

**HOUSE . . . . . No. 404**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Kevin G. Honan***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act concerning athletic activities of students with disabilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>
<i>Michael J. Rodrigues</i>	<i>First Bristol and Plymouth</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>Anthony W. Petruccelli</i>	<i>First Suffolk and Middlesex</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>
<i>Thomas M. McGee</i>	<i>Third Essex</i>
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Thomas P. Kennedy</i>	<i>Second Plymouth and Bristol</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>
<i>Robert L. Hedlund</i>	<i>Plymouth and Norfolk</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>

*Paul Brodeur*

*32nd Middlesex*

**HOUSE . . . . . No. 404**

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By Mr. Honan of Boston, a petition (accompanied by bill, House, No. 404) of Kevin G. Honan and others for legislation to ensure that students with disabilities have an opportunity to participate in physical education. Education.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**  
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An Act concerning athletic activities of students with disabilities.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 71 of the General Laws as appearing in the 2014 official edition is  
2 hereby amended by inserting after section 94 the following new section: —

3 “Section 95: (a) As used in this section the following words shall, unless the context  
4 clearly requires otherwise, have the following meanings: —

5 “Adapted program” means a program that is developed for a student with a disability.

6 “Mainstream athletic program” means intramural or interscholastic athletic activity that is  
7 developed and offered to students in the school district.

8 “Mainstream physical education program” means the physical education program of the  
9 school district.

10 “Student with a disability” means a student who meets the definition of a “handicapped  
11 person” as defined in 45 C.F.R. §84.3 (j).

12           “Unified sports or inclusive program” means a program that is specifically designed to  
13 combine groups of students with and without disabilities.

14           (b) Each school district shall, subject to the provisions of subsection (c) of this section:

15           (1) ensure that students with disabilities have an equal opportunity to: participate in  
16 mainstream physical education programs; and try out for and, if selected, participate in  
17 mainstream athletic programs;

18           (2) ensure the provision of reasonable modifications or aids or services necessary to  
19 provide students with disabilities an equal opportunity to participate, to the fullest extent  
20 possible, in mainstream physical education and mainstream athletic programs; and

21           (3) ensure that adapted programs or unified sports or inclusive programs for physical  
22 education and athletics are available.

23           (c) An exception to the requirements under subsection a. of this section may be made  
24 when the inclusion of a student with a disability:

25           (1) presents an objective safety risk to the student or to others, based on an individualized  
26 assessment of the student; or

27           (2) fundamentally alters the nature of the mainstream physical education or mainstream  
28 athletic program.

29           (d) A school district, in consultation with students, parents, community members, and  
30 advocacy groups, shall offer unified sports or inclusive programs either during or after school  
31 hours through one or more of the following:

- 32 (1) within existing physical education class activities;
- 33 (2) within existing classroom activities that involve physical activity;
- 34 (3) as part of school intramural sports opportunities;
- 35 (4) as part of school district-sponsored club sport or athletic programs; or
- 36 (5) on the interscholastic level.

37 (e) Massachusetts Interscholastic Athletic Association, in consultation with Special  
38 Olympics Massachusetts and any other adapted sports organizations, may establish  
39 interscholastic athletic programs for student-athletes with intellectual or developmental  
40 disabilities who are participating in a unified sports or inclusive program of athletics developed  
41 by a school district. The Massachusetts Interscholastic Athletic Association may require any  
42 coach of a unified sports or inclusive program of athletics to receive training specific to that  
43 program.

44 SECTION 2. This act shall take effect upon its passage.