

18A:11-3.5 to 18A:11-3.9
LEGISLATIVE HISTORY CHECKLIST
Compiled by the NJ State Law Library

LAWS OF: 2014 **CHAPTER:** 10

NJSA: 18A:11-3.5 to 18A:11-3.9 (Provides that school districts must ensure that students with disabilities have opportunities to participate in athletic activities equal to those of other students)

BILL NO: S2079 (Substituted for A3152)

SPONSOR(S) Sweeney and others

DATE INTRODUCED: May 12, 2014

COMMITTEE: **ASSEMBLY:** ---

SENATE: Education

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** June 16, 2014

SENATE: June 12, 2014

DATE OF APPROVAL: June 19, 2014

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First reprint enacted)

S2079

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: Yes

A3152

SPONSOR'S STATEMENT: (Begins on page 4 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: Yes

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"Schools now must provide access for disabled to athletic programs," The Record, 6-20-14

"Law mandates support for disabled student athletes," The Star-Ledger, 6-20-14

"Bill passes mandating equal sports opportunities for special-needs students," The Jersey Journal, 6-20-14

"Disabled students gain equal access to N.J. athletics," The Press, 6-20-14

LAW/RWH

P.L.2014, CHAPTER 10, *approved June 19, 2014*
Senate, No. 2079 (*First Reprint*)

1 **AN ACT** concerning athletic activities of students with disabilities
2 and supplementing chapter 11 of Title 18A of the New Jersey
3 Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. The Legislature finds and declares that:

9 a. The United States Government Accountability Office issued
10 a report in June 2010 that underscored that access to, and
11 participation in, extracurricular athletic opportunities provide
12 important health and social benefits to all students, particularly
13 those with disabilities, including socialization, improved teamwork
14 and leadership skills, and fitness. Unfortunately, the report found
15 that students with disabilities are not being afforded an equal
16 opportunity to participate in extracurricular athletics in public
17 elementary and secondary schools.

18 b. The United States Department of Education, Office for Civil
19 Rights, issued guidance on January 25, 2013, which clarifies
20 existing legal obligations of school districts to provide equal access
21 to extracurricular athletic activities to students with disabilities and
22 urges school districts to work with community organizations to
23 increase athletic opportunities for students with disabilities in club,
24 intramural, and interscholastic athletic programs.

25 c. Students with intellectual, developmental, physical, and
26 other forms of disabilities should consistently have opportunities to
27 participate in athletics equal to those of other students, which is in
28 keeping with school district responsibilities under section 504 of the
29 federal Rehabilitation Act of 1973, 29 U.S.C. sec.794, regarding the
30 provision of extracurricular activities.

31
32 2. As used in this act:

33 “Adapted program” means a program that is developed for a
34 student with a disability.

35 ¹["Mainstream athletic"] “Athletic”¹ program” means ¹a club,¹
36 intramural ^{1,1} or interscholastic athletic activity that is developed
37 and offered to students ¹[in] by¹ the school district.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SED committee amendments adopted June 9, 2014.

1 ¹“Mainstream physical” ~~“Physical”~~ education program” means
2 the physical education program of the school district.

3 “Student with a disability” means a student who meets the
4 definition of a “handicapped person” as defined in 45 C.F.R. §84.3
5 (j).

6 “Unified sports ¹or inclusive¹ program” means ¹a an
7 athletic¹ program that ¹is specifically designed to combine groups
8 of students with and ¹combines individuals with disabilities and
9 individuals¹ without disabilities.

10

11 3. a. Each school district shall, subject to the provisions of
12 subsection b. of this section:

13 (1) ensure that a student with ¹disabilities¹ a disability¹ has an
14 equal opportunity to: participate in ¹mainstream¹ physical
15 education programs; ¹participate in existing classroom activities
16 that involve physical activity¹; and try out for and, if selected,
17 participate in ¹mainstream¹ athletic programs ¹in an integrated
18 manner to the maximum extent appropriate to the needs of the
19 student¹; ¹and¹

20 (2) ensure the provision of reasonable modifications or aids or
21 services necessary to provide a student with ¹disabilities¹ a
22 disability¹ an equal opportunity to participate ¹, to the fullest
23 extent possible, in mainstream¹ in¹ physical education ¹programs,
24 existing classroom activities that involve physical activity¹; and
25 ¹mainstream¹ athletic programs ¹; and

26 (3) ensure that adapted programs or unified sports or inclusive
27 programs for physical education and athletics are available ¹as set
28 forth in paragraph (1) of this subsection in an integrated manner to
29 the maximum extent appropriate to the needs of the student¹.

30 b. An exception to the requirements under subsection a. of this
31 section may be made when the inclusion of a student with a
32 disability:

33 (1) presents an objective ¹health or¹ safety risk to the student or
34 to others, based on an individualized assessment of the student; or

35 (2) fundamentally alters the nature of the ¹mainstream¹
36 physical education ¹or mainstream¹ program or¹ athletic program
37 ¹in accordance with the “Americans with Disabilities Act of 1990,”
38 42 U.S.C. s.12101 et seq. and section 504 of the Rehabilitation Act
39 of 1973, 29 U.S.C. s.794¹.

40

41 4. ¹A school district, in consultation with students, parents,
42 community members, and advocacy groups, shall offer unified
43 sports or inclusive programs either during or after school hours
44 through one or more of the following:

45 a. within existing physical education class activities;

- 1 b. within existing classroom activities that involve physical
- 2 activity;
- 3 c. as part of school intramural sports opportunities;
- 4 d. as part of school district-sponsored club sport or athletic
- 5 programs; or
- 6 e. on the interscholastic level¹】

7 In the event that an exception applies under subsection b. of
8 section 3 of this act, a school district, in consultation with students,
9 parents, community members, and advocacy groups, shall make
10 reasonable efforts to provide a student with a disability the
11 opportunity to participate in existing adapted or unified sports
12 programs facilitated by community organizations, such as the
13 Special Olympics New Jersey. A school district may develop such
14 programs on a school, district, regional, or county basis. The
15 provision of an adapted program or a unified sports program for a
16 student with a disability shall not mitigate the responsibility of the
17 school district to provide a student with a disability an equal
18 opportunity to participate in programs and activities in accordance
19 with section 3 of this act¹ .
20

21 5. The New Jersey State Interscholastic Athletic Association,
22 in consultation with Special Olympics New Jersey and any other
23 adapted sports organizations, may establish interscholastic athletic
24 programs for student-athletes with intellectual or developmental
25 disabilities who are participating in a unified sports ¹【or inclusive】¹
26 program of athletics developed by a school district. The New
27 Jersey State Interscholastic Athletic Association may require any
28 coach of a unified sports ¹【or inclusive】¹ program of athletics to
29 receive training specific to that program.
30

31 6. This act shall take effect ¹【immediately】 in the 2015-2016
32 school year¹.
33
34

35
36
37 Provides that school districts must ensure that students with
38 disabilities have opportunities to participate in athletic activities
39 equal to those of other students.

SENATE, No. 2079

STATE OF NEW JERSEY
216th LEGISLATURE

INTRODUCED MAY 12, 2014

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Cumberland, Gloucester and Salem)

SYNOPSIS

Provides that school districts must ensure that students with disabilities have opportunities to participate in athletic activities equal to those of other students.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning athletic activities of students with disabilities
2 and supplementing chapter 11 of Title 18A of the New Jersey
3 Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. The Legislature finds and declares that:

9 a. The United States Government Accountability Office issued
10 a report in June 2010 that underscored that access to, and
11 participation in, extracurricular athletic opportunities provide
12 important health and social benefits to all students, particularly
13 those with disabilities, including socialization, improved teamwork
14 and leadership skills, and fitness. Unfortunately, the report found
15 that students with disabilities are not being afforded an equal
16 opportunity to participate in extracurricular athletics in public
17 elementary and secondary schools.

18 b. The United States Department of Education, Office for Civil
19 Rights, issued guidance on January 25, 2013, which clarifies
20 existing legal obligations of school districts to provide equal access
21 to extracurricular athletic activities to students with disabilities and
22 urges school districts to work with community organizations to
23 increase athletic opportunities for students with disabilities in club,
24 intramural, and interscholastic athletic programs.

25 c. Students with intellectual, developmental, physical, and
26 other forms of disabilities should consistently have opportunities to
27 participate in athletics equal to those of other students, which is in
28 keeping with school district responsibilities under section 504 of the
29 federal Rehabilitation Act of 1973, 29 U.S.C. sec.794, regarding the
30 provision of extracurricular activities.

31

32 2. As used in this act:

33 “Adapted program” means a program that is developed for a
34 student with a disability.

35 “Mainstream athletic program” means intramural or
36 interscholastic athletic activity that is developed and offered to
37 students in the school district.

38 “Mainstream physical education program” means the physical
39 education program of the school district.

40 “Student with a disability” means a student who meets the
41 definition of a “handicapped person” as defined in 45 C.F.R. §84.3
42 (j).

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

46

47 3. a. Each school district shall, subject to the provisions of
48 subsection b. of this section:

S2079 SWEENEY

1 (1) ensure that a student with disabilities has an equal
2 opportunity to: participate in mainstream physical education
3 programs; and try out for and, if selected, participate in mainstream
4 athletic programs;

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

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

12 b. An exception to the requirements under subsection a. of this
13 section may be made when the inclusion of a student with a
14 disability:

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

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

19

20 4. A school district, in consultation with students, parents,
21 community members, and advocacy groups, shall offer unified
22 sports or inclusive programs either during or after school hours
23 through one or more of the following:

24 a. within existing physical education class activities;

25 b. within existing classroom activities that involve physical
26 activity;

27 c. as part of school intramural sports opportunities;

28 d. as part of school district-sponsored club sport or athletic
29 programs; or

30 e. on the interscholastic level.

31

32 5. The New Jersey State Interscholastic Athletic Association,
33 in consultation with Special Olympics New Jersey and any other
34 adapted sports organizations, may establish interscholastic athletic
35 programs for student-athletes with intellectual or developmental
36 disabilities who are participating in a unified sports or inclusive
37 program of athletics developed by a school district. The New
38 Jersey State Interscholastic Athletic Association may require any
39 coach of a unified sports or inclusive program of athletics to receive
40 training specific to that program.

41

42 6. This act shall take effect immediately.

43

44 **STATEMENT**

45

46 This bill requires each school district to:

- 47 • ensure that students with disabilities have an equal
48 opportunity to participate in mainstream physical education

S2079 SWEENEY

- 1 programs; and ensure that students with disabilities have an
2 equal opportunity to try out for and, if selected, participate in
3 mainstream athletic programs;
- 4 • ensure the provision of reasonable modifications or aids and
5 services necessary to provide students with disabilities an equal
6 opportunity to participate, to the fullest extent possible, in
7 mainstream physical education and mainstream athletic
8 programs; and
 - 9 • ensure that adapted programs or unified sports or inclusive
10 programs for physical education and athletics are available.
11 “Unified sports or inclusive programs” are defined as programs
12 that are specifically designed to combine groups of students with
13 and without disabilities.

14 The bill provides, however, for certain exceptions to the
15 inclusion of students with disabilities in mainstream athletic
16 activities, if the inclusion: presents an objective safety risk to the
17 student or to others, based on an individualized assessment of the
18 student; or fundamentally alters the nature of the mainstream
19 physical education or mainstream athletic program.

20 The bill provides that school districts, in consultation with
21 students, families, community and advocacy organizations, athletic
22 associations, and other interested parties, are required to implement
23 and offer unified sports or inclusive programs in one or more of the
24 following ways: within existing physical education class activities;
25 within existing classroom activities that involve physical activity;
26 as part of school intramural sports opportunities; as part of school
27 district-sponsored club sport or athletic programs; or on the
28 interscholastic level.

29 Under the provisions of the bill, the New Jersey State
30 Interscholastic Athletic Association, in consultation with Special
31 Olympics New Jersey and other adapted sports organizations, may
32 establish interscholastic athletic programs for students participating
33 in unified sports or inclusive programs developed by the school
34 districts. Additionally, the association may require a coach of a
35 unified sports or inclusive program of athletics to receive training
36 specific to that program.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 2079

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 9, 2014

The Senate Education Committee favorably reports Senate Bill No. 2079 with committee amendments.

As amended, this bill requires each school district to:

- ensure that a student with a disability has an equal opportunity to participate in physical education programs, participate in existing classroom activities that involve physical activity, and try out for and, if selected, participate in athletic programs in an integrated manner to the maximum extent appropriate to the needs of the student; and
- ensure the provision of reasonable modifications or aids or services necessary to provide a student with a disability an equal opportunity to participate in physical education programs, classroom activities that involve physical activity, and athletic programs in an integrated manner to the maximum extent appropriate to the needs of the student.

The bill provides for certain exceptions to the inclusion of a student with a disability in physical education programs and athletic activities, if the inclusion: presents an objective health or safety risk to the student or to others, based on an individualized assessment of the student; or fundamentally alters the nature of the physical education program or athletic program. The bill stipulates, however, that in the event of one of these exceptions, the school district, in consultation with students, parents, community members, and advocacy groups, must make a reasonable effort to provide a student with a disability the opportunity to participate in existing adapted or unified sports programs facilitated by community organizations, such as the Special Olympics New Jersey. A school district may develop these programs on a school, district, regional, or county basis.

Under the provisions of the bill, the New Jersey State Interscholastic Athletic Association, in consultation with Special Olympics New Jersey and other adapted sports organizations, may establish interscholastic athletic programs for students participating in unified sports programs developed by the school districts. Additionally, the association may require a coach of a unified sports program of athletics to receive training specific to that program.

The committee amended the bill to:

- 1) eliminate reference to “mainstream”;
- 2) include a requirement that a school district ensure that a student with a disability has an opportunity to participate in existing classroom activities that involve physical activity;
- 3) provide that in the event that a student with a disability is subject to one of the exceptions established in the bill to the requirement for participation in athletic activities, the school district, in consultation with students, parents, community members, and advocacy groups, must make reasonable efforts to provide a student with a disability the opportunity to participate in existing adapted or unified sports programs facilitated by community organizations, such as the Special Olympics New Jersey. A school district may develop these programs on a school, district, regional, or county basis; and
- (4) provide that the bill will take effect in the 2015-2016 school year.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 2079

STATE OF NEW JERSEY 216th LEGISLATURE

DATED: JUNE 20, 2014

SUMMARY

Synopsis: Provides that school districts must ensure that students with disabilities have opportunities to participate in athletic activities equal to those of other students.

Type of Impact: No Fiscal Impact

Agencies Affected: School Districts

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	None – See comments below		
Local Cost	None – See comments below		

- The Office of Legislative Services (OLS) anticipates that Senate Bill No. 2079 (1R) will not have a fiscal impact on school districts. The OLS notes that the requirements of the bill mirror existing requirements under federal law. To the extent that school districts are currently required to provide equal opportunity to participate in physical education and extracurricular athletics to students with disabilities, this bill would not impose any additional requirements or costs.

BILL DESCRIPTION

Senate Bill No. 2079 (1R) of 2014 requires each school district to ensure that a student with a disability has an equal opportunity to participate in a physical education program, classroom activities that involve physical activity, and athletics programs. This includes the provision of reasonable modifications, aids, or services that would provide a student with a disability an equal opportunity to participate. An exception would be made to this requirement if the student's participation presents a health or safety risk to the student or others, or if it would fundamentally

alter the nature of the physical education or athletic program. In the event that such an exception is made, then the school district would be required to make reasonable efforts to provide a student with a disability with the opportunity to participate in existing adapted or unified sports programs facilitated by a community organization.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS notes that the requirements of Senate Bill No. 2079 (1R) are similar to requirements under current federal law. As noted in a guidance document published by the Office of Civil Rights in the federal Department of Education, “[s]tates and schools are required to provide equal opportunity in physical education and extracurricular athletics by children and youth with and without disabilities.”¹ Specifically, under section 504 of the Rehabilitation Act of 1973, 29 U.S.C. s.794, schools are required to ensure that children and youth with a disability have an equal opportunity to participate in the program or activity of the school, including extracurricular activities. To the extent that the provisions of the bill mirror the federal requirement, the OLS anticipates that school districts would not incur any additional costs.

Section: Education
Analyst: Allen T. Dupree
Lead Fiscal Analyst
Approved: David J. Rosen
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

¹ *Creating Equal Opportunities for Children and Youth with Disabilities to Participate in Physical Education and Extracurricular Athletics*, Office of Civil Rights, United States Department of Education, August 2011, accessed at www2.ed.gov/policy/speced/guid/idea/equal-pe.pdf.

ASSEMBLY, No. 3152

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED MAY 15, 2014

Sponsored by:

Assemblyman VINCENT PRIETO

District 32 (Bergen and Hudson)

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

SYNOPSIS

Provides that school districts must ensure that students with disabilities have opportunities to participate in athletic activities equal to those of other students.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/13/2014)

1 AN ACT concerning athletic activities of students with disabilities
2 and supplementing chapter 11 of Title 18A of the New Jersey
3 Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. The Legislature finds and declares that:

9 a. The United States Government Accountability Office issued
10 a report in June 2010 that underscored that access to, and
11 participation in, extracurricular athletic opportunities provide
12 important health and social benefits to all students, particularly
13 those with disabilities, including socialization, improved teamwork
14 and leadership skills, and fitness. Unfortunately, the report found
15 that students with disabilities are not being afforded an equal
16 opportunity to participate in extracurricular athletics in public
17 elementary and secondary schools.

18 b. The United States Department of Education, Office for Civil
19 Rights, issued guidance on January 25, 2013, which clarifies
20 existing legal obligations of school districts to provide equal access
21 to extracurricular athletic activities to students with disabilities and
22 urges school districts to work with community organizations to
23 increase athletic opportunities for students with disabilities in club,
24 intramural, and interscholastic athletic programs.

25 c. Students with intellectual, developmental, physical, and
26 other forms of disabilities should consistently have opportunities to
27 participate in athletics equal to those of other students, which is in
28 keeping with school district responsibilities under section 504 of the
29 federal Rehabilitation Act of 1973, 29 U.S.C. sec.794, regarding the
30 provision of extracurricular activities.

31

32 2. As used in this act:

33 “Adapted program” means a program that is developed for a
34 student with a disability.

35 “Mainstream athletic program” means intramural or
36 interscholastic athletic activity that is developed and offered to
37 students in the school district.

38 “Mainstream physical education program” means the physical
39 education program of the school district.

40 “Student with a disability” means a student who meets the
41 definition of a “handicapped person” as defined in 45 C.F.R. §84.3
42 (j).

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

46

47 3. a. Each school district shall, subject to the provisions of
48 subsection b. of this section:

1 (1) ensure that a student with disabilities has an equal
2 opportunity to: participate in mainstream physical education
3 programs; and try out for and, if selected, participate in mainstream
4 athletic programs;

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

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

12 b. An exception to the requirements under subsection a. of this
13 section may be made when the inclusion of a student with a
14 disability:

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

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

19

20 4. A school district, in consultation with students, parents,
21 community members, and advocacy groups, shall offer unified
22 sports or inclusive programs either during or after school hours
23 through one or more of the following:

24 a. within existing physical education class activities;

25 b. within existing classroom activities that involve physical
26 activity;

27 c. as part of school intramural sports opportunities;

28 d. as part of school district-sponsored club sport or athletic
29 programs; or

30 e. on the interscholastic level.

31

32 5. The New Jersey State Interscholastic Athletic Association,
33 in consultation with Special Olympics New Jersey and any other
34 adapted sports organizations, may establish interscholastic athletic
35 programs for student-athletes with intellectual or developmental
36 disabilities who are participating in a unified sports or inclusive
37 program of athletics developed by a school district. The New
38 Jersey State Interscholastic Athletic Association may require any
39 coach of a unified sports or inclusive program of athletics to receive
40 training specific to that program.

41

42 6. This act shall take effect immediately.

43

44 STATEMENT

45

46 This bill requires each school district to:

- 47 • ensure that students with disabilities have an equal
48 opportunity to participate in mainstream physical education

- 1 programs; and ensure that students with disabilities have an
2 equal opportunity to try out for and, if selected, participate in
3 mainstream athletic programs;
- 4 • ensure the provision of reasonable modifications or aids and
5 services necessary to provide students with disabilities an equal
6 opportunity to participate, to the fullest extent possible, in
7 mainstream physical education and mainstream athletic
8 programs; and
 - 9 • ensure that adapted programs or unified sports or inclusive
10 programs for physical education and athletics are available.
11 “Unified sports or inclusive programs” are defined as programs
12 that are specifically designed to combine groups of students with
13 and without disabilities.

14 The bill provides, however, for certain exceptions to the
15 inclusion of students with disabilities in mainstream athletic
16 activities, if the inclusion: presents an objective safety risk to the
17 student or to others, based on an individualized assessment of the
18 student; or fundamentally alters the nature of the mainstream
19 physical education or mainstream athletic program.

20 The bill provides that school districts, in consultation with
21 students, families, community and advocacy organizations, athletic
22 associations, and other interested parties, are required to implement
23 and offer unified sports or inclusive programs in one or more of the
24 following ways: within existing physical education class activities;
25 within existing classroom activities that involve physical activity;
26 as part of school intramural sports opportunities; as part of school
27 district-sponsored club sport or athletic programs; or on the
28 interscholastic level.

29 Under the provisions of the bill, the New Jersey State
30 Interscholastic Athletic Association, in consultation with Special
31 Olympics New Jersey and other adapted sports organizations, may
32 establish interscholastic athletic programs for students participating
33 in unified sports or inclusive programs developed by the school
34 districts. Additionally, the association may require a coach of a
35 unified sports or inclusive program of athletics to receive training
36 specific to that program.

ASSEMBLY WOMEN AND CHILDREN COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3152

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 12, 2014

The Assembly Women and Children Committee reports favorably and with committee amendments, Assembly Bill No. 3152.

As amended by committee, this bill requires each school district to ensure that: a student with a disability has an equal opportunity to participate in physical education programs, participate in existing classroom activities that involve physical activity, and try out for and, if selected, participate in athletic programs in an integrated manner to the maximum extent appropriate to the needs of the student; and the provision of reasonable modifications or aids or services necessary to provide a student with a disability an equal opportunity to participate in physical education programs, classroom activities that involve physical activity, and athletic programs in an integrated manner to the maximum extent appropriate to the needs of the student.

The bill provides for certain exceptions to the inclusion of a student with a disability in physical education programs and athletic activities, if the inclusion: presents an objective health or safety risk to the student or to others, based on an individualized assessment of the student; or fundamentally alters the nature of the physical education program or athletic program. The bill stipulates, however, that in the event of one of these exceptions, the school district, in consultation with students, parents, community members, and advocacy groups, must make a reasonable effort to provide a student with a disability the opportunity to participate in existing adapted or unified sports programs facilitated by community organizations, such as the Special Olympics New Jersey. A school district may develop these programs on a school, district, regional, or county basis.

Under the provisions of the bill, the New Jersey State Interscholastic Athletic Association, in consultation with Special Olympics New Jersey and other adapted sports organizations, may establish interscholastic athletic programs for students participating in unified sports programs developed by the school districts. Additionally, the association may require a coach of a unified sports program of athletics to receive training specific to that program.

As reported by the committee, this bill is identical to Senate Bill No. 2709 (1R) (Sweeney), which was released by the Senate Education Committee on June 9, 2014.

COMMITTEE AMENDMENTS

The committee amended the bill to eliminate reference to “mainstream”; include a requirement that a school district ensure that a student with a disability has an opportunity to participate in existing classroom activities that involve physical activity; and provide that in the event that a student with a disability is subject to one of the exceptions to the requirement for participation in athletic activities, the school district, in consultation with students, parents, community members, and advocacy groups, must make reasonable efforts to provide a student with a disability the opportunity to participate in existing adapted or unified sports programs facilitated by community organizations, such as the Special Olympics New Jersey. The committee also amended to allow a school district to develop these programs on a school, district, regional, or county basis, and provide that the bill would take effect in the 2015-2016 school year.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 3152

STATE OF NEW JERSEY 216th LEGISLATURE

DATED: JUNE 20, 2014

SUMMARY

- Synopsis:** Provides that school districts must ensure that students with disabilities have opportunities to participate in athletic activities equal to those of other students.
- Type of Impact:** No Fiscal Impact
- Agencies Affected:** School Districts

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	None – See comments below		
Local Cost	None – See comments below		

- The Office of Legislative Services (OLS) anticipates that Assembly Bill No. 3152 (1R) will not have a fiscal impact on school districts. The OLS notes that the requirements of the bill mirror existing requirements under federal law. To the extent that school districts are currently required to provide equal opportunity to participate in physical education and extracurricular athletics to students with disabilities, this bill would not impose any additional requirements or costs.

BILL DESCRIPTION

Assembly Bill No.3152 (1R) of 2014 requires each school district to ensure that a student with a disability has an equal opportunity to participate in a physical education program, classroom activities that involve physical activity, and athletics programs. This includes the provision of reasonable modifications, aids, or services that would provide a student with a disability an equal opportunity to participate. An exception would be made to this requirement if the student's participation presents a health or safety risk to the student or others, or if it would fundamentally alter the nature of the physical education or athletic program. In the event that

such an exception is made, then the school district would be required to make reasonable efforts to provide a student with a disability with the opportunity to participate in existing adapted or unified sports programs facilitated by a community organization.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS notes that the requirements of Assembly Bill No.3152 (1R) are similar to requirements under current federal law. As noted in a guidance document published by the Office of Civil Rights in the federal Department of Education, “[s]tates and schools are required to provide equal opportunity in physical education and extracurricular athletics by children and youth with and without disabilities.”¹ Specifically, under section 504 of the Rehabilitation Act of 1973, 29 U.S.C. s.794, schools are required to ensure that children and youth with a disability have an equal opportunity to participate in the program or activity of the school, including extracurricular activities. To the extent that the provisions of the bill mirror the federal requirement, the OLS anticipates that school districts would not incur any additional costs.

Section: Education
Analyst: Allen T. Dupree
Lead Fiscal Analyst
Approved: David J. Rosen
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

¹ *Creating Equal Opportunities for Children and Youth with Disabilities to Participate in Physical Education and Extracurricular Athletics*, Office of Civil Rights, United States Department of Education, August 2011, accessed at www2.ed.gov/policy/speced/guid/idea/equal-pe.pdf.

Governor Christie Signs Legislation Ensuring Equal Opportunities In Team Sports For Students With Disabilities

Thursday, June 19, 2014

Tags: [Bill Action](#)

Stay Connected
with Social Media

Stay Connected
with Email Alerts

LIKE THIS PAGE? SHARE IT WITH YOUR FRIENDS.

SHARE    



Trenton, NJ – Governor Chris Christie today signed into law bipartisan legislation that ensures students with disabilities are not prevented from participating in athletics and are provided with reasonable accommodation or modification based on individual needs of the student. This legislation builds on federal law guidance that was issued by the U.S. Department of Education in January 2013. New Jersey will comply with the federal law as well as promote greater inclusion of student athletes with disabilities.

School districts are now required to ensure that a student with a disability has an equal opportunity to participate in physical activity programs, existing classroom activities that involve physical activity and athletic programs in an integrated manner to the maximum extent appropriate to the needs of the student. The legislation also allows for the provision of reasonable modifications or aids or services necessary to provide a student with a disability an equal opportunity to participate in any of the aforementioned physical activities.

"As the Special Olympics are being celebrated in New Jersey this week, we are reminded of the difference that team sports can make in the lives of children with disabilities by promoting acceptance and inclusion," said Governor Chris Christie. "Involvement in sports instills strong work ethic and an understanding of the importance of teamwork in our students as they participate in their sport of choice. This legislation will afford all New Jersey students, regardless of their disability, the opportunity to grow as athletes and members of a community."

"The Special Olympics are showing us that those with different abilities can lead just as complete and fulfilling lives as anyone," said Senate President Steve Sweeney, who entered public service after his daughter was born with Down syndrome. "Every child deserves an equal opportunity to participate in team sports. It can go a long way towards building character, learning the importance of working together and, perhaps most importantly, creating friendships."

The bill provides for certain exceptions to the inclusion of a student with a disability in physical education programs but notes that in the event of these exceptions, the school district must make a reasonable effort to provide the student with an alternative opportunity in a existing adapted or unified sports program, such as the Special Olympics New Jersey. A school district may develop these programs on a school, district, regional, or county basis.

Under the provisions of the bill, the New Jersey State Interscholastic Athletic Association, in consultation with Special Olympics New Jersey and other adapted sports organizations, may establish interscholastic athletic programs for students participating in unified sports programs developed by the school districts. Additionally, the association may require a coach of a unified sports program of athletics to receive training specific to that program.

Sponsors of S-2079 include Senate President Steve Sweeney (D-Salem/Gloucester), Assembly Speaker Vincent Prieto (D-Bergen/Hudson) and Assembly Members Pamela Lampitt (D-Camden/Burlington), Valerie Vainieri Hutttle (D-Bergen), Daniel Benson (D-Mercer/Middlesex), Camelo Garcia (D-Hudson) and Shavonda Sumter (D-Bergen/Passaic).

###

Press Contact:

Michael Drewniak

Tim Shriver: We're Making History Here In New Jersey

Thursday, June 19, 2014

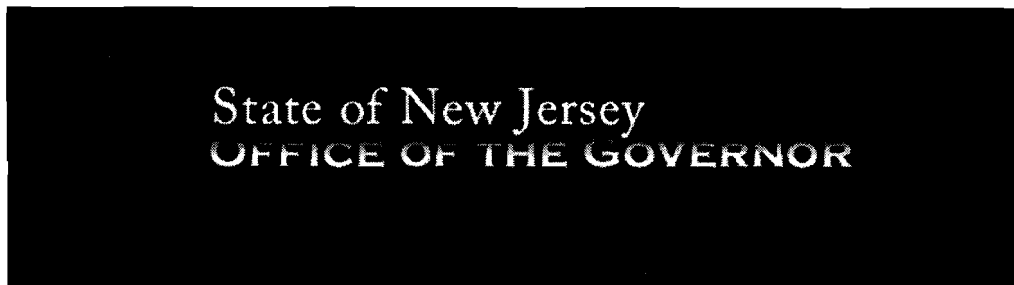
Tags: [Bill Action](#)

Stay Connected
with Social Media

Stay Connected
with Email Alerts

LIKE THIS PAGE? SHARE IT
WITH YOUR FRIENDS.

SHARE    



<https://www.youtube.com/watch?v=3WX-mofOabM>

Transcript:

Governor Christie: Growing up playing sports, whether it was Little League baseball or basketball or Varsity baseball in high school, it was a key part of me growing up. And I learned some really valuable life lessons from those years about teamwork and leadership and discipline and hard work. All of those lessons I've used both in my academic career after that and in my professional career. And everybody should have the opportunity to have those experiences. Unfortunately some folks have been excluded from participating in sports activities for a variety of stereotypical reasons that judge people like we sometimes judge a book by its cover and we're taught very young that you should never judge a book by its cover. So today by signing Senate bill 2079, not only are we complying with federal law, we're securing a path to equal access for students with disabilities to participate in extracurricular athletics and providing them with the ability to obtain the kind of sense of community and the other skills that I just referenced that happened to me from the relationships that they develop and the experiences that they have during these activities.

Senate President Sweeney: Again I want to thank you Governor for what you've done and for Special Olympics with Tim, for your mother that started this legacy. And Marc for your outstanding leadership with Special Olympics and Dan and look I just want to thank everyone. This is a great bill. It's great for New Jersey and we need to make sure, Tim, we push this nationally. It needs to get everywhere in this country. Thank you.

Tim Shriver: We've made history here today by celebrating the athletes but also challenging the nation to embrace the idea of social inclusion as a foundational principle of this nation because of you athletes, because of you Senator and you Governor and the Speaker, we couldn't be more thrilled. So congratulations first and foremost again to the athletes who are the inspiration behind this.

###