

SENATE BILL 857

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4lr2731
CF HB 922

By: **Senators Kasemeyer and Conway**
Introduced and read first time: January 31, 2014
Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 5, 2014

CHAPTER _____

1 AN ACT concerning

2 ~~**Task Force to Study a Funding Formula for Corollary Athletic Programs**~~
3 ~~**Physical Education and Athletic Programs for Students With Disabilities –**~~
4 ~~**Funding**~~

5 FOR the purpose of ~~establishing the Task Force to Study a Funding Formula for~~
6 ~~Corollary Athletic Programs; providing for the composition, chair, and staffing~~
7 ~~of the Task Force; prohibiting a member of the Task Force from receiving~~
8 ~~certain compensation, but authorizing the reimbursement of certain expenses;~~
9 ~~requiring the Task Force to study and make recommendations regarding certain~~
10 ~~matters; requiring the Task Force to report its findings and recommendations to~~
11 ~~the Governor and certain legislative committees on or before a certain date;~~
12 ~~providing for the termination of this Act; and generally relating to the Task~~
13 ~~Force to Study a Funding Formula for Corollary Athletic Programs~~ requiring
14 the State Board of Education and certain county boards of education to ensure
15 that certain types of physical education and athletic programs are funded in a
16 certain manner; and generally relating to the funding of certain physical
17 education and athletic programs.

18 BY repealing and reenacting, with amendments,
19 Article – Education
20 Section 7-4B-02
21 Annotated Code of Maryland
22 (2008 Replacement Volume and 2013 Supplement)

23 Preamble

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 WHEREAS, In 2008 the General Assembly enacted the Fitness and Athletic
2 Equity Law for Students with Disabilities Act; and

3 WHEREAS, Corollary Athletic Programs in the State are programs designed to
4 combine groups of students with and without disabilities together in physical activity
5 in accordance with the Fitness and Athletic Equity Law for Students with Disabilities
6 Act; and

7 WHEREAS, Each local school system is required to develop a plan, policies, and
8 procedures to promote and protect the inclusion of students with disabilities in school
9 athletic programs; and

10 WHEREAS, Each local school system is required to provide students with
11 disabilities equivalent opportunities for participation in either the Interscholastic
12 Athletic Program or the Corollary Athletic Program; and

13 WHEREAS, Corollary Athletic Programs are required to provide for the
14 diversity of abilities and interests of students with disabilities; and

15 WHEREAS, Each local school system is required to offer a Corollary Athletic
16 Program in each of the fall, winter, and spring seasons; and

17 WHEREAS, Currently there is no funding for Corollary Athletic Programs in
18 the State; and

19 WHEREAS, Certain organizations provide staffing and facilities for Corollary
20 Athletic Program teams; and

21 WHEREAS, Certain organizations that provide staffing and facilities for the
22 Corollary Athletic Programs are not reimbursed for their expenses; now, therefore,

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That the Laws of Maryland read as follows:

25 ~~(a) There is a Task Force to Study a Funding Formula for Corollary Athletic~~
26 ~~Programs.~~

27 ~~(b) The Task Force consists of the following 14 members:~~

28 ~~(1) two members of the Senate of Maryland, appointed by the~~
29 ~~President of the Senate;~~

30 ~~(2) two members of the House of Delegates, appointed by the Speaker~~
31 ~~of the House;~~

1 ~~(3) the Assistant Superintendent of the Division of Special~~
2 ~~Education/Early Intervention Services or the Assistant Superintendent's designee;~~
3 ~~and~~

4 ~~(4) the following nine members, appointed by the Governor:~~

5 ~~(i) one representative of the Maryland Association of Boards of~~
6 ~~Education;~~

7 ~~(ii) one representative of the Public Schools Superintendents~~
8 ~~Association;~~

9 ~~(iii) two representatives of the Special Olympics of Maryland,~~
10 ~~one of whom is a coach;~~

11 ~~(iv) one representative of the ARC of Maryland;~~

12 ~~(v) two local school system athletic directors;~~

13 ~~(vi) one physical education teacher in a public school,~~
14 ~~recommended by the State Education Association; and~~

15 ~~(vii) one adaptive physical education teacher in a public school,~~
16 ~~recommended by the State Department of Education.~~

17 ~~(e) The Governor shall designate the chair of the Task Force.~~

18 ~~(d) The State Department of Education shall provide staff for the Task Force.~~

19 ~~(e) A member of the Task Force:~~

20 ~~(1) may not receive compensation as a member of the Task Force; but~~

21 ~~(2) is entitled to reimbursement for expenses under the Standard~~
22 ~~State Travel Regulations, as provided in the State budget.~~

23 ~~(f) The Task Force shall study and make recommendations regarding a~~
24 ~~funding formula for Corollary Athletic Programs and the organizations providing~~
25 ~~staffing and facilities for these programs.~~

26 ~~(g) On or before December 1, 2014, the Task Force shall report its findings~~
27 ~~and recommendations to the Governor and, in accordance with § 2-1246 of the State~~
28 ~~Government Article, the Senate Budget and Taxation Committee, the Senate~~
29 ~~Education, Health, and Environmental Affairs Committee, and the House Committee~~
30 ~~on Ways and Means.~~

1 7-4B-02.

2 (a) Subject to subsection (b) of this section, the State Board and each county
3 board shall:

4 (1) Ensure that students with disabilities have an equal opportunity
5 to:

6 (i) Participate in mainstream physical education programs; and

7 (ii) Try out for and, if selected, participate in mainstream
8 athletic programs;

9 (2) Ensure the provision of reasonable accommodations necessary to
10 provide students with disabilities equal opportunity to participate, to the fullest extent
11 possible, in mainstream physical education and mainstream athletic programs; and

12 (3) Ensure that adapted, allied, or unified physical education and
13 athletic programs are available AND ADEQUATELY FUNDED BY THE COUNTY
14 BOARD.

15 (b) An exception to the requirements under subsection (a) of this section may
16 be made when the inclusion of a student:

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

19 (2) Fundamentally alters the nature of the school's mainstream
20 physical education or mainstream athletic program.

21 (c) The provision of adapted, allied, or unified programs for students with
22 disabilities does not mitigate the duty of a county board to provide an individual
23 student with a disability an equal opportunity to be fully included in mainstream
24 physical education and mainstream athletic programs.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 June 1, 2014. ~~It shall remain effective for a period of 1 year and, at the end of May 31,~~
27 ~~2015, with no further action required by the General Assembly, this Act shall be~~
28 ~~abrogated and of no further force and effect.~~