



Information **UPDATE**

Wisconsin Department of Public Instruction/Tony Evers, 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 08.01)

The Special Education Team receives many requests for information regarding the provision of physical education for children with disabilities. This update to Information Update Bulletin 08.01 is designed to answer commonly asked questions on this subject. 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. In Wisconsin public schools, physical education must be made available to all children including children with disabilities. However, if physical education is specially designed to meet the unique needs of a child with a disability and is set out in that child's individualized education program (IEP), those services must be provided whether or not they are provided to other children in the district. Refer to 34 CFR 300.108.

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. sec. 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, psychologist, or Christian Science practitioner living and residing in this state and 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 child 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"?

Specially designed physical education is special education (specially designed instruction) and may occur during the regular physical education class if that is the least restrictive environment for the child. Supplementary aids and services may also be provided in a regular physical education class to ensure the child is able to participate and make progress.

Sometimes "adapted physical education" and "specially designed physical education" are used interchangeably. Both adapted physical education and specially designed physical education may be provided in the regular education environment or another placement and may be provided one-on-one in a small or large group.

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 sec. PI 11.36 (1-11) may receive specially designed physical education if the IEP team determines such services are needed as part of a free appropriate public education (FAPE).

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

An IEP team may add a special education service, including specially designed physical education to a child's IEP without an evaluation if there is sufficient information to determine the child's educational needs. The purpose of an evaluation is to determine whether a child has a disability and the nature and extent of the special education and related services the child needs (34 CFR 300.15 and Wis. Stats. sec. 115.782). If the child has an existing IEP and the IEP team has sufficient information to determine the child's needs, a reevaluation is not required. What constitutes "sufficient information" in determining whether a child with a disability needs special designed physical education is an IEP team decision. If the IEP team determines they do not have this information, an evaluation must be conducted using the appropriate tools and strategies.

When determining whether a child with a disability needs **specially designed physical education**, the IEP team may choose to use the worksheet - Need for Special Education. It can be found at <http://dpi.wi.gov/sped/forms06.html> on page 4 of Form ER-1 of the department's model IEP forms.

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 providing services for adapted physical education and specially designed physical education. However, if a district seeks to receive payment for physical education teacher salaries from state and federal special education funds, the teachers must also have the Wisconsin Department of Public Instruction (WDPI) "Adaptive Physical Education" 860 license.

Refer to Wis. Admin. Code sec. PI 8.01(2)(j)2 when determining the proper amount of physical education provided per grade and the use of a WDPI licensed physical education teacher at a particular grade level.

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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This information update can also be accessed through the Internet:
<http://dpi.wi.gov/sped/bulindex.html>