



This Bill Analysis reflects the contents of the bill as it was presented in committee.

SENATE BILL 401: Pilot/Sports for Students w/ Disabilities

2015-2016 General Assembly

Committee:	Senate Re-ref to Education/Higher Education. If fav, re-ref to Appropriations/Base Budget	Date:	April 22, 2015
Introduced by:	Sens. Barringer, Tillman, Woodard	Prepared by:	Denise Adams Legislative Analyst
Analysis of:	First Edition		

SUMMARY: Senate Bill 401 would authorize the Department of Public Instruction (DPI) to use funds to conduct a pilot program on integrated community-based adapted sports programs for students with disabilities.

[As introduced, this bill was identical to H314, as introduced by Reps. Bryan, Stam, Lambeth, which is currently in House Education - K-12, if favorable, Appropriations.]

BILL ANALYSIS: Senate Bill 401 would authorize DPI, out of the funds appropriated for the 2015-2017 fiscal biennium, to use up to three hundred thousand dollars (\$300,000) each fiscal year to develop and implement a pilot program for an integrated community-based adapted sports program for students with disabilities in grades K-12. If DPI uses funds for this purpose, the pilot would have to meet the following criteria:

1. Be consistent with the "Dear Colleague" letter addressing equal access to extracurricular athletics for students with disabilities released by the U.S. Department of Education, Office for Civil Rights, on January 25, 2013.
2. Include specific strategies to overcome barriers to the participation of students with disabilities in extracurricular athletics and incorporate a philosophy of personal empowerment for those students.

The pilot may be conducted in one or more local school administrative units and provide for collaboration with universities, community colleges, and other community organizations to achieve the purposes of the program.

EFFECTIVE DATE: This act would become effective July 1, 2015.

CURRENT LAW and BACKGROUND: Section 504 of the Rehabilitation Act of 1973, as amended, is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive federal financial assistance from the U.S. Department of Education (Department). Section 504 provides: "No otherwise qualified individual with a disability in the United States...shall, solely, by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance..." The Department's Office of Civil Rights (OCR) has administrative authority for enforcing Section 504.

In 2010, the United States Government Accountability Office (GAO) published a report "that underscored that access to, and participation in, extracurricular athletic opportunities provide important health and social benefits to all students, particularly those with disabilities." On January 25, 2013, the Department's OCR released a "Dear Colleague" letter as part of the GAO's recommendation that the Department clarify and communicate the responsibility of schools under Section 504. The letter provides an overview of the Department's Section 504 regulations and the legal obligations of schools under Section 504, cautions against making decisions based on presumptions and stereotypes, and discusses the provision of separate or different athletic opportunities.

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