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2021 Maryland Statutes

Education

Division II - Elementary and Secondary Education

Title 7 - Public Schools

Subtitle 4B - Physical Education and Athletic Programs for Students With Disabilities

Section 7-4B-02 - Equal Opportunity to Participate in Mainstream Physical Education and Athletic Programs

Universal Citation: MD. Education Code Ann. § 7-4B-02 (2021)

(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 and adequately funded by the county board.

(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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