

CHAPTER 4 – INDIVIDUALIZED EDUCATION PROGRAM

4.1 KEY PROVISION: A combination of physical education program options can be used to meet the physical education requirement.

Legal Reference:

Sec. 51210 *The adopted course of study for grades 1 to 6, inclusive, shall include instruction, beginning in grade 1 and continuing through grade 6, in the following areas of study:*

...(g) *Physical education, with emphasis upon the physical activities for the pupils that may be conducive to health and vigor of body and mind, for a total period of time of not less than 200 minutes each 10 schooldays, exclusive of recesses and the lunch period.*

Sec. 51220 *The adopted course of study for grades 7 to 12, inclusive, shall offer courses in the following areas of study:*

...(d) *Physical education, with emphasis given to physical activities that are conducive to health and to vigor of body and mind, as required by Section 51222.*

Sec. 51222. (a) *All pupils, except pupils excused or exempted pursuant to Section 51241, shall be required to attend upon the courses of physical education for a total period of time of not less than 400 minutes each 10 schooldays...*

Discussion: Providing a combination of both general and special education instruction is often necessary to meet the 200 or 400 minute requirement. Doing so necessitates communication, cooperation, and collaboration among the professionals to foster continuity in the child's instructional program. It is recommended that: (a) the general classroom teacher, general physical education teacher, or special day class teacher be aware of all goal(s) stated on the IEP, and reinforce skills taught by the adapted physical education teacher; (b) the adapted physical education teacher should be aware of the general physical education curriculum and California Physical Education Model Content Standards or alternative standards, and assist with provision of accommodations and modifications; (c) administrators be aware and supportive of creative approaches of collaboration among the IEP team; (d) the IEP team indicate on the IEP how coordination will occur between school personnel.

Best Practice: For example, a student may be assigned to a combination of adapted physical education and general physical education. An elementary aged student might receive two sessions per week in adapted physical education, working on IEP goals and objectives, and for the remainder of the 200 minutes of physical education instruction s/he might attend specially designed or general physical education, taught by the classroom teacher. Occasional periods of team teaching are sometimes required when a combination of physical

education program options are assigned for a student with a disability.

4.2 KEY PROVISION: A statement of the child's present level of motor performance must be included in the IEP for a student receiving adapted physical education services.

Legal Reference:

34 CFR sec. 300.320 *Definition of individualized education program.*

(a) General. As used in this part, the term individualized education program or IEP means a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with §§300.320 through 300.324, and that must include—

(1) A statement of the child's present levels of academic achievement and functional performance, including—

(i) How the child's disability affects the child's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled children); or

(ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;

The California Education Code identifies the components of the individual education program (IEP).

Sec. 56345.(a) *The individualized education program is a written statement for each individual with exceptional needs that is developed, reviewed, and revised in accordance with this section, as required in Section 1414(d) of Title 20 of the United States Code and that includes the following:*

(1) A statement of the individual's present levels of academic achievement and functional performance, including the following:

(A) The manner in which the disability of the individual affects his or her involvement and progress in the general education curriculum.

(B) For preschool children, as appropriate, the manner in which the disability affects his or her participation in appropriate activities.

Discussion: The child's present level of educational performance is reported for various areas of need on the IEP. The location of the present level of performance statements varies as each LEA adopts its IEP forms. There must be a present level of performance statement, or baseline for each measurable goal. IEPs also contain a page to summarize Present levels of academic achievement and functional performance, which includes state test data, including fitness test data, for the child as well as a statement present level by category (e.g., academic, social emotional, gross and fine motor, communication development, self-help, etc.).

Adapted physical education teachers who are part of an IEP team, participate in writing present levels of performance in physical education. The adapted physical education teacher should be prepared to contribute to present level statements that relate to other areas as well. For example, the adapted physical education teacher may have had the greatest opportunity

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

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to view the child's social behaviors in games and outdoor activities, and therefore may make an important contribution to the present and possibly future levels of performance in the area of social skills.

Best Practice: Currently, online IEP programs are in use in the majority of LEAs. Before an IEP meeting, the adapted physical education teacher will input the child's present level of performance statements on the online IEP database.

When attending the IEP meeting, the adapted physical education teacher should come prepared with statements regarding the individual's present levels of educational performance; listen carefully to present levels of performance stated by other IEP team members; and participate proactively in discussions aimed at building consensus among all team members. Therefore, at the IEP meeting there is a draft IEP form presented to parents and changes to it can be made to complete the final IEP. Although the adapted physical education teacher should come to the IEP meeting with suggested goals and objectives, s/he may need to adjust the proposed goals and objectives based upon discussion and input from other IEP team members. The IEP should also address the unique needs of the child that arise out of his or her disability and how this applies to the child's progress in the general education curriculum.

4.3 KEY PROVISION: Goals and objectives should be based on the assessment results and identified needs of the child to enable the child to progress in the physical education curriculum.

Legal Reference:

Sec. 56345(a) *The individualized education program is a written statement for each individual with exceptional needs that is developed, reviewed, and revised in accordance with this section, as required by Section 1414(d) of Title 20 of the United States Code and that includes the following:...*

...(2) *A statement of measurable annual goals, including academic and functional goals, designed individual to enable the pupil to be involved in and make progress in the general education curriculum.*

Discussion: The intent of the legislation is not for a teacher to write goals for every skill that needs to be attained. Rather, the legislative intent is for the teacher to identify priority goals that are reflective of the most important skills needed to enable the child to access the general physical education curriculum, including the Physical Education Standards adopted by the LEA. For preschool children, the teacher should identify priority goals that reflect the most important skills needed to participate in appropriate activities. This intent also applies to children who are not participating in general education.

Best Practice: When writing goals and objectives, select an area or areas of need that are appropriate and functional. Consider age-appropriate skills and skills that will transition to

other lifetime activities as these are likely to contribute to progress in the general physical education program. For example, some skills that may be needed to meet physical education standards in primary grades (e.g., skipping or walking on a balance beam), are not necessary to meet the physical education standards at the high school level.

4.4 KEY PROVISION: Goals and objectives address the child’s unique needs related to the disability.

Legal Reference: 20 U.S.C. sec. 1414(d) (1) (A) (II) A statement of measurable annual goals, including academic and functional goals, designed to—
(aa) 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; and
(bb) meet each of the child’s other educational needs that result from the child’s disability;

The California Education Code, sec. 56345 states, in part:

(2) a statement of measurable annual goals, including academic and functional goals, designed to do the following: (A) Meet the needs of the individuals that results from the disability of the individual to enable the pupil to be involved in and make progress in the general education curriculum. (B) Meet each of the other educational needs of the pupil that result from the disability of the individual.

Discussion: Some children have disabilities that are moderate to severe. To identify general physical education skills for same age peers as goals for these children may be inappropriate. Some of these children need to attain basic body control for the functional skills of sitting, standing and walking. These skills, commonly referred to as motor milestones, are used daily by most individuals. IDEA requires that annual goals included in a child’s IEP relate to meeting the child’s needs, that result from the child’s disability, so that the child can be involved in and progress in the general education curriculum. This language should not be construed to be a basis for excluding a child with a disability, who is unable to learn at the same level or rate as non-disabled children in an inclusive classroom or program. It is intended to require that the IEP’s annual goals focus on how the child’s needs, resulting from his or her disability, can be addressed so that the child can participate, individually, at an appropriate level in the general curriculum offered to all individuals.

Best Practice: Consider the disability, needs and educational setting/curriculum of the child when determining appropriate goals. Consider identifying functional movement skills, which will enhance interaction and participation at school, as goals for those who have more severe disabilities. Examples of alternative standards that can be used when writing IEP measurable goals for children with a severe disability are found in: SEACO curriculum and the MOVE curriculum, as well as the APE standards in Appendix E of these guidelines.

An adapted physical education teacher must use good judgment when choosing goals. For example, being able to walk around campus and sit in the cafeteria are both functional and appropriate skills for a student. To think that it is appropriate to write a goal for a student to

walk on a balance beam, when the student has not learned to step up one step without holding a railing would be an over-interpretation of the intent of the law. Goals should be attainable in one year. Carrying the goal over from one year to the next year should be a rare event.

4.5 KEY PROVISION: Each annual goal will be age and developmentally appropriate, measurable and will contain a description of benchmarks or short term objectives when the student takes alternate assessments aligned to alternate achievement standards.

Legal Reference:

Sec. 56345(a) *The individualized education program is a written statement for each individual with exceptional needs that is developed, reviewed, and revised in accordance with this section, as required in Section 1414(d) of Title 20 of the United States Code and that includes the following:*

(1) a statement of the individuals present levels of academic achievement and functional performance, including the following:...

... (c) For individuals with exceptional needs who take alternate assessments aligned to alternate achievement standards a description of benchmarks or short-term objectives.

Discussion: The federal law states that the purposes of measurable goals or short-term objectives are to ensure accountability and to allow parents to be able to monitor their child's progress. Currently, if a student is participating in an alternate assessment aligned to alternate achievement standards, an annual goal with short-term objectives are mandatory. Short-term objectives are not required for other individuals. The short-term objective should include a projected date of mastery and clear measurable description of the performance. (Sec. 56345(a).)

Best Practice: It is important to remember that the goal (and benchmarks or objectives if included) must be measurable. Goals should include:

- who,
- will do what,
- by when,
- under what specific circumstances or conditions,
- as demonstrated by what criteria,
- how they will be measured and by whom.

Example of a measurable goal: (CA Standard: 1.8, Grade: 2) [Student name] will overhand throw a tennis ball from 15 feet away into one of two targets (e.g., hula hoop, bucket), given unlimited verbal prompting and teacher modeling, three out of five trials, during three adapted physical education sessions, as measured by teacher observation and recording, by [date].

Often, the short-term objective dates match the general education reporting period, such as at the end of each quarter. This type of reporting schedule will satisfy the legal requirement to

report progress at least as often as it is reported for students in general education.

4.6 KEY PROVISION: Progress toward IEP adapted physical education goals will be reported to parents during required school reporting periods.

Legal Reference:

Sec. 56345(a) *The individualized education program is a written statement for each individual with exceptional needs that is developed, reviewed, and revised in accordance with this section, as required by Section 1414(d) of Title 20 of the United States Code, and that includes the following:*

...(2) *A statement of measurable annual goals, including academic and functional goals, designed to do the following:*

(A) *Meet the needs of the individual that result from the disability of the individual to enable the pupil to be involved in and make progress in the general education curriculum.*

(B) *Meet each of the other educational needs of the pupil that result from the disability of the individual.*

(3) *A description of the manner in which the progress of the pupil toward meeting the annual goals described in paragraph (2) will be measured and when periodic reports on the progress the pupil is making toward meeting the annual goals, such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards, will be provided.*

Discussion: General education teachers send progress reports as well as report cards home to parents. Each LEA has an established schedule and the adapted physical education teacher is advised to adhere to it when reporting progress, as should the other special educators.

Best Practice: Ongoing assessment of student progress is part of good teaching. The law requires that the method for measuring progress be stated. This could be stated through review of short-term objectives or through other means. When short-term objectives are not written, it is important to plan how progress will be measured and when it will be reported.

It is best for adapted physical education teachers to periodically record student progress. The adapted physical education teacher must plan effectively as the recording of progress can be time consuming. One good strategy is to periodically plan a lesson that can be station-based or skill-specific, that allows for observation and data collecting on progress towards goals. (See Appendix H for an example of a goal data collection form.)

4.7 KEY PROVISION: The IEP stipulates how much time the child spends in each of the various physical education programs.

Legal Reference:

Sec. 56345(a) *The individualized education program is a written statement for each*

individual with exceptional needs that is developed, reviewed, and revised in accordance with this section as required by Section 1414 (d) of Title 20 of the United States Code, and that includes the following: ...

...(4) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the pupil, or on behalf of the pupil, and a statement of the program modifications or supports for school personnel that will be provided to enable the pupil to do the following:

...(C) To be educated and participate with other individuals with exceptional needs and nondisabled pupils in the activities described in this subdivision.

...(7) The projected date for the beginning of the services and modifications described in paragraph (4), and the anticipated frequency, location, and duration of those services and modifications.

Discussion: The IEP must indicate not only the type or types of services, which the child receives, but the frequency, duration and location of any DIS and related services. For example, in the IEP, the adapted physical education teacher will indicate the number of minutes provided for adapted physical education services, weekly, monthly, etc. Each adapted physical education teacher should check with their LEA for specific documentation requirements.

Best Practice: When attending an IEP meeting, the adapted physical education teacher should be prepared with a recommendation for the type or types of physical education program and the frequency, duration and location of any adapted physical education services contained in the IEP. When preparing this recommendation the adapted physical education teacher needs to consider the child's least restrictive environment.

When instructing the child, the adapted physical education teacher should document the day and time of service. The LEA may have a specific policy and procedure for such documentation. However, if the LEA does not have one, the adapted physical education teacher should maintain his or her own records, as s/he may be required to show that the services indicated on the IEP have been provided.

4.8 KEY PROVISION: A child will continue to receive adapted physical education until the IEP team determines services are no longer needed.

Legal Reference: 20 U.S.C. sec. 1414 (c)(5) *Evaluations before change in eligibility*
In general, except as provided in subparagraph (B) a local educational agency shall evaluate a child with a disability in accordance with this section before determining that the child is no longer a child with a disability.

Sec. 56381(h) Before determining that the individual is no longer an individual with exceptional needs, a local educational agency shall assess the individual in accordance with

Section 56320 and this section, as appropriate, and in accordance with Section 1414 of Title 20 of the United States Code.

56381(a) (1) A reassessment of the pupil...shall be conducted if the local educational agency determines that the educational or related services needs, including improved academic achievement and functional performance, of the pupil warrant a reassessment, or if the pupil's parents or teacher requests a reassessment.

(b) (2) (D) Whether any additions or modifications to the special education and related services are needed to enable the pupil to meet the measurable annual goals set out in the individualized education program of the pupil and to participant, as appropriate in the general curriculum.

Discussion: When an assessment demonstrates that the student can successfully participate in the general physical education program without significant adaptations, the IEP team may decide to exit the student from adapted physical education. Support and accommodations for the general education teacher and student will need to be listed on the IEP unless the IEP team has decided that the student will be exited from special education in general.

High school individuals may be exited from adapted physical education when they have met their high school physical education requirement unless the IEP team determines that they continue to need adapted physical education, or the student wishes to take physical education as an elective, and adapted physical education is determined to be the best placement . California Education Code Sec. 60800 requires that individuals meet five of six standards on the physical fitness test (FITNESSGRAM®) in order to be able to invoke the two-year exemption from physical education. The IEP team may determine that the student, because of his disability, will not be able to meet five of six standards, and therefore the student may be exempted from physical education using the 16 years and older exemption.

Best Practice: Adapted physical education services are no longer necessary when a student:

- will be safe and successful in general physical education or specially designed physical education as indicated by assessment results,
- meets the high school physical education requirement and does not want to take physical education as an elective, or
- is no longer eligible for special education and services.

The adapted physical education teacher should assess the student before the IEP team meets to consider exiting a student from adapted physical education. Results of the assessment should be presented at the meeting and in writing.

TRIENNIAL ASSESSMENT

4.9 KEY PROVISION: A triennial assessment is conducted at least once every three years but may not require additional testing.

Legal Reference:

Sec. 56381 (a) (1) *A reassessment of the pupil, based upon procedures specified in Section 56302.1 and in Article 2 (commencing with Section 56320), and in accordance with Section 1414(a), (b), and (c) of Title 20 of the United States Code, shall be conducted if the local educational agency determines that the educational or related services needs, including improved academic achievement and functional performance, of the pupil warrant a reassessment, or if the pupil's parents or teacher requests a reassessment.*

(2) *A reassessment shall occur not more frequently than once a year, unless the parent and the local educational agency agree otherwise, and shall occur at least once every three years, unless the parent and the local educational agency agree, in writing, that a reassessment is unnecessary.*

...(d) *If the individualized education program team and other qualified professionals, as appropriate, determine that no additional data is needed to determine whether the pupil continues to be an individual with exceptional needs, and to determine the educational needs of the pupil, the local educational agency shall notify the parents of the pupil of that determination and the reasons for it, and the right of the parents to request an assessment to determine whether the pupil continues to be an individual with exceptional needs, and to determine the educational needs of the pupil. The local educational agency is not required to conduct an assessment, unless requested by the parents of the pupil.*

Discussion: If testing is not required, any necessary assessment activities should focus on collecting information about how to teach and assist the child in the way he or she is most capable of learning. Thus, the statutes require that existing evaluation data on a child be reviewed to determine if any other data are needed to make decisions about a child's eligibility and services. If it is determined by the IEP team and other qualified professionals, that additional data is not needed, the parents must be notified of the determination that no additional tests, assessments or data is needed, the reasons for it, and of the parent's right to still request an evaluation. No further evaluations will be required at that time unless requested by the parents.

At times, the nature of the disability is such that, within the past three years, there has been no change. When this occurs, the nature of the assessment needs to focus on the individual's present level of performance and not on re-establishing the existence of the disability for the purpose of eligibility. Parents must give permission to waive the three-year evaluation.

Best Practice: The nature of some disabilities is such that they do not change. For example:

A student with a neuromuscular disorder who uses a wheelchair may make some gains in body control and mobility but the condition will remain the same. To restate developmental information that there are delays/difficulties, as the child cannot walk independently, run, and skip, due to the disability would be obvious. To administer a formal, standardized assessment, which evaluates locomotor skills, just to come up with a low score, would be meaningless. The nature of the assessment must match the projected needs of the student. If a formal, standardized assessment matches the needs, such as a modified fitness assessment for a student who uses a wheelchair, the use is justified. Often a triennial assessment for individuals with a disability that has not changed, the adapted physical education teacher only needs to identify the individual's current level of performance for the purpose of developing appropriate IEP goals and planning instruction.

4.10 KEY PROVISION: Adapted physical education services may be provided to children three to five years of age, based on the child's individual needs, and documented on their IEP.

Legal Reference: Adapted physical education is part of special education (34 C.F.R. sec.300.39 (a)(ii)) and, as such, applies to preschoolers who meet the additional eligibility criteria for Individuals with Exceptional Needs – age birth to four years and nine months stated in 34 C.F.R. sec 3031.

State law requires that the present level of academic achievement and functional performance for a preschool age child, as appropriate, include how the disability affects the child's participation in appropriate activities. The continuum of program options shall include, but not necessarily be limited to the designated instruction and services listed. (Sections 56345 (1)(B) and 56363(5)). Adapted physical education is a designated instruction and service. (It is also a related service as explained in the CDE memo in Appendix M, particularly the highlighted paragraph.)

Discussion: Children three to five years of age may require additional services to meet their developmental needs. The present level of performance on the IEP includes, for a preschool child, how the disability affects the child's participation in appropriate activities. ("Appropriate activities" is the federal term that is often used in lieu of general education curriculum.) Adapted physical education services may be an appropriate designated instruction and service to meet the child's motor development, play, fitness and social needs to assist the child in participating in all areas of the curricular program.

The adapted physical education teacher is part of the transdisciplinary team for children three to five years of age. The factors to consider when appropriate support services are being planned include the child's developmental level and need areas related to the specific disability. If it is determined by the IEP team that adapted physical education services are required, either direct adapted physical education instruction, collaborative and/or consultation with the teacher or parent or a combination of the two can be provided. (Refer to

the Physical Education Service Delivery Model in Chapter 3 for additional information regarding the continuum of services.) The adapted physical education service may be provided in a variety of settings including: special education preschool programs, other public or private settings such as a public preschool program, community settings, and the home. Note: Instruction in the home should only be conducted in accordance with policies and procedures of the LEA.

Some preschool children with a disability will need to have the motor aspects of the preschool curriculum adapted, in order to access and be successful in that curriculum. Adapted physical education teachers possess many skills for adapting the motor curriculum and motor instruction. Therefore, adapted physical education should be one of the DIS and related service considered when determining how to meet a preschool child's motor needs as it applies to the curriculum.

Best Practice: In the initial assessment, it will be important to remember that schools are required to assess in all areas of suspected disability. This could include motor development, motor skills, play skills and age appropriate levels of physical and motor fitness. The teacher, occupational therapist, physical therapist, adapted physical education teacher or any combination of these professionals could conduct a motor assessment specific to their scope of practice. (The reader is referred to Chapter 5, for more information on occupational and physical therapy and the roles of these therapists. Another resource is, *Guidelines for Occupational Therapy and Physical Therapy in California Public Schools*, which is published by the California Department of Education.)

The benefits of early education are among the findings of the legislature related to legal requirements for children between the ages of three and five years, inclusive. The specific benefits of early education are listed in Section 56441. Since much of the learning that occurs during early childhood involves movement, play and experiential learning, it is particularly important to address motor needs at the preschool level. Young children with a disability often need to be taught the skills that other preschool children acquire incidentally, through participation in enriched and stimulating activities and environments. The adapted physical education teacher has skills and knowledge in the teaching of developmental motor skills. (See Appendix J, Adapted Physical Education Teacher Credential Standards). Children, who are adequately supported to reach their potential in motor development, will also possess skills that support learning in other areas.

In most cases, the use of collaborative consultation to assist in embedding motor skills into the child's daily activities will be best practice, whether or not direct adapted physical education instruction is provided (refer to chapter 11). This is consistent with play-based learning, education in natural environments and the developmental model, which are foundational components of many preschool programs. Furthermore, California law sets forth a responsibility for early education program staff to consult with other professionals including regular preschool program providers, other specialists, assessment services and direct services (Sec. 56441.6).

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

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Adapted physical education programming should be consistent with the educational philosophy and preschool curriculum model in which the child participates. The following are some examples of adapted physical education service delivery that are appropriate for the educational setting of a preschool child with a disability:

- (A) A child with a disability is enrolled in a general education preschool program, and receives adapted physical education services. At least some of the adapted physical education instruction is conducted with the child's peers, on the playground and/or during regular, gross motor play times. In addition, it is coordinated with the theme-based curriculum of the classroom. Collaboration between the preschool teacher and the adapted physical education teacher regularly occurs. Depending on need, the child may also receive individual or small group instruction from the adapted physical education teacher.

- (B) A preschool aged child with a disability, who receives adapted physical education, is cared for at home by her parents. One of the parents brings the child to the motor lab at the local elementary school, for adapted physical education instruction once a week. The adapted physical education teacher demonstrates activities, which the parent repeats several times during the week, during regular activities. The parent provides information on the child's progress and behavior in all applicable areas. (This is an example of consulting with the parent, which is consistent with legal guidelines for "interacting and consulting with family members ...to demonstrate developmentally appropriate activities to implement the child's IEP..." Sec. 56441.3.)

- (C) A preschool child with a disability is enrolled in a special day class. The adapted physical education teacher conducts lessons for the whole class once a week, which are team-taught with the special day class (SDC) teacher. Activities for the SDC teacher for the rest of the week are provided. The child also receives occupational therapy services. The adapted physical education teacher and occupational therapist have a regularly scheduled telephone call each month to share information and coordinate their services to the child.

- (D) A preschool child with a disability is enrolled in a special day class and receives speech and language therapy and adapted physical education services, once a week. One session a month is team taught by the special day class teacher, occupational therapist, and adapted physical education teacher. Utilizing the same theme, providers instruct an activity within their scope of practice. For example, in a lesson focusing on zoo animals, the classroom teacher conducts an activity in which individuals identify pictures of zoo animals; the occupational therapist conducts an activity in which individuals find toy zoo animals in sand or water; and the adapted physical education teacher conducts an activity in which individuals move like various zoo animals (e.g., bear walk, elephant walk, kangaroo jump).