



# ACTIVE POLICY SOLUTIONS

**GOVERNMENT RELATIONS AND  
ADVOCACY FIRM**



[WWW.ACTIVEPOLICYSOLUTIONS.COM](http://WWW.ACTIVEPOLICYSOLUTIONS.COM)

[WWW.FACEBOOK.COM/ACTIVEPOLICYSOLUTIONS](http://WWW.FACEBOOK.COM/ACTIVEPOLICYSOLUTIONS)

[WWW.TWITTER.COM/ACTIVEPOLICY](http://WWW.TWITTER.COM/ACTIVEPOLICY)

# COMPANY OVERVIEW

Active Policy Solutions provides government relations and advocacy support to clients specializing in youth development, education, civil rights, and health & wellness policy.

Our approach to government relations is based on the importance of raising the profile of our clients among federal policymakers, regulators and advocacy organizations. To do this, we leverage our longstanding relationships to organize Capitol Hill Advocacy Days, host congressional educational briefings, arrange site visits to clients' programs from members of Congress, commission key legislation and policy reports, secure funding to support our clients' programs.

We emphasize the importance offering of a collaborative and inclusive approach to advocacy that emphasizes forging and maintaining key relationships to drive mutually beneficial results. We draw on our experience of turning organizational initiatives into coalition and community led movements into successful strategies for our clients.

## CAPABILITIES

Active Policy builds partnerships with our clients, to help them achieve specific goals. We work closely to understand their needs and objectives so that we can best communicate messages and meet desired outcomes. We provide an expertise in:

- **Strategic Planning:** Designing comprehensive strategies to advance policy and funding goals
- **Public Policy & Advocacy:** Providing strategic advice, representation, and advocacy to advance our client's policy and legislative goals
- **Government Grants & Contracts:** Identifying and securing government funding and contract opportunities (federal, state and local) to support our clients' work and generate new business/programmatic opportunities
- **Branding & Communications:** Leveraging government relationships, endorsements and events to generate media attention and increase visibility for clients among key stakeholders and donors/customers
- **Policy Research & Analysis:** Providing up to date information on the development, implementation and impact of public policy on clients work and constituent groups

## PRACTICE AREAS

Active Policy has a proven track record, specific expertise and concentration in the following areas:

- **Youth Development:** with an emphasis on using out of school time interventions, (such as sports) to promote pro-social behaviors for youth
- **Education:** with an emphasis on improving school retention, academic performance, and access for students with disabilities, minorities, and girls
- **Civil Rights:** with an emphasis on advancing social justice outcomes for women, people with disabilities, racial minorities, and the LGBT community
- **Sport & Physical Activity:** with an emphasis on using sport as a platform to combat childhood obesity and advance healthier lifestyles for youth
- **Health & Wellness:** with an emphasis on working with businesses and corporations to advance and incentivize improved health policies and practices in schools, government and the workplace

# PRACTICE AREA CASE STUDY SPOTLIGHT

## YOUTH DEVELOPMENT

### DC CHILDREN AND YOUTH INVESTMENT TRUST CORPORATION



The DC Children and Youth Investment Trust Corporation is the primary resource for developing partnerships that expand and improve services and opportunities for children and youth in DC, especially during their time out of school. The partnerships include public schools, city agencies, and employers, including non-profit providers. The Trust provides grants, technical assistance, youth worker training, capacity building, learning opportunities, and policy support in the District.

Active Policy Solutions was hired in 2013 to be the Trust's leader of government affairs efforts with the federal government and with Washington, D.C. government. Examples of work done by Active Policy Solutions, through our representation of DC Children and Youth Investment Trust Corporation include:

- Provided detailed research, analysis, strategic planning, and advocacy around youth funding issues within Washington, D.C.
- Analyzed and drafted comments on behalf of the Trust on proposed concussion regulations.
- Drafted testimony and secured witness to testify before budget hearings on the Trust for the DC Council.
- Drafted legislation and designed strategy to require all youth workers in DC to become certified and trained through the Trust's education and training programs.
- Identified and provided support to the Trust in its application process for federal grants to support its programs.

## EDUCATION

### AFTER-SCHOOL ALL-STARS



Founded in 1992, their mission is to give children the tools they need to have successful futures by providing comprehensive out-of-school time programs to 87,377 participants at 367 schools. Active Policy Solutions was hired in 2012 to augment their government affairs efforts and help ASAS establish a consistent presence in Washington, D.C. Examples of work done by Active Policy Solutions, through our representation of ASAS include:

- Organized an Advocacy Week for its program Executive Directors, including two congressional briefings, attendee reception, and close to 50 congressional meetings.
- Organized an Advocacy Week for its Middle School Youth Advisory Board, including Capitol Tours, and meeting at the White House Conference Center with Let's Move, and close to 20 congressional meetings.
- Secured the visit of Rep. Lewis to its Atlanta, GA chapter following After-School All-Stars' Capitol Hill day in June 2012.
- Met with 7 Administration Offices including the Corporation of National and Community Service, Department of Education, Department of Health and Human Services, Department of the Interior, the Department of Justice, the Department of Labor, and the Department of the Interior. These meetings helped identify potential funding opportunities, introduce ASAS, and establish the capacity and quality of work that ASAS does to position ASAS for success with future grant applications.
- ASAS South Florida established a relationship with a mentoring program Rep. Wilson (D-FL) created following an introductory meeting arranged by Active Policy Solutions where such collaboration was first discussed.
- ASAS now not only has an established presence within Washington, DC, it has also now been able to expand its services to Washington, DC through partnering with a local school.

## CIVIL RIGHTS

### THE INCLUSIVE FITNESS COALITION



The Inclusive Fitness Coalition (IFC) is a national coalition of over 170 organizations dedicated to addressing the policy, environmental, and societal issues associated with the lack of inclusion and access to physical activity among people with disabilities. Active Policy Solutions is leading the IFC's multi-prong policy agenda that will ensure that individuals with disabilities are provided opportunities to participate in and receive benefits from health and physical activity programs.

IFC engaged Active Policy Solutions to create an advocacy political strategy to develop new policies to improve access to school based opportunities for kids with disabilities. Through our work with the IFC, Active Policy Solutions has:

- Secured a Dear Colleague Letter from The Office for Civil Rights (OCR) in January, 2013 clarifying schools' obligations under the Rehabilitation Act of 1973 to provide extracurricular athletics opportunities for students with disabilities. This letter comes after ten years of relentless advocacy to level the playing field for students with disabilities in school based athletic program. The guidance is a **landmark moment for individuals with disabilities**, as it sends a loud message to all educational institutions that students with disabilities must be provided opportunities for physical activity and sports equal to those afforded to students without disabilities.
- Passed the Fitness and Athletic Equity Act for Students with Disabilities in Maryland in 2008, groundbreaking legislation that for the first time clarifies the obligation of schools to provide sports and physical activity opportunities for students with disabilities.
- United over 100 organizations from the civil rights, sports, health and fitness, and education communities into a Coalition for Student Athletes with Disabilities.
- Facilitated the commissioning of a Government Accountability Office study in 2008 to examine the state of physical education and athletic opportunities for students with disabilities in secondary and postsecondary educational institutions. The findings of this study, released in June, 2010, confirmed the need for continued action and advocacy on behalf of students with disabilities.
- Secured the commitment of the Department of Education to provide resources to assist state and schools in serving students with disabilities in physical activity and sport settings and to produce guidance to clarifying schools' responsibilities under Section 504 of the Rehabilitation Act of 1973 to provide athletic opportunities for students with disabilities.

## SPORT & PHYSICAL ACTIVITY

### NATIONAL COUNCIL OF YOUTH SPORTS (NCYS)



The National Council of Youth Sports (NCYS) comprises the who's who in the youth sports industry. Founded in 1979, the National Council of Youth Sports (NCYS) membership represents more than 200 organizations/corporations serving 60,000,000 registered participants in organized youth sports programs. NCYS is the largest known organization in America representing the youth sports industry. Active Policy Solutions was hired January 2013 to provide government affairs and advocacy support to NCYS's Executive Director.

Examples of work done by Active Policy Solutions, through our representation of NCYS include:

- Organized a briefing of a youth sports legislative agenda created by Active Policy Solutions for NCYS to address Fitness, Access, Nutrition, and Safety (F.A.N.S). U.S. Congressman Mike McIntyre, Chairman and Founder of the Congressional Youth Sports Caucus, joined young athletes, coaches, parents, volunteers, and the youth sports community at an event to highlight the challenges facing and positive contributions of youth sports.
- Secured the participation of Representative Fattah (D-PA) in their annual S.T.R.I.V.E. award presentation.
- Obtained the listing of NCYS in the bill language of the America's FOCUS Act introduced by Rep. Fattah.
- Provided input on major concussion related legislation and was able to influence the language in the introduced bill.
- Arranged for and staffed a congressional briefing for National Youth Sports Week where Representatives McIntyre and Jordan spoke and were recognized and included two physical activity stations where members of Congress and their staff had the opportunity to participate in youth sports activities.
- Organized a briefing on the State of Youth Sports- sponsored by the Congressional Youth Sports Caucus.
- Organized a briefing on Youth Sports Safety – held with Representative Tim Bishop.
- Provided in-depth analysis of several issues of interest including sequestration, concussion legislation, and on the House passed bill requiring background checks of school personnel.

## HEALTH & WELLNESS

### ACTION FOR HEALTHY KIDS (AFHK)



Action for Healthy Kids fights childhood obesity, undernourishment and physical inactivity by helping schools become healthier places so kids can live healthier lives. They partner with a legion of dedicated volunteers -- teachers, students, moms, dads, school wellness experts and more -- from within the ranks of their 70,000+ network to create healthful school changes. Action for Healthy Kids has engaged Active Policy Solutions to help them create and influence policies that work to promote health and wellness and school nutrition issues.

Examples of work done by Active Policy Solutions, through our representation of AFHK include:

- Analyzed statutory and regulatory requirements as they relate to school wellness policy.
- Provided formal comments to proposed school wellness guidelines to federal register.
- Brokered meetings with CDC and U.S. Department of Agriculture to position AFHK to help implement new nutrition and wellness mandates as a government funded partner.
- Promoted AFHK's Every Kid Healthy Week by getting recognition and promotion of the week by the White House's Let's Move! Office and the Partnership for a Healthier America and by securing and drafting a statement by Rep. Danny Davis.
- Arranged for a meeting with the Director of the Corporation for National and Community Service's Social Innovation Fund in advance of the release of a notice of funding for the fund and was able to introduce AFHK, discuss its program goals, and position AFHK for a success application for funding.

# OTHER WORK EXAMPLES

## FUNDING & ADVOCACY HIGHLIGHTS

Active Policy Solutions works to advance the legislative and advocacy goals of its clients and has experience obtaining results. Some key examples of our success include:

- Active Policy Solutions worked with Varsity Brands to broker a **commitment [to the childhood obesity fight with Partnership for a Healthier America](#)**. This initiative will allocate more than a half a million dollars to increase nutrition and physical activity programming to the 400,000 young people and 26,000 coaches, mentors and advisors that are part of its network of camps and competitions.
- Active Policy Solutions was instrumental in **securing a federal grant** of a quarter million dollars for a nonprofit organization serving youth through sports.
- Active Policy Solutions, on behalf of the National Interscholastic Athletic Administrators Association (NIAAA) secured changes in major concussion legislation to better reflect NIAAA interests and recommendations.
- Active Policy Solutions worked with national disability rights organizations, to **secure new guidance from the Department of Education** that clarified school's (kindergarten through college) obligations to provide sports and physical activity opportunities for students with disabilities.
- Connected the NIAAA with the U.S. Department of State, Bureau of Educational and Cultural Affairs (ECA), SportsUnited: International Sports Programming Initiative (ISPI) to identify a federal grant NIAAA applied for to support expanded NIAAA efforts abroad.
- On behalf of Up2Us, Active Policy Solutions **secured a Government Accountability Office [study](#)** to examine the state of physical education and athletic opportunities for students in secondary and post-secondary educational institutions.
- Arranged and facilitated a [webinar](#) with an Assistant Secretary from the Department of Education to discuss and answer questions from athletic administrators from around the country on the issues of student with disabilities and Title IX.
- Active Policy Solutions, on behalf of the DC Athletic Trainers Association Negotiated several major legislative changes to an omnibus Washington, D.C. health regulation bill that had been signed into law prior to our representation that had potentially severe consequences for athletic trainers if unchanged.

## COMMUNICATION & BRANDING HIGHLIGHTS

Recognition by members of Congress is a great way for clients to call attention to their work or projects and build visibility. To do this, Active Policy Solutions has worked to secure statements of support from members of Congress, orchestrate visits from Members to local programs, and develop congressional caucuses to provide a platform to honor their work. For example, we have:

- For Engineering for Kids, **secured the attendance of Congressman Rob Wittman (VA-01)** at the Grand Opening of the Engineering for Kids STEM Discovery Center
- For the USTA, **created the [Congressional Tennis Caucus](#)** to provide a forum in Congress to discuss the critical role that tennis can play in advancing healthy lifestyles, improving educational outcomes and supporting our military.
- On behalf of Varsity Brands, **[secured a statement](#) from Rep. Marcia Fudge** on Varsity Brands' Cheer for a Healthier America program during her remarks on Childhood Obesity Awareness Month on the House floor.
- On behalf of USA Cheer, **secured a [statement](#) from the Chair of the Youth Sports Caucus** about the creation of the new sport, STUNT on the house floor.
- **Secured the presentation by Sen. Al Franken** to Jefferson High School after it received a National Interscholastic Athletic Administrators Association **[exemplary program award](#)**.
- **Secured the visit** of Rep. Lewis to the Afterschool All-Stars school program in Atlanta, GA chapter following a successful meeting in DC during the After-School All-Stars' National Capitol Hill day in June 2012.
- Obtained, for USTA, a **[video](#) from Sen. Klobuchar** congratulating one of its National Junior Tennis and Learning (NJTL) program on its anniversary.

**Capitol Hill Advocacy Days** are another communications and branding strategy designed to give our clients an opportunity to take their message directly to Congress. Active Policy Solutions orchestrates these days, including training constituents on how to advocate, arranging meetings with members of Congress, organizing the days and schedule, and coordinating follow-up from legislative meetings. Some examples include:

- **Up2Us-** a coalition of youth development organizations
  - Organized a Washington, DC Advocacy Day for a coalition of 500 youth development organizations, including two congressional briefings, a roundtable discussion with agency officials, and advocacy visits to members of Congress.
- **United States Tennis Association (USTA)-** the national governing body for tennis
  - Oversaw the execution of two annual USTA Advocacy Weeks, which included two White House Roundtables with senior Administration staff, events at the National Press Club featuring Billie Jean King

and Chris Evert, a Pentagon visit and tour, two Capitol Hill receptions, two congressional briefings, and over 200 congressional visits, including over 50 personal meetings with Members of Congress.

- **Inclusive Fitness Coalition**—a national coalition of over 200 organizations dedicated to advancing physical activity and sports for people with disabilities
  - Organized a Capitol Hill Day that featured a congressional briefing and meetings with key congressional caucuses championing physical activity and the rights of people with disabilities.

**Briefings and demonstrations** provide a great forum to educate policymakers about key issues and bring awareness to the work of our clients. Active Policy Solutions has extensive experience in organizing briefings and demonstrations, such as:

- **Briefing on Youth Sports Legislative Agenda to Address Fitness, Access, Nutrition, and Safety (F.A.N.S)**  
U.S. Congressman Mike McIntyre, Chairman and Founder of the Congressional Youth Sports Caucus, joined young athletes, coaches, parents, volunteers, and the youth sports community at an event to highlight the challenges facing and positive contributions of youth sports.
- **Employee Wellness**- sponsored by the Wellness Caucus and Congressional Fitness Caucus, this briefing discussed how employee wellness programs can be part of the solution to address our nation's obesity epidemic. Active Network was featured in this briefing.
- **Childhood Obesity Demonstration**-in support of Childhood Obesity Awareness month, this demonstration featured the participation of four Members of Congress, five Congressional Member Organization (i.e. caucuses), ten organizations including physical activity stations (a tennis court and cheerleader demonstration), and the viewing of a nationally broadcast video to get school children moving.
- **Youth Sports Safety Briefing** held with Rep. Mike McIntyre, Chairman of the Congressional Caucus on Youth Sports, the Congressional Fitness Caucus, and the Congressional Childhood Obesity Task Force. This briefing discussed how injury prevention programs can be better integrated in sports and physical activity programs to develop safer and more effective interventions for maintaining regular exercise and a proper diet, to help address sedentary lifestyles and the health crisis facing our nation.
- **Signing of the Brighton Declaration on Women and Sports** – by the USA Deaf Sports Federation. Active Policy Solutions arranged for Rep. Langevin support this major event attended by members of the deaf athletic community, their friends, families, and supporters.

# LEADERSHIP TEAM BIOGRAPHIES

## TERRI LAKOWSKI, CEO



Terri Lakowski is the CEO of Active Policy Solutions and an expert on youth sports policy in the United States. In her role at Active Policy Solutions, Terri has created and implemented strategic policy planning, lobbying, coalition building and education and outreach to renown organizations working on issues relating to sport, youth development, health and fitness, Title IX and gender equity, and civil rights.

Terri has worked with her clients to educate the government about the important role that sports plays in youth development, such as helping kids to lead healthier lifestyles, improve access to sports for underserved populations like girls and students with disabilities, and using sports as a platform to advance educational outcomes for youth. She was instrumental in [orchestrating a Youth Sports Demo](#) for the National Council of Youth Sports (NCYS), as well as hosting a number of other briefings including a [Youth Sports Safety briefing](#) and assisted in formulating the recently introduced [Youth Sports Concussion Act](#). She also secured [a GAO study on youth sports](#) to highlight the linkage between physical activity participation and increased rates of academic and personal success later in life.

By conducting both a national and state level campaign, Terri orchestrated passage of a new directive from the Department of Education in January of 2013 and the Fitness and Athletic Equity Act for Students with Disabilities in Maryland, groundbreaking legislation and guidance that for the first time clarified the obligation of schools to provide sports and physical activity opportunities for students with disabilities. Terri has been featured for her leadership on this guidance in national outlets, including the [New York Times](#) and [NPR's On Point](#). Terri has been featured as an industry leader in assisting schools and athletes understand regulations surrounding physical activity for individuals with disabilities. She recently hosted a [webinar](#) with the Office for Civil Rights and the National Interscholastic Athletic Administrators Association (NIAAA), providing resources to athletic directors across the country on making their sports programs accessible to individuals with disabilities.

Prior to starting Active Policy Solutions, Terri served as the Public Policy Director for the Women's Sports Foundation, where she was responsible for the operation of the Foundation's Public Policy Department, which provides education and advocacy to combat discrimination in sport. In this capacity she oversaw the execution of all of the Foundation's advocacy and public policy projects, participated in press conferences and Congressional lobbying activities to advocate on behalf of Title IX and other gender discrimination laws, and developed state and local education and advocacy initiatives to improve athletic opportunities for girls and individuals with disabilities in both school and community recreational athletic programs.

Before working at the Foundation, Terri developed and spearheaded a Title IX education and advocacy program at the American Civil Liberties Union of Eastern Missouri (ACLU-EM). As part of this effort, she worked with administrators from school districts in Missouri to improve their compliance with Title IX and performed educational workshops for more than 1,000 individuals, including administrators, students, parents, teachers and coaches.

Terri earned her Juris Doctorate from American University-Washington College of Law, where she graduated Summa Cum Laude. Terri received her bachelor's degree from Washington University in St. Louis where, she graduated Summa Cum Laude with a degree in Social Thought and Analysis with a concentration in Women's Studies. While at Washington University, Terri wrote an honors thesis "Title IX & High School Athletics: An Introspective Look Into Compliance Practices" and participated on the women's varsity basketball team for three years. Terri has taught as an Adjunct Professor in the School of Continuing Studies: Sport Management Program at Georgetown University, Diversity & Social Responsibility in Sport and in the Department of Exercise Science at George Washington where she taught Sports Law.

Terri is on the Board of the American Association of Adapted Sports Programs, which works in partnership with educational agencies in the U.S. to establish programs, policies and regulations in interscholastic adapted sports for students with physical disabilities to enhance educational outcomes and Baseball for All, an organization dedicated to helping girls and women play baseball. Terri also coaches a fourth grade AAU girls' basketball team and serves as a mentor with Capitol Partners for Education, a nonprofit that works with DC youth to support their transition from high school to college.

## JASON MARMON, COO



Prior to joining Active Policy Solutions, Jason served as a policy analyst for the National Brownfields Coalition where he developed strategies to engage Members of Congress and state and local organizations; analyzed current and future policy; and assisted in outreach and messaging to build local grassroots support for federal brownfields programs.

Before joining the Coalition, Jason was a senior aid to Congressman Joe Sestak (PA-7), working on two congressional campaigns, a senate campaign, as well as in the Congressman's district and Washington offices. Among his many responsibilities were developing and overseeing district grant support and earmark efforts; managing various issue portfolios, including appropriations, environment, transportation, and childhood nutrition; advocating Congressman's position on proposed legislation and policy to other elected officials and government organizations; and drafting over a dozen pieces of legislation and amendments.

In 2010, Jason was recognized as one of the "Top 10 Most Effective Legislative and Campaign Staffers" by a prominent Pennsylvania newspaper. Jason earned his Juris Doctorate from Widener University School of law, where he graduated with honors. Jason received his bachelor's degree from Drexel University with a degree in Environmental Science, and his master's degree from George Washington University's Graduate School of Political Management.

# ACTIVE POLICY SOLUTIONS IN THE NEWS

## The New York Times

*For nearly ten years Terri Lakowski and her team at Active Policy Solutions have been at the forefront of efforts to unite the Disability in Sport stakeholders in a broader movement to collectively advance the rights of individuals with disabilities in school-based sport and physical activity programs. We've worked at the forefront of efforts alongside the Inclusive Fitness Coalition (IFC) to unite the disability in sport stakeholders in a broader advocacy movement to collectively advance the rights of individuals with disabilities in school-based sport and physical activity programs.*

### **Education Dept. Orders Sports Access for Disabled**

By MARY PILON Published: January 25, 2013

The Education Department's Office for Civil Rights clarified legal obligations Friday for school districts in providing access to sports for students with disabilities.

The guidance concerns Section 504 of the Rehabilitation Act of 1973, a law that deals with the rights of disabled people who participate in activities that receive federal dollars.

A school district "is required to provide a qualified student with a disability an opportunity to benefit from the school district's program equal to that of students without disabilities," according to the Education Department.

Advocates for disabled athletes, some of whom have pressed legal claims against state athletic associations in recent years, praised the clarification of rules and said that as a result, participation for disabled athletes could rise.

"This is a landmark moment for students with disabilities," Terri Lakowski, chief executive of Active Policy Solutions, a Washington-based advocacy group, said. "It will do for kids with disabilities what Title IX did for women. This level of clarity has been missing for years."

At least 12 states have passed laws in recent years requiring schools to include disabled students in sports and other extracurricular programs, and the Education Department's guidance is considered a complement to those laws.

"Taking them together with the state laws means more opportunities for disabled athletes," Lakowski said. According to the department, a district's legal obligation to comply "supersedes any rule of any association, organization, club or league that would render a student ineligible to participate, or limit the eligibility of a student to participate" based on disability.

A 2010 report from the Government Accountability Office found that students with disabilities participated in athletics at consistently lower rates than students without disabilities. Administrators at districts surveyed by the office said they "lacked information and clarity regarding their responsibilities to provide opportunities" under the law.

No student with a disability is guaranteed a spot on an athletic team for which other students must try out, according to the Education Department. But districts must "afford qualified students with disabilities an equal opportunity for participation in extracurricular athletics in an integrated manner to the maximum extent appropriate to the needs of the student."

# Roll Call



*APS organized and executed a two annual week-long series of advocacy activities to highlight USTA's success in addressing youth development issues. USTA Advocacy Week 2013 included a speech by tennis great Chris Evert at The National Press Club, media outreach, Capitol Hill briefings, a White House Roundtable meeting, as well as a full court tennis demo using their new 10andUnder format for Members and their staff on Capitol Hill.*



Rep. Mike McIntyre makes a volley shot at makeshift tennis court in the Rayburn House Office Building, which was there to demonstrate equipment used for the USTA's Ten and Under Tennis program. The setup includes a smaller court and softer tennis balls which will help to encourage kids to stay with the sport. Avi Parida of the USTA also appears.

*Active Policy Solutions worked with Sen. Tom Harkin (D-IA) and Reps. Chris Van Hollen (D-MD), Carolyn McCarthy (D-NY) and George Miller (D-CA) to commission a Government Accountability Office (GAO) study in 2008 to examine the state of physical education and athletic opportunities for students with disabilities in secondary and post-secondary educational institutions. The findings of this study, released in June, 2010, confirmed the need for continued action and advocacy on behalf of students with disabilities and called on the Department of Education to issue further guidance under the Rehabilitation Act clarifying schools' obligations to provide sports and physical activity opportunities for students with disabilities. Following the study, the Department of Education committed to both providing resources to schools to help them serve students with disabilities in sports and physical activity settings as well as providing further clarification to their responsibilities.*

### **Schools Must Provide Sports for the Disabled, US Says**

*By Phillip Elliott – Jan. 25*

WASHINGTON (AP) — Students with disabilities must be given a fair shot to play on a traditional sports team or have their own leagues, the Education Department says.

Disabled students who want to play for their school could join traditional teams if officials can make "reasonable modifications" to accommodate them. If those adjustments would fundamentally alter a sport or give the student an advantage, the department is directing the school to create parallel athletic programs that have comparable standing to traditional programs.

"Sports can provide invaluable lessons in discipline, selflessness, passion and courage, and this guidance will help schools ensure that students with disabilities have an equal opportunity to benefit from the life lessons they can learn on the playing field or on the court," Education Secretary Arne Duncan said in a statement announcing the new guidance Friday.

The groundbreaking order is reminiscent of the Title IX expansion of athletic opportunities for girls and women four decades ago and could bring sweeping changes to school budgets and locker rooms for years to come.

Activists cheered the changes.

"This is a landmark moment for students with disabilities. This will do for students with disabilities what Title IX did for women," said Terri Lakowski, who for a decade led a coalition pushing for the changes. "This is a huge victory."

It's not clear whether the new guidelines will spark a sudden uptick in sports participation. There was a big increase in female participation in sports after Title IX guidance instructed schools to treat female athletics on par with male teams. That led many schools to cut some men's teams, arguing that it was necessary to be able to pay for women's teams.

Education Department officials emphasized they did not intend to change sports traditions dramatically or guarantee students with disabilities a spot on competitive teams. Instead, they insisted schools may not exclude students based on their disabilities if they can keep up with their classmates.

Federal laws, including the 1973 Rehabilitation Act and the Individuals With Disabilities Education Act, require states to provide a free public education to all students and prohibit schools that receive federal money from discriminating against students with disabilities. Going further, the new directive from the Education Department's civil rights division explicitly tells schools and colleges that access to interscholastic, intramural and intercollegiate athletics is a right.

The department suggests minor accommodations to incorporate students with disabilities onto sports teams. For instance, track and field officials could use a visual cue for a deaf runner to begin a race.

Some states already offer such programs. Maryland, for instance, passed a law in 2008 that required schools to create equal opportunities for students with disabilities to participate in physical education programs and play on traditional athletic teams. And Minnesota awards state titles for disabled student athletes in six sports.

Increasingly, those with disabilities are finding spots on their schools' teams.

"I heard about some of the other people who joined their track teams in other states. I wanted to try to do that," said Casey Followay, 15, of Wooster, Ohio, who competes on his high school track team in a racing wheelchair.

Current rules require Followay to race on his own, without competitors running alongside him. He said he hopes the Education Department guidance will change that and he can compete against runners.

"It's going to give me the chance to compete against kids at my level," he said.

Some cautioned that progress would come in fits and starts initially.

"Is it easy? No," said Brad Hedrick, director of disability services at the University of Illinois at Urbana-Champaign and himself a hall-of-famer in the National Wheelchair Basketball Association. "In most places, you're beginning from an inertial moment. But it is feasible and possible that a meaningful and viable programming can be created."



*Active Policy Solutions organized a comprehensive Youth Sports Safety Congressional Briefing in April of 2013 with Rep. Tim Bishop (D-NY). The briefing consisted of steps the youth sports industry is taking to proactively ensure the safe participation in sports and physical activity opportunities. The discussion included injury prevention programs and how they can be better integrated in sports and physical activity programs to develop safer and more effective interventions for maintaining regular exercise and a proper diet.*

### **Rep. Bishop, Youth Sports Safety Advocates Highlight Concussion Management Procedures and Legislation**

*April 26, 2013*

Rep. Tim Bishop (D-NY), the senior Democrat on the Subcommittee on Higher Education and the Workforce, met with youth sports safety advocates on Capitol Hill Wednesday in a public briefing to discuss issues involving safety in student athletics. Among the industry leaders who were present were representatives from the National Council for Youth Sports, the National Interscholastic Athletic Administration Association, and the National Federation of State High School Associations. The forum highlighted the issue of risk management within school athletics and discussed key issues like youth concussions.

“For those who participate in competitive sports, concussions are an unfortunate reality. In order to keep sports safe and fun for our students, we need to raise awareness of this common injury and provide guidance to coaches, teachers and parents on how to identify the symptoms of a concussion and recognize when it is safe for student athletes to get back on the field,” said Rep. Bishop. “Their health over the long run is too important not to take this reasonable action.” There has been a 15.5 percent increase in the rate of concussions over the last decade, according to MedStar Health Research Institute in Baltimore. In addition, they report that almost 10 percent of the athletes who suffer a concussion suffer multiple concussions. Between 1.6 million and 3.8 million U.S. athletes sustain a concussion each year, “many of whom do not obtain immediate medical attention,” based on a review of scientific literature from 1955 to 2012 examined by the American Academy of Neurology .

Rep. Bishop thanked the industry representatives for their work on the issue of youth concussions, but reiterated the need for federal action in this area. “I believe there is a federal role in this issue and I will be reintroducing Protecting Student Athletes from Concussions Act in the new congress.”

The Congressman’s legislation is much needed. Over the last several years 43 states and the District of Columbia have implemented return to play laws informing and protecting youth athletes from concussions. However, in many states these laws are vastly inadequate and almost none of the laws address the issue of the student’s return to the classroom. The cognitive nature of a concussion injury makes it particularly dangerous. Not only are concussions hard to detect and diagnose they are very difficult to track. Student athletes who return to play and return to school too soon risk prolonging their injury and make themselves susceptible to a repeat injury. This is why it is so important to work with teachers and school personnel as well as coaches and athletic directors to establish appropriate modifications for student athletes to manage their recovery. The focus of Protecting Student Athletes from Concussions Act is creating protocols that will facilitate a student’s ‘return to learn’ in addition to addressing their ‘return to play’.

---

# TIME

---

*On January 24, 2013 the Office for Civil Rights issued a Dear Colleague Letter clarifying the obligation of schools under the Rehabilitation Act of 1973 to provide extracurricular athletic opportunities for students with disabilities. The guidance letter creates a clear roadmap for how schools can integrate students with disabilities into mainstream athletic programs---and create adapted programs for students with disabilities.*

*The guidance is a landmark moment for individuals with disabilities, as it sends a loud message to educational institutions that students with disabilities must be provided opportunities for physical activity and sports equal to those afforded to students without disabilities.*

## **For Disabled Athletes, a Right to Compete in School?**

*By Sean Gregory Jan. 28, 2013*

Gisele Zavala, an eighth-grader from Snellville, Ga., says that wheelchair sports changed her life. Zavala has spina bifida, a neural tube defect; the mean kids at school called her a cripple. Before she started playing wheelchair basketball, football and team handball five years ago, for teams representing the Gwinnett County School District, Zavala spent her days feeling sorry for herself. "It was hard to talk to anybody without feeling judged," she says. But after mixing it up on the court and bonding with teammates with similar challenges, that trying time is behind her. "I started to open up and put a smile on my face," Zavala says. "I'm not that shy little girl anymore. I'm more outgoing, more ambitious."

On Jan. 25, the Obama Administration sent a clear message: it wants more Gisele Davalas in the game. The Department of Education issued a "Dear Colleague" letter outlining the athletic opportunities that schools must provide disabled students. Schools, the letter says, must "afford qualified students with disabilities an equal opportunity for participation." A 2010 report from the General Accountability Office, which showed that disabled students participated in athletics at significantly lower rates than able-bodied students, sparked this federal guidance to schools. Disability advocates are cheering. "This will do for students with disabilities," says Terri Lakowski, chief executive of Active Policy Solutions, a Washington-based advocacy group, "what Title IX did for women and girls."

This federal directive is far less sweeping than Title IX, a landmark law that essentially required schools to start girls sports teams from scratch and create equal athletic opportunities for both girls and boys. The government is not mandating that schools start wheelchair basketball teams or saying that if a student with a physical impairment tries out for a baseball team, that student must make the team — even if other able-bodied athletes are more qualified. "School districts may continue to select the best players as they define it,"

says Seth Galanter, acting assistant secretary for civil rights at the Department of Education, “as long as they aren’t excluding kids because of their disability.”

The government is requiring, however, that schools provide “reasonable modifications” to ensure equal athletic access for disabled students. In other words, schools need to use common sense. The letter offers some specific examples: if a high school track athlete is deaf, for instance, he shouldn’t be prohibited from running just because he can’t hear the starting gun. A district can provide him with a visual cue — a starter can, say, raise his hand for the deaf student. Such a modification doesn’t give the student any competitive advantage, it just levels the playing field.

Say a student born with one hand wants to join a swim team, but a rule requires that swimmers touch the wall with both hands at the finish. What should schools do? Figure it out, says the office of civil rights. Since “a one-hand touch does not alter an essential aspect of the activity,” the government writes, you can’t leave that swimmer at the side of the pool. One suggestion: call it a finish if she touches the wall with one hand, while her other arm is simultaneously stretched forward.

In some sports, disabled students can’t be incorporated into existing programs. If wheelchair athletes competed against able-bodied athletes in basketball, for example, the fundamental nature of the game would be altered. Plus, such a game might not be safe, for any of the athletes. In cases like these, the Department of Education says that “a school district should offer students with disabilities opportunities for athletic activities that are separate or different from those offered to students without disabilities.”

Most schools probably won’t have enough disabled students to field an individual team. So the government recommends district-wide teams, like the one in Gwinnett County, where Gisele Zavala competes. Georgia is a model. The state’s high school athletic association has partnered with a nonprofit, the American Association of Adapted Sports Programs, that has helped 24 school districts start wheelchair basketball, football, handball and track teams that compete against each other throughout the state. In an era of tight school budgets, additional sports teams may not be a priority. But district programs reduce the economic burden on any individual school.

Dear Colleague letters, like this one issued by the Department of Education, aren’t new laws. But they do have teeth. In 2011, for example, the Office for Civil Rights clarified how schools and colleges needed to respond to allegations of sexual assault on campus. Most schools are now investigating claims with more vigilance. Similarly, the letter on sports and disability also puts schools on notice. “This is really important guidance,” says Barry Taylor, a civil rights attorney at Equip for Equality, a disability advocacy organization based in Chicago. “It brings the issue to a place it wasn’t at before. It goes to the knee-jerk reaction that people have to people with disabilities. That automatic exclusion — it can’t happen anymore.”

## VIDEO AND AUDIO



Terri Lakowski on NPR's "On Point"

[Click here for Audio](#)