

# Fitness and Athletic Equity Law For Students with Disabilities

## Annotated Code of Maryland, Education Article, Title 7, Subtitle 4B

### → § 7-4B-01. Definitions

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Adapted program” means a program that is developed for a student with a disability.
- (c) “Allied sports or unified program” means a program that is specifically designed to combine groups of students with and without disabilities together in physical activity.
- (d) “Mainstream athletic program” means intramural or interscholastic athletic activity that is developed and offered to students in accordance with criteria established by the State Board.
- (e) “Mainstream physical education program” means a physical education program that is developed and offered to students in accordance with criteria established by the State Board.
- (f) “Student with a disability” means a student who meets the definition of a “handicapped person” as defined in [45 C.F.R. § 84.3\(j\)](#).

“SECTION 2. AND BE IT FURTHER ENACTED, That any county board of education subject to the provisions of this Act shall be in compliance with the provisions of this Act as expeditiously as possible, but no later than 3 years from the effective date of this Act.”

### → § 7-4B-02. Participation in physical education, athletic programs

- (a) Subject to subsection (b) of this section, the State Board and each county board shall:
  - (1) Ensure that students with disabilities have an equal opportunity to:
    - (i) Participate in mainstream physical education programs; and
    - (ii) Try out for and, if selected, participate in mainstream athletic programs;
  - (2) Ensure the provision of reasonable accommodations necessary to provide students with disabilities equal opportunity to participate, to the fullest extent possible, in mainstream physical education and mainstream athletic programs; and
  - (3) Ensure that adapted, allied, or unified physical education and athletic programs are available.
- (b) An exception to the requirements under subsection (a) of this section may be made when the inclusion of a student:
  - (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 school's mainstream physical education or mainstream athletic program.
- (c) The provision of adapted, allied, or unified programs for students with disabilities does not mitigate the duty of a

county board to provide an individual student with a disability an equal opportunity to be fully included in mainstream physical education and mainstream athletic programs.

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→ § 7-4B-03. Policies and procedures

(a) A county board shall:

(1) Develop policies and procedures to promote and protect the inclusion of students with disabilities into mainstream physical education and mainstream athletic programs; and

(2) Provide the opportunity for students with disabilities to participate in extracurricular or interscholastic competition, as demonstrated by:

(i) Equivalent opportunities for participation in extracurricular or interscholastic athletic programs; or

(ii) Evidence indicating that the interests and abilities of students with disabilities have been fully and effectively accommodated by the county board's implemented programs.

(b) The State Board shall adopt a model policy to assist a county board with the implementation of this section.

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→ § 7-4B-04. Compliance with Subtitle

(a) The Department shall monitor the compliance of county boards with the provisions of this subtitle.

(b) The Department may investigate and take corrective action in response to complaints from parents, guardians, or legal representatives of students with disabilities who allege a violation of the provisions of this subtitle.

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→ § 7-4B-05. Reporting requirements

(a) On or before May 15 of each year, each county board shall submit to the Department a report of the school system's compliance with the provisions of this subtitle.

(b) The first annual report completed by a county board in accordance with subsection (a) of this section shall include:

(1) The number of students with disabilities that participate in the school system's mainstream physical education or mainstream athletic programs; and

(2) A description of plans by the county board to affirmatively engage students with disabilities in mainstream

physical education or mainstream athletic programs.

(c) Reports submitted by a county board subsequent to the report submitted under subsection (b) of this section shall be consistent with regulations adopted by the State Board.

(d) On or before May 1 of each year, the Department shall, subject to [§ 2-1246 of the State Government Article](#), submit to the General Assembly a report of compliance with the provisions of this subtitle.

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**→ § 7-4B-06. Regulations, technical assistance**

(a) The Department shall adopt regulations as necessary to implement this subtitle.

(b) The Department shall provide technical assistance to county boards concerning the provisions of this subtitle.

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NOTE: This page is current through June 1, 2009.