

## **Extra-Curricular Participation for Online Students**

Schools are struggling with questions concerning whether to allow students to participate in extra-curricular activities if they are not attending school in person. MHSAs have waived the requirements of school attendance for this year only, so MHSAs rules are not part of the equation here.

The answer depends in part on the education model the District will be following this year. If the District is offering remote-only education, it would probably not be having any activities at all, other than those things that could be conducted remotely, like Key Club. In any other scenario—even if it is a hybrid of in-person and virtual, all students should be provided the opportunity to participate in any activity. If students are being educated remotely, they still have the right to participate in activities. If the student has a disability (or a health issue that has determined they want to be taught remotely), then the District has to address the issue just as it would under Section 504. In other words, if virtual instruction is due to the student's disability, then the District has to convene the 504 (or IEP) team and determine whether participation in the activity poses a health risk and whether and how it can be accommodated. A blanket decision that if the student is not at school then they can't participate in sports is not supported by the law and could be considered discriminatory, so that approach is not advisable.

The Department of Education issued a Dear Colleague letter several years ago regarding the fact that students who have a Section 504 plan or IEP are still entitled to participate in activities, and the Plan should address what accommodations should be provided in order to allow participation. Here are the links:

<https://www.ed.gov/news/press-releases/us-department-education-clarifies-schools-obligation-provide-equal-opportunity-s>

<https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201301-504.pdf>

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