

SENATE No. 86

The Commonwealth of Massachusetts

PRESENTED BY:

Nick Collins

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 relative to athletic activities of students with disabilities.

PETITION OF:

NAME:

Nick Collins

DISTRICT/ADDRESS:

First Suffolk

SENATE No. 86

By Mr. Collins, a petition (accompanied by bill, Senate, No. 86) of Nick Collins for legislation relative to athletic activities of students with disabilities. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act relative to 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).

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

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

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

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

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

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

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

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

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

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

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

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