

## **AFTER SCHOOL PROGRAMMING FOR MASSACHUSETTS YOUTH WITH DISABILITIES**

**Prepared by the Mental Health Legal Advisors Committee  
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### **How can a student access out of school time programming?**

School districts are required to provide whatever services are necessary for special education students to access the general curriculum.<sup>1</sup> These services include providing instruction or services outside of regular school hours.<sup>2</sup>

Special education students also have a right to participate in extracurricular activities; such activities should be included in a student's IEP.<sup>3</sup>

In order to access these services, this topic must be discussed at a TEAM meeting, and the necessary service must then be written into your child's IEP.<sup>4</sup>

### **Does a student have a right to access afterschool programming without facing discrimination?**

Under the protections of Section 504 of the Rehabilitation Act and the Americans with Disabilities Act (ADA), children with disabilities should be able to access afterschool or out-of-school-time programming without facing discrimination. Program directors should become familiar with a child's situation and, if applicable, read the child's IEP to better understand his needs. Programs should then make reasonable accommodations to allow the child to participate effectively.

The definition of the term "reasonable" depends on the capacity of the program to accommodate a child, including its budget, size, and potential disruption to the program that the accommodation may cause. Parents and advocates should document all efforts to request reasonable accommodations in writing and cite a child's legal protections under Section 504 and the ADA, particularly if facing difficulty obtaining such modifications for a child.<sup>5</sup>

### **How can one find afterschool programming?**

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<sup>1</sup> 603 CMR 28.05(4)(d).

<sup>2</sup> 603 CMR 28.05(4)(b).

<sup>3</sup> 20 U.S.C. 1412(a)(5); 34 CFR 300.117.

<sup>4</sup> 603 CMR 28.05(4).

<sup>5</sup> Robert K. Crabtree, Esq., Kotin, Crabtree & Strong, LLP, *Section 504: Accommodations & After-School Programs*, <http://www.wrightslaw.com/info/sec504.afterschool.crabtree.htm>.

There are many resources for afterschool programming. For example, the Afterschool Alliance has a guide on finding afterschool programs. Additionally, the Youth Advocacy Department's "Out of School Time" Community Notebook has a list of Boston area programs. Mass Resources is another good source of after school and summer programs.

**Resources:**

[Afterschool Alliance, Find an Afterschool Program,  
http://www.afterschoolalliance.org/myCommunityFind.cfm](http://www.afterschoolalliance.org/myCommunityFind.cfm)

Mass Resources, Resources for Youth,  
[http://www.massresources.org/area\\_assistance.cfm?pageID=26&MainPage='yes'](http://www.massresources.org/area_assistance.cfm?pageID=26&MainPage='yes')  
Youth Advocacy Department, "Out of School Time" Community Notebook,  
<http://www.youthadvocacydepartment.org/outreach/notebook-out-of-school-time.pdf>

**Where can one find home tutoring for a student?**

The Massachusetts Department of Elementary and Secondary Education (DESE) provides a list of supplemental educational services that are available free of charge to students from low-income families who attend underperforming schools. Parents should consult their school district to find out if a child is eligible for these services.

**Resources:**

DESE, Supplemental Educational Services, <http://www.doe.mass.edu/ses/>

DESE, Moving Ahead – Pathways to Success on the MCAS,  
<http://www.doe.mass.edu/as/pathways/> (list of programs and services that provide free assistance with MCAS preparation)

International Dyslexia Association, IDA Provider Directory by state,  
[http://www.interdys.org/ewebeditpro5/upload/ma\\_2014\\_1211.pdf](http://www.interdys.org/ewebeditpro5/upload/ma_2014_1211.pdf)  
(providers, including tutors, for children who have learning disabilities and reading problems)