

**Department of Legislative Services**  
 Maryland General Assembly  
 2008 Session

**FISCAL AND POLICY NOTE**  
**Revised**

Senate Bill 849 (Senator Rosapepe)

Education, Health, and Environmental Affairs

Ways and Means

**Fitness and Athletics Equity for Students with Disabilities Act**

This bill requires the Maryland State Department of Education and local boards of education to ensure that students with disabilities have equal opportunities to participate in mainstream physical education and athletic programs in public schools. Local boards of education must develop policies and procedures to promote and protect the inclusion of students with disabilities in mainstream physical education and athletic programs, and the State Board of Education must adopt a model policy to assist local boards with the implementation of the bill. MSDE must monitor local boards' compliance and provide technical assistance to local boards.

The bill takes effect July 1, 2008. Local boards of education must be in compliance with the bill's requirements as expeditiously as possible but no later than three years from the effective date.

**Fiscal Summary**

**State Effect:** General fund expenditures would increase by an estimated \$104,800 in FY 2009 for additional MSDE staff to track school systems' compliance with the bill and provide technical assistance to local school systems. Future year expenditure estimates reflect annualization, salary increases, and inflation. Revenues would not be affected.

(in dollars)	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	104,800	131,200	137,600	144,500	151,600
Net Effect	(\$104,800)	(\$131,200)	(\$137,600)	(\$144,500)	(\$151,600)

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect*

**Local Effect:** Local school systems could ensure physical education and athletic opportunities for students with disabilities with existing resources.

**Small Business Effect:** None.

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## Analysis

**Bill Summary:** Each local school system must ensure that students with disabilities have an equal opportunity to participate in mainstream physical education programs and to try out for and, if selected, participate in mainstream athletic programs. MSDE may investigate and take corrective action in response to complaints from parents, guardians, and legal representatives of students with disabilities.

Each local board of education must report annually on its plans to engage students with disabilities in physical education and athletics programs and on the participation of students with disabilities in these programs. MSDE must compile the reports and submit an annual report by May 1 to the General Assembly on local boards' compliance with the bill.

**Current Law:** Each public school must have a program of physical education that is given in a planned and sequential manner. The State and each local school system must make a free appropriate public education available to each child with a disability from birth through the end of the school year when the child turns 21 years of age. Federal and State regulations require physical education services, specifically designed as necessary, to be provided to disabled and nondisabled students.

**Background:** In fiscal 2006, the most recent year for which actual data are available, local school systems spent \$1.4 billion in support of special education programs. Approximately \$180 million of this funding was provided by the federal government through the Individuals with Disabilities Education Act (IDEA). The fall 2007 enrollment count tallied nearly 104,000 special education students in Maryland public school systems, and the proposed fiscal 2009 State budget includes \$406.7 million in State general funds and \$192.8 million in federal funds for children and students with disabilities.

Comparing data from separate administrations of the National Health and Nutrition Examination Survey over a span of approximately 25 years reveals that the percentage of children who are overweight tripled from a 1976-1980 administration of the survey to a 2003-2004 survey administration. Although data on students with disabilities were not immediately available, the pattern of increases is relatively consistent across age groups, genders, and racial backgrounds. The Centers for Disease Control and Prevention reports

that the percentage of adolescents participating in daily physical education in schools decreased from 42% in 1991 to 28% in 2003 and that less than one-third of high school students meet recommended levels of physical activity.

**State Expenditures:** General fund expenditures could increase by an estimated \$104,842 in fiscal 2009, which accounts for a 90-day start-up delay following the bill's July 1, 2008 effective date. This estimate reflects the cost of hiring one education specialist to monitor compliance with the bill and provide technical assistance to local school systems as they implement the bill, as well as one office secretary to support these efforts. Two salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses are included in the estimate.

	<u><b>FY 2009</b></u>	<u><b>FY 2010</b></u>
Salaries and Fringe Benefits	\$94,022	\$127,680
Start-up and Ongoing Operating Expenses	<u>10,820</u>	<u>3,488</u>
<b>Total State Expenditures</b>	<b>\$104,842</b>	<b>\$131,168</b>

Future year expenditures reflect • two salaries with 4.4% annual increases and 3% employee turnover; and • 2% annual increases in ongoing operating expenses.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 1411 (Delegate Kaiser, *et al.*) – Ways and Means.

**Information Source(s):** Maryland Association of Boards of Education, Maryland State Department of Education, Department of Disabilities, Department of Legislative Services

**Fiscal Note History:** First Reader - March 10, 2008  
mll/rhh Revised - Senate Third Reader - April 3, 2008  
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