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Testimony Before the District of Columbia Council
Committee on Education
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Public Hearing:
"State of School-Based Athletics in Public Schools"

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Good morning Chairperson Grosso and members of the Committee on Education. My name is Renee Murphy. I am a Senior Policy Attorney at Children's Law Center¹ and a resident of the District. I am testifying today on behalf of Children's Law Center, which fights so every DC child can grow up with a loving family, good health and a quality education. With 100 staff and hundreds of pro bono lawyers, Children's Law Center reaches 1 out of every 9 children in DC's poorest neighborhoods – more than 5,000 children and families each year.

Children's Law Center welcomes the opportunity to comment on the school-based athletics in DC. We represent children in foster care and low-income children, including children with disabilities and children from families where English is the second language. We see a disparity in their chances to participate in sports and other extracurricular activities, so we urge DC to do more to promote inclusion and equal opportunities for children such as our clients.

Children who can participate in athletic activity and other extracurricular activities gain important benefits. Participation in all different life experiences is where people “form friendships, develop skills and competencies, express creativity, achieve mental and physical health, and determine meaning and purpose in life.”² For all children, the exercise associated with athletics can improve health and combat the inactivity-related obesity epidemic.³ There is also strong evidence that extracurricular

activities, in general, increase self-esteem and improve behavior in school.⁴ School-based activities increase engagement with school.

In particular for children with disabilities, sports participation can also improve social adjustment, increase independence, and improve intellectual functioning.⁵

Inclusive extracurricular athletics and other activities are even better, reducing social segregation and negative stereotypes for children with disabilities, as well as providing benefits for typically-developing children. Inclusion improves understanding of diversity and gives opportunities for typically-developing children to build confidence, autonomy, and leadership, as they model for children with greater difficulties.⁶

Sadly, many children face barriers to participating in athletics or other extracurricular activities in school. Close to 30% of DC children in poverty are not participating in any organized activity outside of school, compared to 12.1% of middle class and 4.5% of DC children from above-middle-class families.⁷ In households where Spanish is the primary language, 36.4% do not participate in any organized activities outside of school.⁸ About 20.5% of children with disabilities in DC participate in no organized activities outside of school.⁹ Very few of our clients – low income children in foster care, with disabilities, or from non-English speaking households – participate in extracurricular sports or other activities.

Children face many different barriers. Academic criteria can exclude many children who could benefit from playing school-based sports because of the social and

behavioral benefits.¹⁰ For children who have been retained in school, many because of unidentified disabilities, age restrictions can also exclude them. For families who do not read English, any failure to translate information about athletics and other extracurricular activities will limit the opportunity for the child to get enrolled or involved. Some other barriers are logistical or financial. We are unaware of any fees just to participate in competitive varsity and junior varsity sports, but only the few can make the cut for the competitive teams. We are aware of fees for intramural athletics and other activities, placing participation out of reach for too many of our clients. Our low-income clients have trouble paying for equipment and other costs, such as transportation.¹¹ Indeed, the most common problem that we notice with our clients, especially children in foster care and children with disabilities, is transportation after school.

DC can do more to decrease the barriers that keep children from participating in athletics and other school-based activities after school. We have the following recommendations to increase inclusion in athletics and other extracurricular activities:

- OSSE's Division of Student Transportation should provide transportation home after extracurricular activities for the children who need bussing to their special education programs. OSSE's current policy is not to provide transportation after extracurricular activities, including athletics practices and competitions. Instead, the child's Individualized Education Program

(IEP) team must identify the specific activity as necessary. The fact that OSSE will provide such transportation, if it is in the child's IEP, is not published, and few parents and IEP teams know.¹² Students placed in special programs far from home or who cannot travel on public transit because of their disabilities cannot participate in extracurricular activities, unless DC provides transportation. DC's failure to ensure that these students with disabilities have equal opportunity to participate is a violation of Section 504 of the Rehabilitation Act of 1973 and of the Individuals with Disabilities Education Act, which require that public schools provide equal access for children with disabilities to participate and benefit from extracurricular activities.¹³ In Agency Performance Oversight and Budget Oversight testimony over the last several years, we have urged OSSE to develop a plan and highlighted the need for financial support for the Division to provide these services.

- The Child and Family Services Agency (CFSA), charged with caring for children in foster care, should provide transportation home from school after athletics and other extracurricular activities. Currently, CFSA contracts with a vendor in order to ensure that foster youth do not have to change schools when placed in foster care. However, the vendor does not transport children after 6:00 PM.

- DC should ensure, with law and policy that applies to all public schools, that vital documents with information about how to participate in athletics and extracurricular activities, as well as the forms to participate, are translated for all public school students. Translations must be provided whether the activity is provided directly by the school or by a contractor.
- DC should consider eliminating academic requirements for interscholastic sports participation. These requirements disproportionately exclude children with learning difficulties and disabilities, who would benefit from a school-based activity in which they experience success and build positive relationships.
- DC should ensure that public schools and the interscholastic athletics association provide accommodations, aids, and services to children with disabilities to ensure that they have an equal chance to participate in athletics and other clubs. For example, age requirements should be examined on a case-by-case basis for children with disabilities. For some children, participating with younger children may actually be more appropriate because of the child's disability, and enable the student to participate and compete.¹⁴ DC should also develop ways for all children

to participate in inclusive athletic programming, including training and professional development for coaches.

- DCPS and Public Charter Schools should waive costs of participation, including uniform and equipment costs for any athletics, for low-income children.

Thank you for the opportunity to testify, and I look forward to answering any questions.

¹ Children’s Law Center fights so every child in DC can grow up with a loving family, good health and a quality education. Judges, pediatricians and families turn to us to be the voice for children who are abused or neglected, who aren’t learning in school, or who have health problems that can’t be solved by medicine alone. With 100 staff and hundreds of pro bono lawyers, we reach 1 out of every 9 children in DC’s poorest neighborhoods – more than 5,000 children and families each year. And, we multiply this impact by advocating for city-wide solutions that benefit all children.

² Murphy, N. A., Carbone, P. S., & the Council on Children with Disabilities. (2008). Promoting the participation of children with disabilities in sports, recreation, and physical activities. *Pediatrics*, 121(5), 1057-1061. doi:10.1542/peds.2008-0566

³ Murphy, N. A., Carbone, P. S., & the Council on Children with Disabilities. (2008). Promoting the participation of children with disabilities in sports, recreation, and physical activities. *Pediatrics*, 121(5), 1057-1061. doi:10.1542/peds.2008-0566

⁴ Durlak, J. A., Weissberg, R. P., & Pachan, M. (2010). A meta-analysis of after-school programs that seek to promote personal and social skills in children and adolescents. *American Journal of Community Psychology*, 45(3-4), 294-309. Retrieved from

<http://www.countyhealthrankings.org/policies/extracurricular-activities-social-engagement>

⁵ Luiselli, J. K., Woods, K. E., Keary, P., & Parenteau, R. E. (2013). Practitioner attitudes and beliefs about exercise, athletic, and recreational activities for children and youth with intellectual and developmental disabilities. *Journal of Developmental and Physical Disabilities*, 25(5), 485-492.

⁶ Henninger, W. R., IV, & Gupta, S. S. (2014). How do children benefit from inclusion? In *First steps to preschool inclusion: How to jumpstart your programwide plan* (pp. 33-57). Retrieved from

<http://archive.brookespublishing.com/documents/gupta-how-children-benefit-from-inclusion.pdf>

⁷ National Survey of Children's Health. NSCH 2011/12. Data query from the Child and Adolescent Health Measurement Initiative, Data Resource Center for Child and Adolescent Health website. Retrieved from <http://nschdata.org/browse/survey/results?q=2518&r=10&g=458>

⁸ National Survey of Children's Health. NSCH 2011/12. Data query from the Child and Adolescent Health Measurement Initiative, Data Resource Center for Child and Adolescent Health website. Retrieved from <http://www.childhealthdata.org/browse/survey/results?q=2518&r=10&g=457>

⁹ National Survey of Children's Health. NSCH 2011/12. Data query from the Child and Adolescent Health Measurement Initiative, Data Resource Center for Child and Adolescent Health website. Retrieved from <http://www.childhealthdata.org/browse/survey/results?q=2518&r=10&g=461>. This statistic on nonparticipation is almost identical for DC children with one or more emotional, behavioral or developmental problems.

¹⁰ *See, supra* Note 4.

¹¹ *See, supra* Note 2. Research shows that 15% of families of children with disabilities cite cost as the reason the child cannot participate, and 10% cite lack of nearby options (which could be solved by inclusive opportunities at the local school). *See also*, National Center for Education Statistics. (1995, June).

Extracurricular participation and student engagement (Issue Brief). Retrieved from <http://nces.ed.gov/pubs95/web/95741.asp>

¹² Extracurricular activities, and how students could participate, are not even mentioned in OSSE's Transportation Parent Handbook and FAQs.

http://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/Parent%20HandBook_Interactive_03.11.14_10AM.pdf

¹³ U.S. Department of Education, Office for Civil Rights. (2013). *Dear Colleague Letter: Extracurricular athletics*. Retrieved from <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201301-504.html>

¹⁴ *See, supra* Note 13.