



Information UPDATE

Wisconsin Department of Public Instruction/Elizabeth Burmaster, State Superintendent/P.O. Box 7841/ Madison, WI 53707-7841

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TO: District Administrators, CESA Administrators, CCDEB Administrators, Directors of Special Education and Pupil Services, and Other Interested Parties

FROM: Carolyn Stanford Taylor, Assistant State Superintendent
Division for Learning Support: Equity and Advocacy

SUBJECT: Physical Education for Children with Disabilities (Replaces Bulletin 02.02)

The Special Education Team receives many requests for information regarding the provision of physical education for children with disabilities. As a result of those requests, we are providing this update to Information Update Bulletin 02.02 in the form of answers to commonly asked questions. If you have further questions about this topic, please contact the Special Education Team at 608-266-1781.

1. **Must physical education be made available to all children with disabilities?**

Yes, if children without disabilities in the same grade receive physical education. Federal regulations implementing the Individuals with Disabilities Education Act (IDEA) at 34 CFR 300.108 Physical Education state:

- (a) *General.* Physical education services, specially designed if necessary, must be made available to every child with a disability receiving a free appropriate public education, unless the public agency enrolls children without disabilities and does not provide physical education to children without disabilities in the same grades.
- (b) *Regular physical education.* Each child with a disability must be afforded the opportunity to participate in the regular physical education program available to nondisabled children unless--
 - (1) The child is enrolled full time in a separate facility; or
 - (2) The child needs specially designed physical education, as prescribed in the child's individualized education program (IEP).
- (c) *Special physical education.* If specially designed physical education is prescribed in a child's IEP, the public agency responsible for the education of that child must provide the services directly or make arrangements for those services to be provided through other public or private programs.
- (d) *Education in separate facilities.* The public agency responsible for the education of a child with a disability who is enrolled in a separate facility must ensure that the child receives appropriate physical education services in compliance this section.

In addition, Wis. Stats. §121.02 (1)(L)1-3 and Wis. Admin. Code §PI 8.01(2)(j)2 pertaining to school district standards require state school boards to provide physical education instruction in accordance with a

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developmental, sequential, comprehensive physical education curriculum and program of instruction for all pupils.

2. Are there any circumstances in which a child with a disability may be exempted or excused from physical education participation?

The school should follow the same process it would use to excuse a student who is not disabled from physical education participation.

Wis. Stats. §118.15 (3)(a) exempts from compulsory school attendance any child who is excused by the school board because the child is temporarily not in proper physical or mental condition to attend a school program but who can be expected to return to a school program upon termination or abatement of the illness or condition. The school may request the parent or guardian of the child to obtain a written statement from a licensed physician, dentist, chiropractor, optometrist or psychologist or Christian Science practitioner living and residing in this state, who is listed in the Christian Science Journal, as sufficient proof of the physical or mental condition of the child. The school board's excuse shall be in writing and shall state the time period for which it is valid, not to exceed 30 days.

3. Must the child with a disability receive the same amount of physical education instruction as the student without a disability?

Yes. The child with a disability should receive the same amount of physical education instruction as a child without a disability, unless it is determined by the IEP team that this is not appropriate for the child and this determination is specified in the IEP. A determination to provide a different amount of physical education instruction must be based on a child's unique needs, not availability of services.

4. What is meant by the terms “adapted physical education” and “specially designed physical education?”

The term “adapted” implies the process of modifying a program or service delivery to meet the needs of the student. As in other areas of the regular education program, adaptations can be made in the regular physical education program to allow a student to access the general curriculum and to meet academic standards. These adaptations do not require special education and can be provided to any student with or without a disability.

The phrase “specially designed physical education” is part of the definition of special education found at 34 CFR 300.39 which reads:

- (a) General. (1) *Special education* means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including-- * * *
 - (ii) Instruction in physical education. * * *
- (b) *Individual special education terms defined.* The terms in this definition are defined as follows: * * *
 - (2) Physical education means—
 - (i) The development of--
 - (A) Physical and motor fitness;
 - (B) Fundamental motor skills and patterns; and
 - (C) Skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports); and

- (ii) Includes special physical education, adapted physical education, movement education, and motor development.
- (3) Specially designed instruction means adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction—
 - (i) To address the unique needs of the child that result from the child’s disability; and
 - (ii) To ensure access of the child to the general curriculum, so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children. * * *

5. When is physical education considered to be special education?

The IEP team may decide the child needs specially designed physical education to address the unique needs of the child that result from the child’s disability. For some children, specially designed physical education may be the only special education service included on the IEP. For other children, specially designed physical education may be included on the child’s IEP in addition to other special education services. The IEP team also considers whether the child needs any other services such as related services or supplementary aids and services.

6. To receive specially designed physical education, must a child have any particular impairment (e.g., an orthopedic impairment)?

A child with any of the impairments stated in Wis. Admin. Code § PI 11.36 (1-11), may receive specially designed physical education if the IEP team determines such services are needed as part of free appropriate public education (FAPE).

7. Is an additional evaluation required before an IEP team can include specially designed physical education in a child’s IEP?

Excerpt from IDEA State Complaint Decision #07-074. “No eligibility criteria exist in federal or state law to qualify or disqualify a child with a disability for specially designed physical education. An IEP team may add a special education service, including specially designed physical education, or may add supplementary aids and services, such as adaptations or modifications to regular physical education, to a student’s IEP without an evaluation. An evaluation is only required if there is insufficient information with which to determine needed special education or related services.”

In addition, IEP team participants should understand an IEP team may add specially designed physical education, including adapted physical education, without conducting a reevaluation of the child by a licensed adaptive physical education teacher.

8. What qualifications must a teacher possess in order to provide specially designed physical education?

In Wisconsin, any licensed physical education teacher (530) may legally teach children with disabilities in regular physical education programs, including adapted and specially designed physical education programs.

However, licensure in adaptive physical education is required for physical education teachers whose salaries are funded with state or federal special education dollars.

Wis. Admin. Code PI 34.33 (1)(b) states a license in adaptive physical education (860) may be issued to a person who holds a physical education license, and who has completed an approved program, including a concentration in adapted physical education, which includes demonstrated knowledge and understanding in all of the following:

1. Psychology and nature of a child with disabilities.
2. Modification of content, instructional strategies and the learning environment in physical education.
3. Practicum in adapted physical education.

9. When physical therapy is provided to a child, could this be used to fulfill the physical education program requirement?

No. Physical therapy is a related service whereas physical education is a component of the educational program that is required for all children.

10. Must a child need specially designed physical education in order to receive occupational therapy or physical therapy?

No. A child may receive occupational therapy or physical therapy when it is required to assist the child to benefit from any special education described in the child's IEP.

11. Would participation in the Special Olympics program be considered adequate to fulfill the physical education requirement?

No. Special Olympics cannot be used to substitute for the physical education that must be provided to each student. However, it may be an extracurricular or recreational activity.

If you have further questions regarding specialized physical education services to children with disabilities, please contact Suzan Van Beaver, School Administration Consultant, at 608-267-9168.

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