

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.