



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB5668

by Rep. Esther Golar

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/22-80 new

Amends the School Code. Requires the State Board of Education and each school board to (1) ensure that students with disabilities have an equal opportunity to participate in mainstream physical education programs and try out for and, if selected, participate in mainstream athletic programs; (2) ensure the provision of all reasonable accommodations necessary to provide students with disabilities an 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. Sets forth exceptions to these requirements. Contains provisions concerning a school board's duty; policies, procedures, and opportunities; compliance, technical assistance, and rulemaking.

LRB098 18745 NHT 53888 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by adding Section  
5 22-80 as follows:

6 (105 ILCS 5/22-80 new)

7 Sec. 22-80. Fitness and athletic equity for students with  
8 disabilities.

9 (a) In this Section:

10 "Adapted program" means a program that is developed for a  
11 student with a disability.

12 "Allied program" or "unified program" means a program that  
13 is specifically designed to combine groups of students with and  
14 without disabilities together in physical activity.

15 "Mainstream athletic program" means an intramural or  
16 interscholastic athletic activity that is developed and  
17 offered to students in accordance with criteria established by  
18 the State Board of Education.

19 "Mainstream physical education program" means a physical  
20 education program that is developed and offered to students in  
21 accordance with criteria established by the State Board of  
22 Education.

23 "Student with a disability" means a student who meets the

1 definition of a handicapped person under 45 CFR 84.3(j).

2 (b) A school board must be in compliance with the  
3 provisions of this Section as expeditiously as possible, but no  
4 later than 3 years after the effective date of this amendatory  
5 Act of the 98th General Assembly.

6 (c) Subject to subsection (d) of this Section, the State  
7 Board of Education and each school board shall:

8 (1) ensure that students with disabilities have an  
9 equal opportunity to:

10 (A) participate in mainstream physical education  
11 programs; and

12 (B) try out for and, if selected, participate in  
13 mainstream athletic programs;

14 (2) ensure the provision of all reasonable  
15 accommodations necessary to provide students with  
16 disabilities an equal opportunity to participate, to the  
17 fullest extent possible, in mainstream physical education  
18 and mainstream athletic programs; and

19 (3) ensure that adapted, allied, or unified physical  
20 education and athletic programs are available.

21 (d) An exception to the requirements under subsection (c)  
22 of this Section may be made when the inclusion of a student:

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

26 (2) fundamentally alters the nature of the school's

1 mainstream physical education or mainstream athletic  
2 program.

3 (e) The provision of adapted, allied, or unified programs  
4 for students with disabilities does not mitigate the duty of a  
5 school board to provide an individual student with a disability  
6 an equal opportunity to be fully included in mainstream  
7 physical education and mainstream athletic programs.

8 (f) A school board shall:

9 (1) develop policies and procedures to promote and  
10 protect the inclusion of students with disabilities into  
11 mainstream physical education and mainstream athletic  
12 programs; and

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

16 (A) equivalent opportunities for participation in  
17 extracurricular or interscholastic athletic programs;

18 or

19 (B) evidence indicating that the interests and  
20 abilities of students with disabilities have been  
21 fully and effectively accommodated by the school  
22 board's implemented programs.

23 The State Board of Education shall adopt a model policy to  
24 assist a school board with the implementation of this Section.

25 (g) The State Board of Education shall monitor the  
26 compliance of school boards with the provisions of this

1 Section. The State Board of Education may investigate and take  
2 corrective action in response to complaints from parents,  
3 guardians, or legal representatives of students with  
4 disabilities who allege a violation of the provisions of this  
5 Section.

6 (h) On or before May 15 of each year, each school board  
7 shall submit to the State Board of Education a report of the  
8 school system's compliance with the provisions of this Section.  
9 The first annual report completed by a school board shall  
10 include:

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

14 (2) a description of plans by the school board to  
15 affirmatively engage students with disabilities in  
16 mainstream physical education or mainstream athletic  
17 programs.

18 Subsequent reports submitted by a school board shall be  
19 consistent with rules adopted by the State Board of Education.

20 On or before May 1 of each year, the State Board of  
21 Education shall submit to the General Assembly a report of  
22 compliance with the provisions of this Section.

23 (i) The State Board of Education shall provide technical  
24 assistance to school boards concerning the provisions of this  
25 Section.

26 (j) The State Board of Education shall adopt rules as

1 necessary to implement this Section.