

CHAPTER 3 - PROVISION OF ADAPTED PHYSICAL EDUCATION SERVICES

CHILD FIND

3.1 KEY PROVISION: Procedures exist for locating, referring, and evaluating children who may require special education including the designated instruction and service (DIS)/related service of adapted physical education (APE).

Legal Reference: Sec. 56301; 20 U.S.C. Sec. 1412(a)(3)(A) *In general, all children with disabilities residing in the State, including children with disabilities who are homeless children or are wards of the State and children with disabilities attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services. (See also Sec. 56301)*

Discussion: Children with suspected disabilities are to be located, referred and evaluated for special education and related services. Adapted physical education (APE) is a related service under IDEA and state law (5CCR Sec. 3051.50). When a child has been identified as having one of the 13 areas of disability, he/she may require a range of services, or solely the services of adapted physical education.

Best Practice: Each local education agency (LEA) should include adapted physical education within its local plan, which describes procedures for locating, referring and assessing children who may need special education.

IDENTIFICATION

3.2 KEY PROVISION: Each Special Education Local Planning Area (SELPA) must have a local plan, which identifies a continuous child-find system that includes procedures for identification.

Legal Reference: Sec. 56301(d) (1) *Each special education local plan area shall establish written policies and procedures pursuant to Section 56205 for use by its constituent local agencies for a continuous child-find system that addresses the relationships among identification, screening, referral, assessment, planning, implementation, review, and the triennial assessment...*

Discussion: The Individuals with Disabilities Act (IDEA) defines many parameters of the referral, assessment and review processes. Screening pertains to all children and is

conducted for all individuals in a group (e.g., grade). Usually, the purposes of screening within general education are to identify adaptations that would be helpful, or to determine whether formal assessment is needed for the purpose of identifying a child's needs. General education teachers have the responsibility to conduct screening and may consult the adapted physical education teacher for techniques, strategies or checklists.

Screening should not be confused with assessment, as placement decisions in special education cannot be based upon information obtained from screening. While screening policies and procedures are left to local control and should be stated in the local plan, IDEA specifies that before a child is assessed, an assessment plan must be developed and signed to indicate parental permission has been obtained. Care must be exercised not to single the child out when screening, as this would be considered assessment and would require an assessment plan with parental permission.

A common example of screening is the mass testing of an entire classroom. All individuals in the class are met with for brief periods by the assessor, often in the corner of the room or outside the classroom door. Since all members of a given group (e.g., all kindergartners or all second graders) receive the same treatment, this type of screening is not considered to be individual in nature, as it does not target a specific child. It is important to ensure that children are not singled out. At times, an adapted physical education teacher may be asked to informally observe a child to determine if there may be a need for adapted physical education assessment. If done, this could be interpreted as an assessment and would require parent permission and due process assurances.

If a general education teacher asks the adapted physical education teacher about a specific child, the teacher can provide consultation to the teacher by providing suggestions on how to teach various movement skills and can give some general intervention strategies. The adapted physical education teacher must be careful not to do anything that may be considered individualized assessment unless informed consent is obtained from the parent.

General physical education teachers can conduct a screening using an informal list of skills, performance on grade level standards, or a written checklist of some sort. For example, many LEAs have developed their own checklist form and criteria for screening of motor skills. The general education teacher is able to use these before making a referral for adapted physical education assessment. (See Appendix B for an example of a screening tool.)

Best Practice: Adapted physical education teachers should review the SELPA plan and follow all stated procedures regarding screening. Information obtained from screening can be used to determine the need for an adapted physical education assessment referral or to identify other adaptations, accommodations or modifications. Screening is not sufficient to recommend a child for adapted physical education services.

REFERRAL TO ADAPTED PHYSICAL EDUCATION

3.3 KEY PROVISION: Adaptations, accommodations and modifications within the existing general physical education program shall be documented before a child is referred to adapted physical education.

Legal Reference: Sec. 56303 *A pupil shall be referred for special educational instruction and services only after the resources of the regular education program have been considered and, where appropriate, utilized.*

5 CCR 3021 - Referrals for Special Education and Related Services

Referral.

(a) All referrals for special education and related services shall initiate the assessment process and shall be documented. When a verbal referral is made, staff of the school district, special education local plan area, or county office shall offer assistance to the individual in making a request in writing, and shall assist the individual if the individual requests such assistance.

(b) All school staff referrals shall be written and include:

(1) A brief reason for the referral.

(2) Documentation of the resources of the regular education program that have been considered, modified, and when appropriate, the results of intervention. This documentation shall not delay the time-lines for completing the assessment plan or assessment.

Discussion: School staff and parents may collaborate to identify strategies for increasing student success in general education programs. Appropriate and meaningful intervention strategies should be based upon the child's needs and age and upon the physical education curriculum. When appropriate adaptations, accommodations and/or modifications have been tried and the student is still unsuccessful in general or specially designed physical education, a student with a disability should be referred for an adapted physical education assessment.

If a student who is eligible for special education under IDEA, is enrolled in general or specially designed physical education, and is not successful in the class, the following options exist:

- The IEP team may hold a meeting to determine appropriate adaptations, accommodations, or modifications to attempt within the current physical education setting.
- The teacher, responsible for physical education, may independently, identify and implement various interventions in either a general or specially designed physical education setting.
- The teacher or the IEP team may consult the adapted physical education teacher for suggested adaptations, accommodations or modifications that can be attempted.

After reasonable interventions have been attempted and documented, the IEP team may make

a determination that a referral for adapted physical education assessment is appropriate in order to determine the individual's needs. All referrals should be in writing and should contain at least a brief reason for the referral.

In rare cases, the student may be referred directly for an adapted physical education assessment if the IEP team has determined that attempting accommodations or modifications in the general or specially designed physical education program is inappropriate or unsafe. However, the IEP should contain documentation of the adaptations, accommodations, and/or modifications that have been considered. This will meet the letter of the law and will assist in communicating with future examiners and service providers.

Best Practice: Some general physical educators are unclear as to how they can modify instruction, equipment, and participation for their individuals who have mild disabilities. In these instances, the adapted physical education teacher may provide consultation to these teachers for the purpose of helping them identify appropriate instructional strategies, modifications, and adaptations. Often, individuals with mild disabilities can participate successfully in general physical education if rules are modified, cues are provided, equipment is changed, the student is permitted to play a specific position on a team or is provided with a peer tutor or "buddy." A referral to adapted physical education is made after adaptations, accommodations and modifications have been attempted and documented and the outcomes have been determined to be limited or unsuccessful. (Refer to Chapter 10, Key Provision 10.5 for more information regarding accommodations and modifications.)

In some cases, the severity of the disability is such that the team makes a referral to adapted physical education for an individual, as adaptations, accommodations and modifications, which have been considered, are determined to be inappropriate. Examples would include:

- A student who has a significant physical or sensory disability.
- A student with health impairment such as a significant heart condition.
- A student with autism who is unable to tolerate a large group setting.

In many cases, assessment of a student such as these will result in a recommendation for adapted physical education service. However, the assessment information will be important not only for placement, but to determine goals, adaptations and the extent to which the child may be able to participate in general physical education with modifications and/or accommodations.

(Appendix B contains a sample form that may be helpful in documenting requests for consultation from the APE Teacher, or referral for APE assessment.)

ASSESSMENT

3.4 KEY PROVISION: An assessment plan will be developed for the purpose of collecting data that will be used for determining the needs of the student and the appropriate level(s) of physical education instruction.

Legal Reference: Section 56320 - 56329 describes the requirements of the proposed assessment plan including components, timelines, parent rights and public education agency rights. Other timelines, which affect special education, are found in Sec. 56043.

Discussion: Areas that may be addressed in the assessment plan to determine the need for adapted physical education and the appropriate level of service, include but are not limited to:

- General physical education functioning, including success and safety.
- Gross motor skills.
- Motor development.
- Mobility.
- Health and physical fitness.
- Fine motor skills.
- Sport and recreation skills, including the application of motor skills to various environments.
- Effects of cognitive delays on functioning in physical education.
- Effects of behavioral difficulties on functioning in physical education.
- Effects of emotional disturbance on functioning in physical education.
- Other skills related to physical education curriculum and standards.

Best Practice: As part of a multidisciplinary team, it is recommended that the adapted physical education teacher develop an assessment plan that outlines an assessment procedure designed to reveal the strengths and needs of the child in relation to the school's physical education program. This requires careful review of the referral information in order to select the most appropriate types of assessment tools. The adapted physical education teacher should consider the following methods of gathering information:

- Observation, rubrics, task analysis or other informal methods.
- Administration of formal and/or standardized assessment instruments.
- Interviews and consultation with other school personnel, parents, and the student.
- Review of records and the results of assessment conducted by other professionals.
- Medical information

It is important that the adapted physical education teacher conduct a thorough assessment that is appropriate in terms of the age, developmental level and disability of each child. In cases where assessment is difficult, emphasis should be placed on ensuring that the student

understands the requests of the teacher. There may be times when informal versus formal assessment tools may give a better indication of abilities. Observations, interviews, review of records and increased dependence on parent input will assist in determining the functional level of the student.

3.5 KEY PROVISION: All children, who are referred for adapted physical education, shall be assessed following the same procedures and timelines defined in the law for special education.

Legal Reference: Assessment requirements for initial placement in special education are described in Sec. 56320 and apply to initial placement in adapted physical education. Some of the key requirements that apply to adapted physical education include, but are not limited to:

- Materials and procedures used shall not racially, culturally, or sexually discriminatory.
- Tests used are provided and administered in the language and form most likely to yield accurate information on what the pupil knows and can do academically, developmentally and functionally.
- Tests used are valid and reliable.
- Assessment materials are to be administered by trained and knowledgeable personnel and are administered in accordance with any instructions provided by the producer of the assessments.
- Tests are selected and administered to best ensure that when a test is administered to a pupil with impaired sensory, manual and/or speaking skills, it produces results that accurately reflect the pupil's aptitude, achievement level or any other factors the test purports to measure and not the pupil's impaired sensory, manual and/or speaking skills unless those skills are the factors the test purports to measure.
- No single measure or assessment is to be used as the sole criterion for determining whether a pupil is an individual with exceptional needs or for determining an appropriate educational program.
- The pupil is assessed in all areas related to the suspected disability.
- Assessment shall be conducted by persons knowledgeable of the pupil's suspected disability, including pupils with a suspected low incidence disability.

Timelines are described in Sec. 56043. *(a) A proposed assessment plan shall be developed within 15 calendar days of referral for assessment, not counting calendar days between the pupil's regular school sessions or terms or calendar days of school vacation in excess of five schooldays, from the date of receipt of the referral, unless the parent or guardian agrees in writing to an extension, pursuant to subdivision (a) of Section 56321.*

(b) A parent or guardian shall have at least 15 calendar days from the receipt of the proposed assessment plan to arrive at a decision, pursuant to subdivision (c) of Section 56321.

(c) Once a child has been referred for an initial assessment to determine whether the child is an individual with exceptional needs and to determine the educational needs of the child, these determinations shall be made, and an individualized education program team meeting shall occur within 60 days of receiving parental consent for the assessment, pursuant to subdivision (a) of Section 56302.1, except as specified in subdivision (b) of that section, and pursuant to Section 56344.

(d) The individualized education program team shall review the pupil's individualized education program periodically, but not less frequently than annually, pursuant to subdivision (d) of Section 56341.1.

(e) A parent or guardian shall be notified of the individualized education program team meeting early enough to ensure an opportunity to attend, pursuant to subdivision (b) of Section 56341.5. In the case of an individual with exceptional needs who is 16 years of age or younger, if appropriate, the meeting notice shall indicate that a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the individual with exceptional needs, and the meeting notice described in this subdivision shall indicate that the individual with exceptional needs is invited to attend, pursuant to subdivision (e) of Section 56341.5.

(f) (1) An individualized education program required as a result of an assessment of a pupil shall be developed within a total time not to exceed 60 calendar days, not counting days between the pupil's regular school sessions, terms, or days of school vacation in excess of five schooldays, from the date of receipt of the parent's or guardian's written consent for assessment, unless the parent or guardian agrees in writing to an extension, pursuant to Section 56344.

(2) A meeting to develop an initial individualized education program for the pupil shall be conducted within 30 days of a determination that the child needs special education and related services pursuant to Section 300.323(c)(1) of Title 34 of the Code of Federal Regulations and in accordance with Section 56344.

Discussion: All assessment procedures and timelines, legally required for special education service, must be followed for adapted physical education service.

Best Practice: The adapted physical education teacher is part of the multidisciplinary assessment team and must conduct an appropriate assessment. Once a child has been referred to adapted physical education, a proposed assessment plan shall be presented within 15 days. (Sec. 56043 (a) Results of the assessment must be presented and the IEP developed within 60 days of receiving signed parental consent. (Sec. 56043 (c))

3.6 KEY PROVISION: The child shall be assessed in all areas related to the suspected disability to determine eligibility for special education.

Legal Reference: Sec. 56320(f) *The pupil is assessed in all areas related to the suspected disability including, if appropriate, health and development, vision, including low vision, hearing, motor abilities, language function, general intelligence, academic performance, communicative status, self-help, orientation and mobility skills, career and vocational abilities and interests, and social and emotional status. A developmental history shall be obtained, when appropriate. For pupils with residual vision, a low vision assessment shall be provided in accordance with guidelines established pursuant to Section 56136. In assessing each pupil under this article, the assessment shall be conducted in accordance with Sections 300.304 and 300.305 of Title 34 of the Code of Federal Regulations.*

Discussion: When determining a child’s eligibility for special education, the adapted physical education teacher may be involved in the process.

Best Practice: The documented reasons for referral, lead to the development of the assessment plan, which identifies the areas to be assessed. An adapted physical education teacher may be part of the multidisciplinary team and, upon receiving a referral, should plan and conduct an assessment within the timelines stated above. The adapted physical education teacher’s schedule should be arranged to allow for time to conduct assessments. Referrals may come at any time of the year, and the adapted physical education teacher should be prepared to process them in a timely manner. Time limits begin when the referral is made. Therefore, the adapted physical education teacher will need to ensure that referrals are received in a timely manner as well. This may necessitate procedures such as: regularly checking mail boxes at all schools of service; ensuring that key individuals (e.g., administrators, school psychologists) are able to contact the adapted physical education teacher via email or phone for notification that a referral has been made; and understanding local procedures and policies for addressing referrals. As soon as the adapted physical education teacher has been notified that a referral has been received, he/she should maintain a personal calendar to ensure that the assessment is conducted within the legal timelines.

3.7 KEY PROVISION: No one evaluation procedure may be used as the sole criterion for determining the appropriateness of adapted physical education services.

Legal Reference:

20 U.S.C. Sec. 1414 (b)

(b) Evaluation procedures

(1) Notice

The local educational agency shall provide notice to the parents of a child with a disability, in accordance with subsections (b)(3), (b)(4), and (c) of section 1415 of this title, that describes any evaluation procedures such agency proposes to conduct.

(2) Conduct of evaluation

In conducting the evaluation, the local educational agency shall—

(A) use a variety of assessment tools and strategies to gather relevant functional, developmental and academic information, including information provided by the parent, that may assist in determining—

(i) whether the child is a child with a disability; and

(ii) the content of the child’s individualized education program, including information related to enabling the child to be involved in and progress in the general education curriculum, or, for preschool children, to participate in appropriate activities;

(B) not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability or determining an appropriate educational program for the child; and

(C) use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

Sec. 56320(e) Pursuant to Section 1414(b)(2)(B) of Title 20 of the United States Code, no single measure or assessment is used as the sole criterion for determining whether a pupil is an individual with exceptional needs or determining an appropriate educational program for an individual the pupil.

Discussion: Since adapted physical education is defined in IDEA as special education, and it may be the only special education placement for a child, adapted physical education assessments must follow the statutes and codes cited above. Accurate and thorough assessment information is obtained when several assessment procedures are utilized. Placement in adapted physical education cannot be based upon the results of one assessment procedure or test, even if the test assesses different categories of movement or success in physical education.

Best Practice: It is recommended that the adapted physical education teacher be prepared (and trained) to utilize the many types of assessment procedures that are available, and to select those that are most appropriate for each child being assessed. In addition to formal assessments observations, teacher made tests, interviews, information from parents and a review of the individual’s records are assessment procedures that can be utilized.

The adapted physical education teacher should understand the technical features of each test used and select assessment methods based on the specific purposes for assessing each child. The results of the assessment methods used should be analyzed in terms of their relationship to each other as well as their individual results.

3.8 KEY PROVISION: Assessment data are used by an adapted physical education teacher to establish a motor profile for each referred child for the purpose of developing an appropriate physical education program.

Legal Reference: *Sec. 56327 The personnel who assess the pupil shall prepare a written report, or reports, as appropriate, of the results of each assessment. The report shall include, but not be limited to, all the following:*

- (a) Whether the pupil may need special education and related services.*
- (b) The basis for making the determination.*
- (c) The relevant behavior noted during the observation of the pupil in an appropriate setting.*
- (d) The relationship of that behavior to the pupil's academic and social functioning.*
- (e) The educationally relevant health and development, and medical findings, if any.*
- (f) For pupils with learning disabilities, whether there is such a discrepancy between achievement and ability that it cannot be corrected without special education and related services.*
- (g) A determination concerning the effects of environmental, cultural, or economic disadvantage, where appropriate.*
- (h) The need for specialized services, materials, and equipment for pupils with low incidence disabilities, consistent with guidelines established pursuant to Section 56136.*

Sec. 56342(a) The individualized education program team shall review the assessment results, determine eligibility, determine the content of the individualized education program, consider local transportation policies and criteria developed pursuant to paragraph (5) of subdivision (b) of Section 56195.8, and make program placement recommendations.

(b) In determining the program placement of an individual with exceptional needs, a local educational agency shall ensure that the placement decisions and the child's placement are made in accordance with Sections 300.114 to 300.118, inclusive, of Title 34 of the Code of Federal Regulations.

20 U.S.C. Sec. 1401

(3) Child with a disability

(A) In general the term "child with a disability" means a child—

(i) with intellectual disabilities, hearing impairments (including deafness), speech or

language impairments, visual impairments (including blindness), serious emotional disturbance (referred to in this chapter as “emotional disturbance”), orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and

(ii) who, by reason thereof, needs special education and related services.

(B) Child aged 3 through 9 The term “child with a disability” for a child aged 3 through 9 (or any subset of that age range, including ages 3 through 5), may, at the discretion of the State and the local educational agency, include a child—

(i) experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in 1 or more of the following areas: physical development; cognitive development; communication development; social or emotional development; or adaptive development; and

(ii) who, by reason thereof, needs special education and related services.

See also, Sec. 56341, which identifies who should attend the IEP team meeting.

Discussion: Data obtained from various assessment procedures are used by adapted physical education teachers to establish a motor profile for each referred child. Results from the formal tests, which have been administered, often are reported in different units of measure. It makes sense to compare and contrast them with one another as well as with the information obtained from informal assessment procedures. At times, standardized assessments, which fall under the formal assessment category, may not be appropriate due to the nature of the disability. In these situations, other less formal assessment methods may need to be employed.

In general, an adapted physical education teacher analyzes all of the collected data and explains it in terms of a motor profile of student strengths and needs. This is done in writing, in the form of the assessment report (see Appendix D for examples) and is verbally summarized at the IEP meeting. The interpreted results contribute to the process of developing the individualized education program (IEP) including, the type(s) and frequency, duration and location of physical education service along with measurable goals and objectives that are recommended and aligned with physical education content standards.

Best Practice: The assessment process should begin with parents and teachers and proceed to the implementation of a variety of formal and informal measures. It is critical that the assessment methods and practices utilized are appropriate, nonbiased and consider the cultural and linguistic characteristics of the child.

Adapted physical education teachers are advised to review their pre-service training in their professional preparation courses on assessment methodology. The review should include a thorough understanding of statistical concepts and evaluation principles including but not limited to:

Note: All statutory citations apply to the California Education Code unless otherwise stated.

ADAPTED PHYSICAL EDUCATION GUIDELINES

- Validity
- Reliability
- Normal distribution, mean and standard deviation
- Various types of normative scores (e.g., percentile rank, stanine, standard score)
- Developmental norms versus statistical norms
- Criterion referencing
- Observation

There are many variables that should be considered when selecting an appropriate test or assessment tool, such as chronological age, student needs, functional skill issues, general motor skill differences, and inclusion goals for each child. It is recommended that pre-service training include a thorough understanding of variables involved in selecting tests and assessment methods. Adapted physical education teachers are advised to continue to update their knowledge in this area throughout their careers.

Writing a thorough and easily understood assessment report is also the responsibility of the adapted physical education teacher who conducts an assessment. In general this report should include the assessment results, analysis, motor profile of the student, and recommendations. A sample report and detailed discussion of recommended components is contained in Appendix D.

The adapted physical education teachers should be prepared to summarize the assessment results and recommendations at the IEP team meeting, in ways that are understandable to all IEP team members including parents. In addition, they should be prepared to answer questions regarding the reasons for selection and technical merits of tests and assessment methods used.

ELIGIBILITY AND PLACEMENT GUIDELINES

3.9 KEY PROVISION: A student may be considered for adapted physical education services when the IEP team determines that the child is eligible for special education.

Legal Reference:

Sec. 56342 (a) The individualized education program (IEP) team shall review the assessment results, determine eligibility [for special education], determine the contents of the individualized education program, consider local transportation policies and criteria...and make program placement recommendations. (Sec. 56342 (a))

5 CCR Sec. 3030 A pupil shall qualify as an individual with exceptional needs, pursuant to Section 56026 of the Education Code, if the results of the assessment as required by Section 56320 demonstrate that the degree of the pupils' impairment as described in Section 3030 (a through j) requires special education in one or more of the program options authorized by Section 56361 of the Education Code. The

decision as to whether or not the assessment results demonstrate that the degree of the pupils' impairment requires special education shall be made by the individualized education program team, including assessment personnel in accordance with Section 56341(b) of the Education Code. The individualized education program team shall take into account all the relevant material which is available on the pupil. No single score or product of scores shall be used as the sole criterion for the decision of the individualized education program team as to the pupils' eligibility for special education. The specific policies and procedures for implementation of these criteria shall be developed by each special education local plan area and be included in the local plan pursuant to Sec. 56220(a.).

Discussion: Once the child is 1) identified as having a disability, as defined in 20 U.S. C. 1401(3), 2) is determined by the IEP team to be eligible for special education, and 3) the results of assessment indicate that performance in physical education is adversely affected, then specific physical education services must be addressed as stated in 34 CFR Sec. 300.307. The individual child may be considered for adapted physical education services if the IEP team determines that the child is eligible to receive special education and/or related services.

Adapted physical education is identified as a related service in California Education Code 56363(a) that explains that related services are the same as designated instruction and services in Federal law. Adapted physical education is provided for children with disabilities. Adapted physical education is included in the definition of special education in regulation 300.26 (b) (1 through 3), which defines adapted physical education as special education. **Adapted physical education is not a disability category.** This service or program is available to those children who have been identified as having a disability that is defined in IDEA. Therefore, once a child is identified as having a disability under IDEA, and is an individual with exceptional needs under Sec. 56026, the IEP team may determine that adapted physical education is the special education that the child needs. **Adapted physical education can be the only service that is received.**

In rare cases, a student may attend an adapted physical education class or receive services from an adapted physical education teacher as determined through the general education processes and/or Section 504 (of the Rehabilitation Act of 1973) plan. When this occurs, special education funding does **not** apply. Therefore, administrators must carefully analyze the effect of such a placement on caseload, consultation time, class size, and general education funds.

Best Practice: When developing an IEP, the adapted physical education teacher should make sure the child is identified as having one of the disabilities listed in 20 U.S.C. Sec. 1401(3) (A-B). Before recommending to the IEP team that the student receive adapted physical education service, the adapted physical education teacher must also ensure that the assessment results indicate that the child's needs cannot be met solely in the general education program, therefore, the child needs the special education service of adapted

physical education.

3.10 KEY PROVISION: Assessment results are used to assist the IEP team in making decisions to determine if adapted physical education service is appropriate.

Legal Reference: There are no specific placement criteria established in federal or state statutes or regulations for adapted physical education services.

Discussion: Many local education agencies (LEAs) have adopted local guidelines, which identify normative scores. Frequently, poor performance on motor tests indicates that the pupil is demonstrating difficulty with movement skills and/or performance. Scores and age-equivalents commonly used by LEAs to indicate poor performance are: a raw score which falls 1.5 standard deviations below the mean, a raw score that ranks at the 7th percentile or below, or an age equivalent which indicates the child is functioning at 30% below chronological age.

Sometimes, the nature of the disability is such that even though the student performs within normal limits on standardized motor tests or on developmental scales, performance in physical education continues to be adversely affected. In these specialized cases where difficulties such as emotional disturbance, mental retardation, and/or behavior difficulties interfere with educational performance in physical education, the IEP team may determine that adapted physical education services are appropriate.

A student may score poorly on a motor test, but may be able to participate successfully in one or more of the other physical education placements. In these cases, the IEP team may determine that adapted physical education services are not appropriate. The specific criteria to be used should be delineated in each LEA's local plan and should guide the decisions of the IEP team.

Best Practice: The adapted physical education teacher should consult the local plan or district's/county's guidelines for suggested placement criteria which include functioning levels and use of statistical scores. In the absence of criteria in the Local Plan, the adapted physical education teacher should consider the above criteria as a guideline for recommending an appropriate physical education placement for a student. The IEP team has the final decision regarding placement and service decisions.

TEMPORARY DISABILITIES

3.11 KEY PROVISION: A student who is identified as having a temporary disability is not eligible for adapted physical education.

Legal Reference: 5 CCR Sec. 3001 (ag) *Temporary physical disability means a disability*

incurred while an individual was in a regular education class and which at the termination of the temporary physical disability, the individual can, without special intervention, reasonably be expected to return to his or her regular education class. Individuals with temporary disabilities are not eligible for special education (see also, Sec. 56026 (e), and 56441.11(c)(2)).

Discussion: A student, who has a disability that is temporary in nature, is not eligible for special education and/or related services as the disability will diminish significantly or will disappear over time. Some examples are broken bones, pulled ligaments and muscles and infections. Since adapted physical education is usually a special education service, or is occasionally provided to children with a disability under a 504 plan, children with temporary disabilities are not eligible for adapted physical education services. Some individuals with temporary disabilities may need accommodations within general or specially designed physical education. Consultation between the general and adapted physical education teachers can be extremely important in such cases. In rare cases, an administrative placement with an adapted physical education teacher may be provided as a general education function.

Best Practice: The adapted physical education teacher may be a resource to the general or specially designed physical education teacher by suggesting adaptations, accommodations and modifications for children with temporary conditions. The adapted physical education teacher should endeavor to be a supportive resource by maintaining knowledge of temporary disabilities and the resources to research them as necessary.

PHYSICAL EDUCATION PROGRAMS AND SERVICES

3.12 KEY PROVISION: Once a child is identified as having a disability and is determined to be eligible for special education by the IEP team, specific physical education services must be identified after considering a full continuum of program options.

Legal Reference: 34 CFR Sec. 300.108 *Physical education.*

The State must ensure that public agencies in the State comply with the following:

(a) General. Physical education services, specially designed if necessary, must be made available to every child with a disability receiving FAPE, 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 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 with this section.

Sec. 56031 defines special education, and in doing so, states in Sec. 56031(a) *Special education," in accordance with Section 1401(29) of Title 20 of the United States Code, means specially designed instruction, at no cost to the parent, to meet the unique needs of individuals with exceptional needs, including instruction conducted in the classroom, in the home, in hospitals and institutions, and other settings, and instruction in physical education.*

Adapted physical education is one program option, which is listed as a designated instruction and service (and related service) in the California Code of Regulations (5 CCR 3051), and is therefore subject to the following requirements:

(a) General Provisions.

(1) Designated instruction and services and related services may be provided to individuals

or to small groups in a specialized area of educational need; and throughout the full continuum of educational settings.

(2) Designated instruction and services and related services, when needed as determined by the IEP.

(3) All entities and individuals providing designated instruction and services and related services shall be qualified pursuant to section 3060-3065 of this title.

5 CCR Sec. 3051.5 Adapted Physical Education for Individuals with Exceptional Needs.

Adapted physical education is for individuals with exceptional needs who require developmental or corrective instruction and who are precluded from participation in the activities of the general physical education program, modified general physical education program, or in a specially designed physical education program in a special class.

Consultative services may be provided to pupils, parents, teachers, or other school personnel for the purpose of identifying supplementary aids and services or modifications necessary for successful participation in the regular physical education program or specially designed physical education programs.

The person providing instruction and services shall have a credential authorizing the teaching of adapted physical education by the Commission on Teacher Credentialing.

One of the conditions states must meet, in order to receive federal funding for special education, is to provide for education in the least restrictive environment. This is defined, in general, as:

20 U.S.C. Sec. 1412(a)(5) *Least restrictive environment*

Note: All statutory citations apply to the California Education Code unless otherwise stated.

ADAPTED PHYSICAL EDUCATION GUIDELINES

(A) In general to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and service cannot be achieved satisfactorily.

There are no specific state adapted physical education entry criteria. However, once the child is identified as having a disability, which is adversely affecting physical education performance, and the child is determined to be eligible for special education by the IEP team, specific physical education services must be addressed as stated in 34 CFR Sec. 300.308

Discussion: Strong foundations in both state and federal laws have led to the development of a range of physical education program options. It is recommended that each SELPA specify this range. In addition, modified physical education is part of general or regular physical education programming; therefore it need not be listed as a separate type of general physical education. (However, modifications or accommodations should be listed on the child's IEP). To ensure this is clear to all, it is recommend that the service delivery model reflect modified physical education as included within general physical education.

Physical Education Service Delivery Options:

Physical Education:

This option encompasses a full spectrum of game, sport, fitness, and movement activities, including physical and motor fitness, fundamental motor skills and patterns, and skills in aquatics, dance, and individual and group games and sports. The student participates with or without accommodations adaptations, or modifications that can be made by the general physical education teacher. The IEP should accurately reflect any accommodations, adaptations, or modifications that are necessary for the student to participate successfully (and safely) in the general physical education program. Refer to Appendix K for the California Commission on Teacher Credentialing Physical Education Single Subject Credential Standards.

Specially Designed Physical Education:

This physical education program is for a special education class with minimal or limited adaptations, accommodations or modifications and is provided for the children and taught by the person who normally teaches physical education for this population. 5 CCR Sec. 3051.5(a).

Adapted Physical Education:

Adapted physical education is a service provided by a credentialed adapted physical education teacher to individuals who have needs that cannot be adequately satisfied in other physical education programs as indicated by the assessment and IEP process. Adapted physical education service may be provided through direct instruction, team teaching, the

appropriate use of instructional aides (see Key Provision 2.3), or collaborative consultation, as long as appropriate goal(s) and objective(s) are indicated and accurately monitored by the adapted physical education teacher. All adapted physical education services should be accurately indicated on the individual's IEP with appropriate goals and measurable objectives, aligned with physical education curriculum standards, recorded and monitored by the adapted physical education teacher. The frequency and duration of adapted physical education service will be based upon the needs of the student and should be listed on the IEP. The list will indicate the frequency with which the adapted physical education teacher provides service for the student. Collaborative consultation is one method of providing service on behalf of the individuals, to assist the student in participating successfully in the less restrictive settings of general physical education or specially designed physical education. (Refer to Appendix J for the California Commission on Teacher Credentialing Adapted Physical Education Authorization Credential Standards.)

Best Practice: All physical education program options should be available to all individuals. The IEP team must determine which combination of services would best meet the individual's needs and will also meet the mandated number of minutes required (elementary = 200 minutes/10 days; secondary = 400 minutes/10 days) for physical education in the least restrictive environment. (Sec. 51210(g)). A student receives 60 minutes per week in adapted physical education; with the remaining mandated physical education minutes being fulfilled in general or specially designed physical education.

Examples of Specially Designed Physical Education are as follows and do not include direct service by an adapted physical education teacher.

- Special education students who attend a special day class receive physical education instruction from their special day class teacher.
- Special education students, who attend a special day class are scheduled together in one class period to receive physical education instruction from a general physical education teacher.
- A special education student who is assigned to a general education classroom attends physical education with other special education students who are assigned to a special day class. It is taught by either the special day class teacher or a general physical education teacher.

Collaborative consultation is a professional interaction process that is effectively utilized within all of these programs to help meet the needs of the student. A student may not receive all their mandated physical education minutes within an adapted physical education setting. Therefore collaborative consultation services could be offered by the adapted physical education teacher to create a safe and successful general physical education environment for the additional mandated physical education minutes. In some situations a collaborative goal is written and both adapted physical education teacher and another teacher/specialist will be listed as responsible for implementing the goal. Example: the adapted physical educator to

provide specialized equipment (bell ball) for a student to utilize during specially designed physical education. This assists the student in meeting a goal related to play with peers. The teacher of the specially designed physical education class encourages student to use a bell ball to play kick ball with peers.

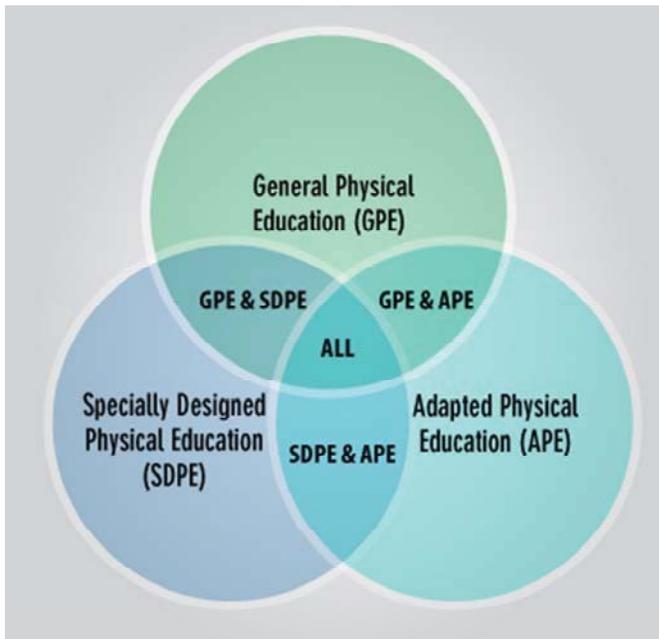
PHYSICAL EDUCATION SERVICE DELIVERY

General Physical Education:

Movement activities are provided by the general PE teacher and may include accommodations, adaptations, or modifications, which are made by the general PE teacher.

Specially Designed Physical Education:

Physical education programming, for a special education class, that requires minimal or limited adaptations, accommodations, or modifications, and is taught by the person, general or special educator, who normally teaches physical education for this population.



Adapted Physical Education:

Adapted physical education is a physical education program for children with disabilities who have needs that cannot be solely met in general or specially designed physical education. It is taught by a credentialed APE teacher either independently, with or without aides, or in a team teaching situation with either a general or a special educator. Frequency and duration of services, and goals and objectives/ which are monitored by the APE teacher, are identified on the IEP. Students receiving APE are counted on the APE teacher's caseload.

Collaborative Consultation could be identified on the IEP as a service that is provided on behalf of the student and assists the student in participating in the least restrictive environment of general or specially designed PE. If a student is receiving collaborative consultation service from an adapted physical education teacher, the student may be counted on the APE teacher's caseload if a goal and supporting objectives have been identified on the IEP and are monitored by the APE teacher.

PARTICIPATION WITH NON-DISABLED PEERS

3.13 KEY PROVISION: The majority of children identified as eligible for special education and related services are capable of being included in the general education curriculum to varying degrees with some adaptations and modifications.

Legal Reference: 20 U.S.C. Sec. 1412(a)(5). Least restrictive environment

(A) In general to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and service cannot be achieved satisfactorily.

34 CFR Sec. 300.108 *Physical education.*

The State must ensure that public agencies in the State comply with the following:

(a) General. Physical education services, specially designed if necessary, must be made available to every child with a disability receiving FAPE, 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 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.

Discussion: Many children with disabilities can be included in a standard based general physical education program because their disability requires only minor adaptations, or does not affect their performance in physical education. Individuals with disabilities must have the opportunity to participate in general physical education unless one of the exceptions stated in state or Federal law applies. Sometimes, assessment results indicate that general physical education will not be safe or appropriate for an individual with a disability. However, when interpreting assessment information, it is recommended that the IEP team, with significant input from the adapted physical education teacher, consider the outcomes of opportunities the student has had to participate in general physical education.

Best Practice: Some disabilities, which require specialized instruction in the classroom, require only minor adaptations in the physical education setting and do not require adapted

physical education. For example, a student with a learning disability, who is not demonstrating movement skill difficulties, may only need cues and reminders of the rules for a game to ensure understanding and participation. For a written assignment or test in physical education, the student may need someone to read the contents aloud or the child may need some extra time to complete the written work. These accommodations are minor in nature and do not require adapted physical education intervention. In another example, a child who is deaf and does not have significant movement difficulties, the only accommodation needed is a physical education teacher who can use the individual's mode of communication or to be accompanied by a sign language interpreter.

The general physical education teacher can request collaborative consultation from the adapted physical education teacher regarding appropriate adaptations that may be needed for inclusion of individuals with a disability.

For individuals with a disability that impacts certain types of movement performance, sport or activity specific participation is recommended. The adapted physical education teacher must consider the disability condition, functional movement and cognitive abilities of the child, available support staff, and possible peer support, when determining adaptations and modifications that will enable the student to participate in general physical education.

Examples of sport/activity specific participation in physical education include:

- A student with Down syndrome and the associated cervical vertebrae defects does not participate in diving, gymnastics, wrestling, or other activities that may put pressure on the neck. However, they may have the ability to participate in all other physical education curricular areas and is provided with adapted physical education for alternative activities to replace those units.
- A student with uncontrolled seizure disorder does not participate in activities around water, heights or involving moving equipment (e.g., roller skates or bicycles). However, s/he may have the ability to participate in all other physical education curricular areas.

3.14 KEY PROVISION: Physical education services should be provided in an inclusive manner that promotes maximum interaction between children with disabilities and their non-disabled peers.

Legal Reference: 20 U.S.C. Sec. 1412(a)(5) *Least restrictive environment*

(A) In general to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and service cannot be achieved satisfactorily.

34 CFR Sec. 300.108 *Physical education.*

The State must ensure that public agencies in the State comply with the following:

Note: All statutory citations apply to the California Education Code unless otherwise stated.

ADAPTED PHYSICAL EDUCATION GUIDELINES

(a) General. Physical education services, specially designed if necessary, must be made available to every child with a disability receiving FAPE, 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 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.

Discussion: This key provision can be met by selecting different physical education service delivery models (or a combination of models) when considering physical education placement for children with disabilities. Children will then be afforded the opportunity to participate, to the maximum extent possible, with their non-disabled peers. The service delivery model includes general physical education, specially designed physical education, and adapted physical education. Refer to Key Provision 3.13 (in this document) for a more complete description of these settings.

Best Practice: It is recommended that general and adapted physical educators use a collaborative consultation approach to provide the maximum amount of joint participation between children with and without disabilities. For example, a middle school student with a physical disability, such as post poliomyelitis or spina bifida, who has limited lower extremity function, and functional use of the upper extremities, could engage in sport-specific participation with non-disabled peers. This participation could occur in a combination of the modified general physical education and adapted physical education settings in which the adapted physical education teacher team-teaches with the general physical education teacher. For the sport of softball, the student could participate in skill practice for throwing, catching, and batting with limited or no adaptations. During the game, some modifications would be required, such as playing a position that required less potential running; playing a position with a partner; and having another teammate run the bases after the student hits the ball. In hockey, the student could play a defensive position, such as goalie or fullback, which does not require as much running. Adaptations can be made for almost all sports and activities. However, there are times when available adaptations are so minimal that participation is severely restricted. For the student with one of the previously identified physical disabilities, the sports of soccer and football and the running events in track and field are such examples. During these units, adapted physical education services provided solely by the adapted physical education teacher would probably better meet other identified needs of the student, which may include age-appropriate recreational and physical fitness skills.