

HOUSE No. 4145

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 6, 2016.

The committee on Education to whom was referred the 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, reports recommending that the accompanying bill (House, No. 4145) ought to pass.

For the committee,

ALICE HANLON PEISCH.

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**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

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,
2 is hereby amended by inserting after section 96 the following new section: —

3 Section 97. (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 (b) 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) Massachusetts Interscholastic Athletic Association, in consultation with Special
30 Olympics Massachusetts and any other adapted sports organizations, may establish
31 interscholastic athletic programs for student-athletes with intellectual or developmental
32 disabilities who are participating in a unified sports or inclusive program of athletics developed

33 by a school district. The Massachusetts Interscholastic Athletic Association may require any
34 coach of a unified sports or inclusive program of athletics to receive training specific to that
35 program.

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