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Supreme Court Affirms Access to After School Activities for Special Education Students

(St. Paul, MN) The Minnesota Supreme Court today upheld a Minnesota Department of Education decision that special education services must be provided to students for extracurricular and non-academic activities, regardless of whether the activity was required for the education of the student. The decision stemmed from a complaint filed by the parents of a fifth grader in the Centennial School District who requested the special education team determine the needed supplementary services to play volleyball and participate in after-school clubs.

"All children deserve the opportunity to get the most out of their educational experience, and that includes after-school activities," said Education Commissioner Alice Seagren. "We are pleased the court rejected the narrow reading of federal law put forth by the school district in this case."

The decision centered on whether or not extracurricular activities should be part of the formal Individual Education Program (IEP) created for every student in special education. The school district argued it did not have to use the special education IEP team to determine the appropriate accommodations for extracurricular activities not "required for the education" of the student.

The parents filed a complaint with the Department of Education and the Department ruled that the school district violated the federal regulations when it failed to convene an IEP team to consider whether accommodations were necessary for the student to participate in volleyball and after-school clubs.

The school district appealed the Department's decision to the Minnesota Court of Appeals. The Court of Appeals agreed that the IEP team should consider whether an extracurricular activity should be included in the IEP, but determined that supplementary aids and services need only be provided to the student if "such activities are required for the education of the child." The Department asked the Supreme Court to review the Appeals Court decision.

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