

# **The Rights of Students in Adapted Physical Education: What Parents/Caregivers Should Know**

**Brock McMullen, Ph.D., CAPE**  
**UW-La Crosse**



# Presenter

## **Brock McMullen, Ph.D., CAPE**

- Director – Physical, Adapted, and School Health Education Undergraduate Program
- Director – Adapted Physical Education Graduate Program
- Director – Center on Disability Health and Adapted Physical Activity
- **University of Wisconsin-La Crosse**
- Department of Exercise and Sport Science
  
- **Contact:**
- [bcmullen@uwlax.edu](mailto:bcmullen@uwlax.edu)
- 608-785-8167



# Objectives

- Gain knowledge and understanding of what IDEA, the federal law, says regarding Adapted Physical Education
- Understand how APE fits into, and can be a part of the special education process
- Understand the relationship of Adapted Physical Education and related services (OT and PT)



## **Sec. 300.39 – Special Education**

- Special education means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability (ages 3-21), including—
  - (i) Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and
  - (ii) **Instruction in physical education**



## Sec. 300.39(b)(2) – Physical Education

- The development of physical and motor fitness; with fundamental motor skills and patterns; and skills in aquatics, dance, and individual and group, games, and sports (including intramural and lifetime, sports); and
- Includes special physical education, **adapted physical education**, movement education, and motor development



## **Sec. 300.39 – Adapted Physical Education**

- Defined by the Individuals with Disabilities Education Act as a special education service.
- Adapting, as appropriate to the needs of an eligible student, the content, methodology, or delivery of instruction to:
  - Address the unique needs of the student that results from the identified disability
  - Ensure access to the general education curriculum so that the student can meet the educational standards.
- As a special education service, it can be a stand-alone service on the IEP.



# Office of Special Education Program's (OSEP) Dear Colleague Letters Relevant to Physical Education

- Tymeson (2013)
  - LEA's refusal to provide P.E. services to a preschool child with a disability because they did not offer the service to students without disabilities, although it was indicated on the child's IEP
- Kelly (2013)
  - Related to physical education services for transition-aged students (18-21) with disabilities whose transition plans are implemented in community-based transition programs



# OSEP Letters to Tymeson (2013) and Kelly (2013)

## OSEP's Response :

- As a part of FAPE, physical education must be made available equally to children with disabilities and children without disabilities, and if specially designed instruction (i.e., APE) is set out in that child's IEP to meet individual needs, those services must be provided.
- OSEP reaffirmed this applies to both preschool-aged and transition-aged high school students.





## Sec. 300.302 – Screening

- The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation is not considered to be an evaluation for eligibility for special education and/or related services.
- Screening for instructional purposes is not an APE evaluation, nor by itself a formal referral.



# Referral

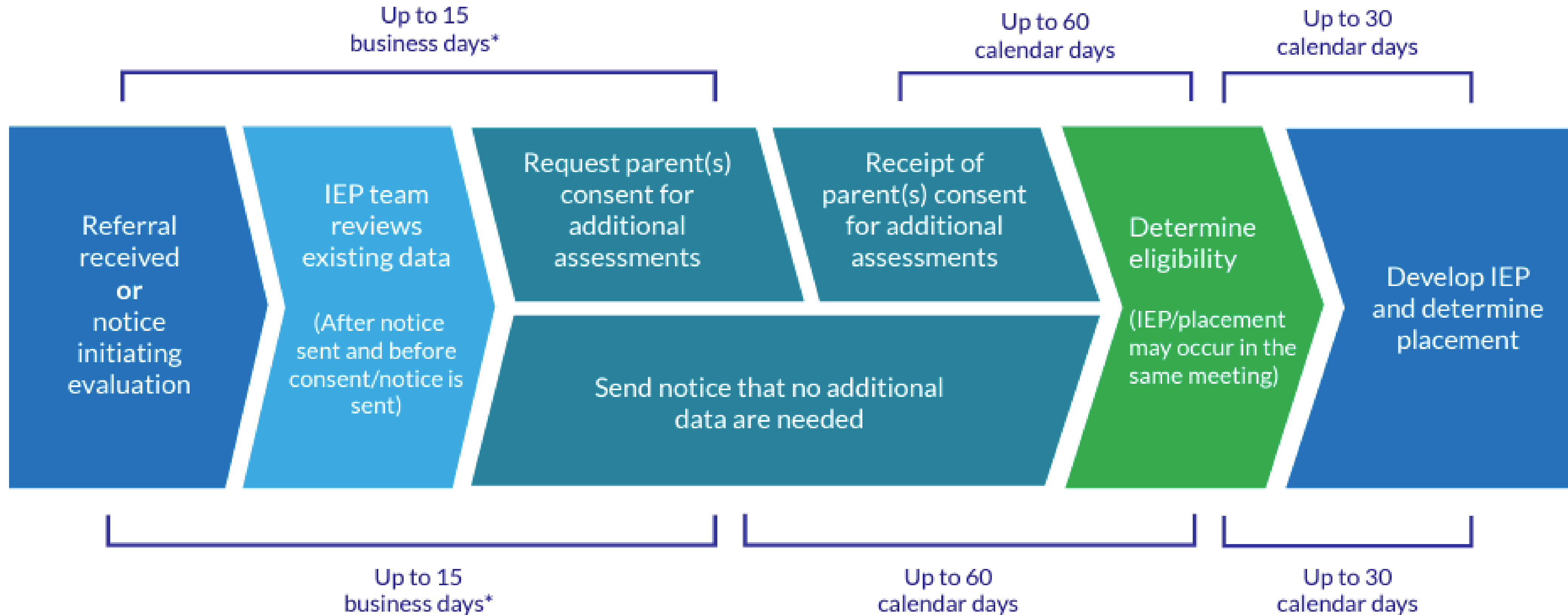
- An APE referral is a required part for documenting the special education process.
- Students can be evaluated for APE at any time during the school year.
- A referral, which can come from any professional or parent/guardian who believes there is a significant concern or delay in a child's physical education skills.

Sample Special Education Forms – Wisconsin DPI

<https://dpi.wi.gov/sped/laws-procedures-bulletins/procedures/sample/forms>



# Evaluation Timeline



## Sec. 300.304 – Conduct an Evaluation

- Use a variety of assessment tools and strategies to gather functional, developmental, and academic information including information provided by the parent
  - Determine if the child has a disability
  - Determine the content of the child's IEP
- Must not use any single measure or assessment
- Must use technically sound instruments'
- Administered by knowledgeable personnel



# Evaluation Instruments

- Common Assessments
  - Test of Gross Motor Development-3
  - Peabody Developmental Motor Scales, Third Edition
  - Bruininks-Oseretsky Test of Motor Proficiency | Second Edition

McMullen, B., & Felix, M. (2022)

Roth et al. (2017)



## Sec. 300.310 – Observation (Evaluation)

- The public agency **must ensure that the child is observed in the child's learning environment** (including the regular classroom setting) to document the child's academic performance and behavior in the area(s) of difficulty.

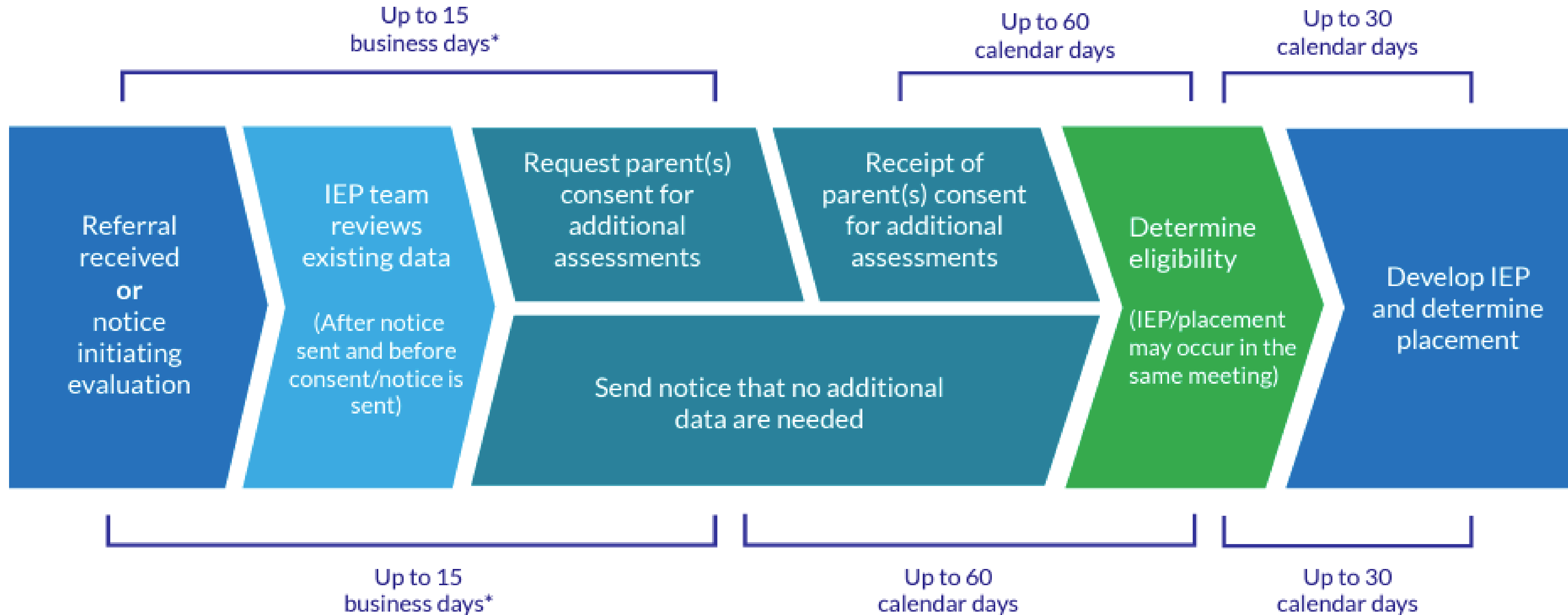


## Sec. 1414(a)(1)(C)(i)(1) – Timeframe (Evaluation)

- Within **60 days of receiving parental consent** for the evaluation, or, if the State establishes a different timeframe within which the evaluation must be conducted, within that timeframe the educational needs are determined.



# Evaluation Timeline





## Sec. 300.306 – Determination of Eligibility

- Upon completion of the administration of assessments and other evaluation measures, a group of qualified professionals and the parent of the child determine the educational needs of the child.
- The public agency provides a copy of the evaluation report to the parents



## Multi-Confirming Data

- A standardized tool that has been determined valid and reliable
- Teacher observation of the student's performance in physical education
- Standards-based informal data
- Collaboration/Consultation with other IEP team members, i.e., OT/PT (including parents/student)
- Daily anecdotal notes



# Determination of Eligibility

- Determining motor performance is a multi-faceted process; therefore, tests used as part of this process should measure the areas of physical education listed in IDEA's definition of physical education
  - physical and motor fitness;
  - fundamental motor skills and patterns
  - skills in aquatics,
  - dance and
  - individual group games and sports, including intramural and lifetime sports



# Determination of Eligibility

- IDEA does not state what criteria for motor performance should be used to determine whether a student needs adapted physical education
- LEAs across the country have used a variety of qualifying criteria for special education services
- IEP Team will discuss the assessment results and determine the appropriate educational supports and services



# Determination of Eligibility

- SHAPE America and the NCPEID Organization recommends that students be considered eligible for APE services if:
  - comprehensive score is 1.5 standard deviations below the mean on a norm-referenced test, or
  - at least two years below age level on criterion-referenced tests or other tests of physical and motor fitness.
  - 25% or greater discrepancy between the chronological age and age equivalency

Those tests include, but are not limited to, fundamental motor skills and patterns, and skills in aquatics, dance, individual games, group games and/or sports.



# Determination of Eligibility

- If adapted physical education services are prescribed, IDEA mandates the inclusion of **adapted physical education goals and objectives** in a child's IEP, as well as statements that describe:
  - The student's current level of performance
  - Placement options available
  - Assessment procedures
  - The accommodations provided so that the student can participate in physical education safely and successfully



# Measurable Goals



## Sec. 300.320(a)(2) – IEPs Contain Measurable Goals

- A statement of measurable annual goals, including academic and functional goals.
- Meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum.





## Sec. 300.320(a)(3) – IEPs Contain Progress Reports

- A description of how the child's progress toward meeting the annual goals is described.
- Reports on the progress the child is making toward meeting the annual goals (using quarterly or other periodic reports, concurrent with the issuance of report cards) must be provided.



## Sec. 300.39(b)(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 -
  - To address the unique needs of the child that results from the child's disability; and
  - To ensure access of the child to the general curriculum, so that the child can meet the educational standards.



# Specially Designed Instruction (SDI)

- **Must be** explicit, focused, and systematic related to a skill specified in an IEP goal
  - e.g., universal design for learning intentionally tailored to an IEP goal or supplementary aids or services to allow access and engagement with accompanying goal-based instruction are examples of SDI in action
- SDI is explicit, focused, and systematic **instruction** in any of the six areas of academic or functional skill specified in an IEP goal.



# Areas of Academic and Functional Performance from Wisconsin DPI

- Academics
- Cognitive Learning
- Communication
- Independence and Self-determination
- Physical Health
- Social and Emotional Learning

Comprehensive Special Education Evaluation: Six Areas of Academic and Functional Skill (2021)



# IEP Goals and APE

- The five SHAPE and WI PE Standards have progressive grade level outcomes
- IEP goals should be standards-based and aligned with the proper grade-level academic content standards
- With a child's specific disability taken into consideration, the educational program must “**appropriately ambitious**” and should encourage students to meet challenging objectives (Endrew F v. Douglas County School District 2017)



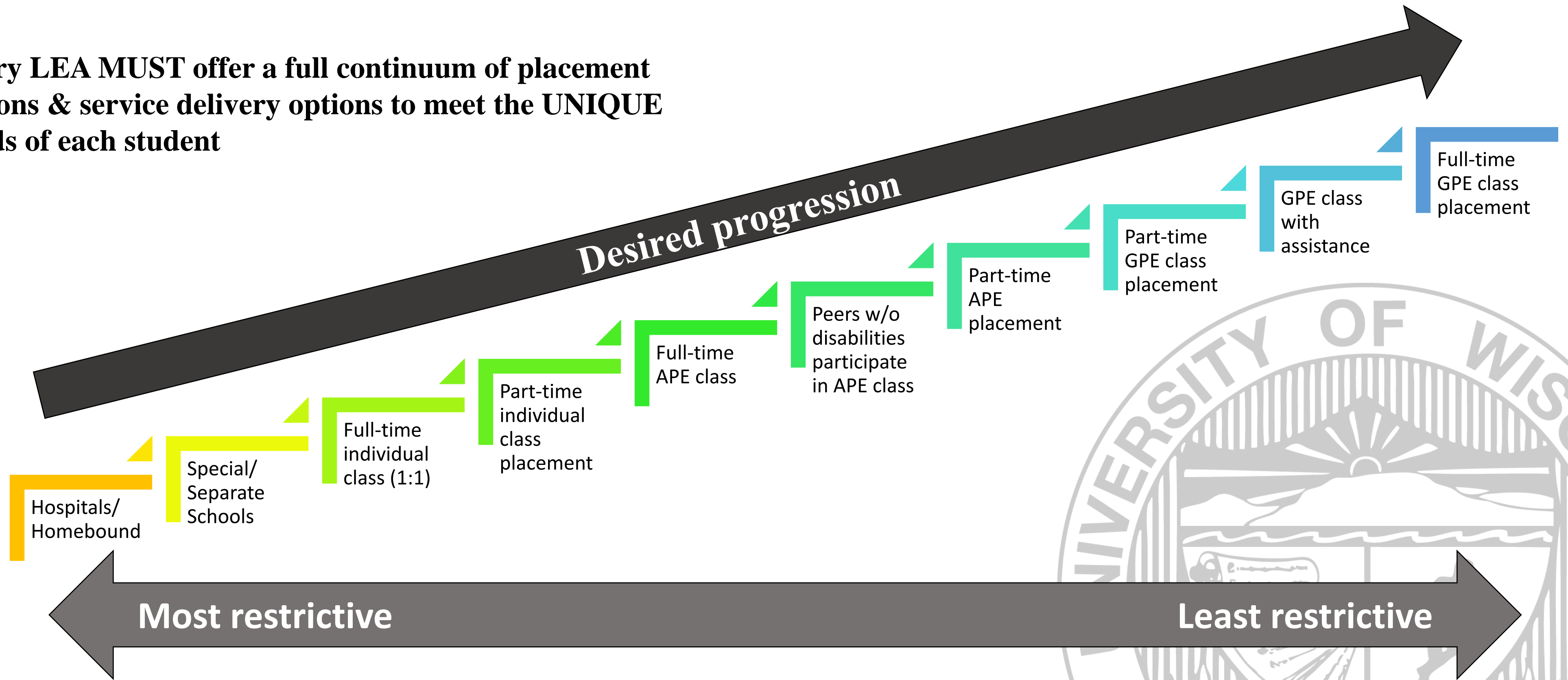
# Placement Options

- APE is a service, not a placement.
- To the maximum extent appropriate, children with disabilities, are educated with children who are not disabled. Sec. 1412(a)(5)(A)
- Decisions are made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options. Sec. 300.116(a)



# Least Restrictive Environment Continuum

Every LEA **MUST** offer a full continuum of placement options & service delivery options to meet the **UNIQUE** needs of each student



# PI 34.075 Adaptive Physical Education

- Holds a physical education license
- Completed an approved education preparation program in adaptive physical education which included all of the following:
  - Had a concentration in adaptive physical education.
  - Demonstrated knowledge and understanding in all of the following:
    - The psychology and nature of a child with a disability.
    - Modification of content, instructional strategies, and learning environments for children with disabilities and other children with special needs in the regular education setting.
    - A clinical program in adaptive physical education.





# Letter of clarification OT/PT

- Letter to Tymeson (2021)
  - Inquiry related to concerns about the increased frequency with which LEAs were replacing physical education with related services.
- OSEP's Response:
  - Specially designed instruction in physical education (APE services) is considered a special education service, *not* a related service.
  - LEAs must comply with IDEA's requirements for related service personnel and teachers, as well as state policies and procedures, regarding personnel qualifications including specially designed physical education instruction



# Adapted Physical Education, Occupational Therapy, and Physical Therapy

- Physical education is a **federally mandated component of special education services**. APE is a direct rather than related service.
- OT and PT are support (related) services.
- In a collaborative model **“The Motor Team”** (APE, OT, PT) each service provider will be reinforcing the objectives and activities of the other service providers in order to maximize the student’s benefit from special education programming.



# APE-OT-PT Similarities

- The multiple disciplines will work on similar skills to achieve different outcomes.
- As a special education service, there must be an adapted physical education goal to address the curricular need.
- IEP goals can read very similar, but the purpose is what separates them. As a related service, the physical therapist and occupational therapist can embed their goal into the adapted physical education goal.



# Example Goal: Throwing

- Adapted Physical Education
  - The student will use their right hand to overhand throw a 2” ball with shoulder and hip rotation, hitting a wall 10 feet away.
- Physical Therapist
  - Given stabilizing support at their hips, the student will maintain a static standing position for 90 seconds while utilizing their hands to perform instructional tasks.
- Occupational Therapist
  - The student will maintain their grasp of a 2” object with their right hand while transferring the object across midline into a container on their opposite side.



# Collaboration

- The primary objective for consultation and collaboration is to develop the most appropriate and effective IEP.
- A collaborative approach amongst service providers is required to ensure generalization of skills across environments.
- Some services can and often overlap thus enabling one professional to work on some goals that another professional has set. If this is the case the IEP must clearly state who will be the primary person responsible for addressing the goal and measuring progress.
- IEP Team must regularly communicate for the best interest of the student



# References

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<https://dpi.wi.gov/sped/laws-procedures-bulletins/procedures/sample/forms>

Wisconsin Department of Public Instruction. (2023). Update To: What is Specially Designed Instruction and Who can Provide it?



# Other Resources

- California State University, Long Beach [Adapted Physical Education Assessment Tools](#)
- National Consortium for Physical Education for Individuals with Disabilities (NCPEID) [Guidance for Administrators Regarding Adapted Physical Education Service Delivery](#)
- Wisconsin DPI Information Update Bulletin 10.04  
<https://dpi.wi.gov/sped/laws-procedures-bulletins/bulletins/10-04>
- Wisconsin DPI Information Update Bulletin 10.07  
<https://dpi.wi.gov/sped/laws-procedures-bulletins/bulletins/10-07>

