

Legal Requirements

for Including Children and Youth with Disabilities in Physical Activity



There are laws that protect the rights of children and youth with disabilities and support their inclusion in physical activities in early care and education, school and out-of-school time settings. These laws ensure all children have the same opportunities to be physically active.

Section 504 of the Rehabilitation Act of 1973

is 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.

Individuals with Disabilities Education Act (IDEA) of 2004

is 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.

The Americans with Disabilities Act (ADA) is a federal civil rights law that prohibits discrimination against individuals with disabilities. Early care and education, schools and most out-of-school programs must provide appropriate physical education and physical activity opportunities for individuals with disabilities.

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

was 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.”
- “...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.”