

Americans with Disabilities Act (ADA)

The ADA requires public facilities and programs to accommodate an individual with a defined disability unless the accommodation will create a fundamental alteration of a program, create an undue administrative burden or is excessively costly. For interscholastic athletics, there are 5 areas in that challenges are typically made. These are:

1. Age (19 year old cutoff)
2. Number of semesters (6 or 8 semesters of eligibility)
3. Medical conditions
4. Transfer to receive the benefits of specialized instruction
5. Academic achievement

The two most common areas of challenge are the age 19 cutoff and number of semesters of eligibility. Special education students are eligible for services through their 21st year. Thus, there may be a request made for eligibility determination by a disabled child who is older than the authorized cutoff age or who is in his 9th semester of eligibility.

Courts have increasingly asked schools to grant eligibility to disabled students or show that a very thorough analysis has been conducted of the special education student's abilities if eligibility is denied. If the accommodation is to be denied, the school needs to show that the student was potentially dangerous by virtue of maturity and mismatches or that he/she created a fundamental alteration of the game or created an unfair advantage because of maturity and strength.