (i.e., counselor)
   a. Voluntary resignation
   b. Acknowledgment of continuing contract right and very clear, express intent to voluntarily waive the continuing contract/tenure right
   c. Consideration for the waiver of the right
      i. Lump sum payment (more than nominal)
      ii. Increased salary or benefits
      iii. Other benefits that go along with the new position
d. An opportunity to review and a recommendation to consult with advisors, including attorneys.

e. In the event of litigation, the prevailing party is entitled to recover all costs, expenses and attorney fees.
PUBLIC RECORDS IN THE HIRING PROCESS

- Are the names of candidates for vacant positions public information?

- Are the applications submitted by candidates for vacant positions public records?
PUBLIC RECORDS IN THE HIRING PROCESS


- The media sued UW seeking the names of the finalists for the president of UW.

- After a trial, in January 2013, the Court ruled in favor of the media, ruling that the names of the finalists were NOT confidential.
UW provided evidence that two or three of the candidates would withdraw if their names were made public.

The District Court held that UW failed to meet its burden of proof that the public would suffer “substantial harm or injury” if the names of the 15 finalists were released.
PUBLIC RECORDS IN THE HIRING PROCESS

- Legislative response to the Court’s decision: the legislature amended W.S. 16-4-203(b)(vii) to allow UW and the community colleges to maintain the confidentiality of applications for the position of president, all records relating to the search process, and all records that could identify a candidate.
PUBLIC RECORDS IN THE HIRING PROCESS

How does the legislative change affect school districts?

City of Laramie v. Raehal, Vitale and Cheyenne Newspapers, Inc. d/b/a The Laramie Boomerang: This case pertains to the confidentiality of records in a personnel file.
YOUR RIGHTS

AS A PREGNANT OR PARENTING TEEN IN PUBLIC SCHOOL

Academic Success of Pregnant and Parenting Students.

Clarification of specific requirements of Title IX applicable to pregnant and parenting students, including:

1. It is illegal under Title IX for schools to exclude pregnant students from participating in any part of an educational program, including extra-curricular activities.
• Schools may implement special instructional programs or classes for pregnant students, but participation must be completely voluntary on the part of the student. These programs and classes must be comparable to those offered to other students with regard to the range of academic, extra-curricular and enrichment opportunities.
• A student who is pregnant or who has given birth may NOT be required to submit medical certification for school participation unless such certification is also required for all other students with physical or emotional conditions requiring the attention of a physician.
• A school must excuse a student’s absences because of pregnancy or childbirth for as long as the student’s doctor deems the absences medically necessary.

When a student returns to school, she must be allowed to return to the same academic and extra-curricular status as before her medical leave began.
LOCAL PREFERENCE FOR PUBLIC BIDS


Two Wyoming resident contractors bid on a highway construction project and the County Commissioners elected to award the bid to the local contractor, even though the local contractor’s bid was not the lowest bid.
The Appellant argued that W.S. §16-6-102(a) required the Commissioners to award the contract to the responsible, certified Wyoming resident making the lowest bid.

The Wyoming Supreme Court, in *Green River v. deBernardi*, affirmed the District Court decision that the City’s policy of giving a 10% preference to local businesses violated Wyoming public policy and the statute.
The Supreme Court held in *Western* that the interpretation given by the Court in *deBernardi* is inconsistent with clear legislative intent and is therefore overruled.

The Commissioners asserted that neither the case nor statute prohibits a county from exercising its discretion to award a multi-million dollar contract to a local business in an effort to assist the local economy, particularly when the difference in the low bids is minimal.
The Supreme Court further held that W.S. §16-6-102 has no application in awarding bids among Wyoming residents, but rather, applies only in the context of competing bids from a resident and a non-resident contractor.

Summary judgment for the County reversed because the record did not demonstrate where the funds came from to pay for the project. One possibility was State funds administered under W.S. §24-2-108 which applies to road work and requires that “if the cost exceeds $200,000, the contract must be awarded after public notice to the lowest responsible bidder.”
The Court concluded it could not decide the matter until it was determined where the money came from to pay for the project and the appropriate provisions applicable to that funding and the awarding of a bid.
MIRANDA WARNINGS

YOU HAVE THE RIGHT TO REMAIN SILENT
ISSUE: Is a student entitled to the benefit of the Miranda warnings before being questioned by a school official in conjunction with a law enforcement officer, the SRO, when he is subject to criminal charges?
In NC, the SRO removed a student from his classroom, and took him to the assistant principal. The AP questioned the student in the presence of the SRO (a deputy sheriff).

At the end of the meeting, the AP told the student he would be subject to school discipline. The SRO then told the student he would be charged with a crime.
The Kentucky Supreme Court ruled that the student’s admissions to the AP should be suppressed because he had not been advised of his *Miranda* rights.

The Court’s ruling does *NOT* affect the school disciplinary action (the expulsion). The Court’s ruling meant that the student’s admission could not be used to prosecute him in the criminal case.
The Court noted that the U.S. Supreme Court has already found that *Miranda* warnings should be given to juveniles in custody.

Even though the questioning was done by the assistant principal, and not by the SRO, the Court noted that other courts have found that people who are not law enforcement may be treated as law enforcement for *Miranda* purposes.
“...school officials may question freely for school discipline and safety purposes, but any statement obtained may not be used against a student as a basis for a criminal charge when law enforcement is involved or if the principal is working in concert with law enforcement in obtaining incriminating statements, unless the student is given the *Miranda* warnings and makes a knowing, voluntary statement after the warnings have been given.”
The Commonwealth of Kentucky appealed the case to the United States Supreme Court. The United States Supreme Court denied certiorari on October 7, 2013.

**REMEMBER:** SCHOOL POLICY REQUIRES CONTACTING PARENTS BEFORE STUDENTS ARE QUESTIONED BY LAW ENFORCEMENT FOR POSSIBLE CRIMINAL ACTION. IF CRIMINAL ACTION WOULD INCRIMINATE STUDENT, MIRANDA IS REQUIRED.
ARMED EMPLOYEES
• Regulation pre-empted by the State
• Gun-Free School Zone Act of 1990, 18 U.S.C. §922(q)
• Concealed weapons restrictions

1. W.S. §6-8-401. The transportation, storage, use and possession of firearms, weapons and ammunition shall be authorized, regulated and prohibited by the State and regulation thereof is pre-empted by the State.

2. No political subdivision of the State shall authorize, regulate or prohibit the transportation, storage, use, carrying or possession of firearms, weapons, accessories, components or ammunition, except as specifically provided by this chapter.

• It shall be unlawful for any individual knowingly to possess a firearm that has moved in or otherwise affects interstate or foreign commerce at a place that the individual knows or has reasonable cause to believe is a school zone.

• “School zone” means:
  A. In or on the grounds of, a public, parochial or private school; or
  B. Within a distance of 1,000 feet from the grounds of public, parochial, or private school.
The prohibition does not apply to the possession of a firearm:
1) on private property not part of the school grounds;
2) if the individual possessing the firearm is licensed to do so by the State in which the school zone is located and law enforcement verifies the individual is qualified to receive the license;
3) that is
   i) not loaded; and
   ii) in a locked container or a locked firearm rack that is on a motor vehicle;
4) by an individual for use in a program approved by a school in the school zone;
5) by an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual;
6) by law enforcement officer acting in his/her official capacity;
7) is unloaded and is possessed by an individual traversing the premises for the purpose of gaining access to public or private lands open to hunting, if the entry on school premises is authorized by school authorities.
W.S. §6-8-104.

(d) No person authorized to carry a concealed weapon pursuant to paragraphs (a)(ii) through (iv) of this section shall carry a concealed firearm into:
(vi) any school, college or professional athletic event not related to firearms.
(ix) any elementary or secondary school facility
ARMED EMPLOYEES
CONCLUSION:

Firearms are already regulated by state and federal law. A school could, by virtue of a contract with an individual or entity, allow the carrying of a non-concealed weapon within the school pursuant to the terms of the individual contract. The school cannot, however, by policy, regulate the transportation, possession, storage or use of firearms.
MONITORING STUDENTS ON SOCIAL MEDIA:

BE CAREFUL WHAT YOU LOOK FOR
Some School Districts monitor social media sites to look for clues about bullying, violence or threats of suicide among students.

A school district in California recently paid Geo Listening $40,500 to monitor social media posts. Geo Listening claims to have contracts with 3,000 school districts.
Can school districts discipline students for statements they post on social media? IT DEPENDS ON THE STATEMENTS.

The U.S. Supreme Court has not addressed how school speech cases apply to speech originating off campus. Circuit Courts are divided.

*Wynar v. Douglas County School District, 728 F. 3d 1062 (9th Cir. 2013)*: A Nevada high school suspended a sophomore for statements he posted on his MySpace page:
“it’s pretty simple / i have a sweet gun / my neighbor is giving me 500 rounds / i just cant decide who will be on my hit list…”

“…ill probly only kill the people i hate?who hate me/ then a few random to get the record”

“i wish then i could kill more people / but i have to make due with what i got. / 1 sks & 150 rds / 1 semi-auto shot gun w/ sawed off barrle / 1 pistle”

Court upheld the suspension.
S.J.W. v. Lee’s Summit R-7 Sch. Dist., 696 F.3d 771 (8th Cir. 2012). The 8th Circuit Court ruled in favor of a Missouri high school which suspended two students for 180 days after they posted comments on their own website which included racist comments and sexually explicit comments about a female classmate, who was identified by name.

Most, but not all, courts have found that if off-campus speech creates a “risk of substantial disruption within the school environment,” a school district can discipline a student for that speech.
STUDENTS WITH DISABILITIES: PARTICIPATION IN EXTRA-CURRICULAR ACTIVITIES
SPORTING OPPORTUNITIES AT SCHOOL FOR STUDENTS WITH DISABILITIES
On January 25, 2013, OCR released a “Dear Colleague” letter (Guidance) clarifying the existing obligations of school districts to provide students with disabilities an equal opportunity to participate in extra-curricular athletics.
The Guidance says that students with disabilities have the right under Section 504 to an equal opportunity to participate in their school extra-curricular activities. Ensuring that students with disabilities are given the opportunity to play alongside their peers – both with and without disabilities – is at the heart of the Guidance.

The Guidance does NOT create new legal requirements, however, some guidance is rather far-reaching.
• School districts must not exclude students with disabilities from participating in extra-curricular athletic programs based upon stereotypes and assumptions.

• Schools must make an individualized inquiry to determine if there are reasonable modifications or necessary aids and services which could allow a student with a disability the chance to take part in the activity.
• Using a light along with a starter pistol so that a deaf runner can compete.

• Providing for, or assisting with, the administration of needed medicine, like insulin, so a student with diabetes can take part in an after-school gymnastics club.
The school district is not required to change essential elements of an athletic activity to meet these obligations.

The requirement to provide an equal opportunity does NOT mean:

• Changing essential elements that affect the fundamental nature of the game.

• Giving a student with a disability an unfair advantage over other competitors.

• Changing the nature of selective teams – students with disabilities have to compete with everyone else, and legitimately earn their place on the team.
• Compromising student safety.

• The Guidance also notes that a school district need not provide a modification, aid or service if doing so would place an undue burden on its program. Most reasonable modifications, aids and services would not be unduly burdensome.
The Guidance urges, but does not require, school districts to:

• create additional opportunities for students with disabilities to participate in separate or different extra-curricular athletic activities (i.e., disabled student teams playing disabled student teams).
Section 504 Requirement:

A district must provide a qualified student with a disability an opportunity to benefit from the district’s program equal to that of students without disabilities.
School districts may require a level of skill or ability of a student in order for that student to participate in a selective program or activity, so long as the selection or competition criteria are not discriminatory.

A district’s obligation to comply with Section 504 and its regulations trump any rule of any association, organization, club or league that would render a student ineligible to participate or would limit the eligibility of the student to participate on the basis of his/her disability.
Do not act on generalization and stereotypes.

• A coach believes that a learning disabled student will likely not perform well if placed under pressure or in an actual game and therefore limits participation.
A district that offers extra-curricular activities must also make reasonable modifications and provide aids and services that are necessary to ensure an equal opportunity to participate unless the district can show that doing so would be a fundamental alteration to the nature of its extra-curricular athletic programs.

If after “individualized inquiry”, school determines that the modification is necessary for the student to participate, the school must allow it unless it “fundamentally alters” the athletic activity.
Fundamental Alteration:

Modification alters such an “essential aspect of the activity or game” that it would be unacceptable even if it affected all competitors equally.

Example: adding an extra base in baseball).

The modification only peripherally impacts the activity or game, but it gives a particular player with a disability an unfair advantage.

Example: a student running track needs a visual cue rather than the sound of a starting pistol).
This modification must be required, as it does not constitute a fundamental alteration.

Example: A student with only one hand requests a modification to the two-hand touch rule in swimming.

Generally OCR would conclude that the modification does not give the disabled student an unfair advantage, but would review to determine if the individual analysis of the school went far enough and the district could demonstrate that the school’s judgment was correct, in which case OCR would request consideration of other modifications, such as the disabled swimmer being able to touch with one hand provided the other arm is simultaneously stretched forward at the finish, to simulate a two-hand touch.
OCR suggests that “separate or different” athletic opportunities may be required to give students with disabilities who cannot participate in an existing extra-curricular athletic program even with reasonable modifications, aids or services in order to have an equal opportunity to receive “benefits” of extra-curricular athletics.

OCR suggested the school district create additional opportunities that are “separate or different” for those students whose interests and abilities cannot be “fully and effectively” met by the existing program.
Questionable legal authority and issue of over-reaching
2005-2009  12,543 OCR complaints. Only 108 complaints pertained to student participation in physical education or extra-curricular athletics.

NSBA response and challenge to authority of OCR.

OCR suggesting Section 504 requires an opportunity to benefit from elective extra-curricular activities when the original statutory purpose of Section 504 was to prohibit discrimination based on disability.
DCL states at Section 504, compliance with consider whether a district’s extra-curricular athletic programs “fully and effectively” meet the “interests and abilities” of its students with disabilities; however, Section 504 regulations do not contain any provision or requirement that a district’s extra-curricular program meet this standard.

Reading such a legally unsupported standard into Section 504 creates a preference in favor of students with disabilities.
NSBA seeking clarification on DCL.
There are court decisions holding that a student does not have to participate in extra-curricular activities to receive FAPE. The student had made adequate progress toward his social skill goals without participating in after-school activities.
ADVICE:

Be proactive.

Don’t wait for parents to request support for activities.

Ask about activities in IEP meetings.

Inquire about what services and support the student may need to participate in the activity.

Don’t overlook any accommodations or modifications that may be required for the student to participate.
A teacher was teaching her class about bullying and gave them the following exercise to perform. She had the children take a piece of paper and told them to crumple it up, stomp on it and really mess it up but be careful not to rip it. Then she had them unfold the paper, smooth it out and look at how scarred and dirty it was. She then told them to tell it they’re sorry. Now even though they said they were sorry and tried to fix the paper, she pointed out all the scars they left behind. And that those scars will never go away no matter how hard they tried to fix it. That is what happens when a child bully’s another child, they may say they’re sorry but the scars are there forever. The looks on the faces of the children in the classroom told her the message hit home.
Questions?

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WSBA – Legal Services