



THE SECRETARY OF EDUCATION  
WASHINGTON, DC 20202

August 12, 2010

Honorable Carolyn McCarthy  
Subcommittee on Healthy  
Families and Communities  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congresswoman McCarthy:

Thank you for your letter of June 24, 2010, about the Government Accountability Office (GAO) report entitled "STUDENTS WITH DISABILITIES: More Information and Guidance Could Improve Opportunities in Physical Education and Athletics" (GAO-10-519). The Department of Education agrees with the two recommendations for executive action in the report, and expressed that agreement in our comments to GAO. We believe that the actions we are taking to implement the report's recommendations will benefit students with disabilities seeking improved physical education (PE) and athletic opportunities, the schools they attend, and organizations and individuals active in PE and adapted and inclusive PE and sports.

The following are our responses to the recommendations for executive action in the report:

**Recommendation 1:** *To help states and schools access existing knowledge and resources, we recommend that the Secretary of Education facilitate information sharing among states and schools on ways to provide opportunities in PE and extracurricular athletics to students with disabilities. For instance, Education could provide Web site links to resources or practices used by states, districts, schools, or organizations in PE or extracurricular athletics for students with disabilities. Such information could be posted on its Web site or discussed at conferences or Webinars.*


**Response:** *The Department generally agrees with the recommendation, and agrees that further information sharing on providing opportunities in PE and extracurricular athletics to students with disabilities would be helpful to states, schools, and students. The Department's Office of Special Education and Rehabilitative Services (OSERS), through the Office of Special Education Programs (OSEP) and working in conjunction with other offices in the Department, has begun the process of collecting and categorizing information on this subject. OSEP will consult with general and specialized PE teachers, program administrators at multiple levels, and curriculum developers regarding this. We intend to consult with national experts in the field of PE and adaptive sports, and organizations active in promoting athletic opportunities for students with disabilities. OSEP and OSERS' National Institute on Disability and Rehabilitation Research and Rehabilitation Services Administration provide grant support for training in adaptive PE, research in exercise related to disability, and recreation service projects for individuals with disabilities, respectively, and we will be consulting with grantees in those areas. The Department will disseminate the information as suggested in the recommendation.*

**Recommendation 2:** *To ensure that schools are aware of their responsibilities and that students with disabilities consistently have opportunities to participate in extracurricular athletics equal to those of other students, we recommend that Education clarify and communicate schools' responsibilities under Section 504 of the Rehabilitation Act regarding the provision of extracurricular athletics. For example, Education could provide clarifying guidance to schools through its Web site or at conferences.*

**Response:** *The Department agrees that it is important for schools to be aware of their responsibilities and for students with disabilities to have opportunities to participate in extracurricular athletics equal to those of other students. The Department's Office for Civil Rights (OCR) has begun analysis of the programmatic and legal issues that must be considered in determining the appropriate parameters of additional guidance on Section 504 of the Rehabilitation Act and recipients' obligations to provide students with disabilities equal access to extracurricular athletics. In fiscal year 2011, OCR intends to produce additional guidance on this issue.*

Thank you for your interest in this issue. Please have your staff contact our Office of Legislation and Congressional Affairs at 202-401-0020 if you have additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Arne Duncan". The signature is stylized and cursive.

Arne Duncan