

STATE & FEDERAL LAWS:

GenEd PE Teachers and their Responsibility to Teach an Appropriate PE Class to ALL students on Campus

Q. Who teaches PE to students with disabilities?

- A. All students in California Public Schools must be provided with an appropriate Physical Education Program, taught by the person who teaches PE at their site.
- CDE Physical Education Framework, Pg. 220: “Students with disabilities, whether they are identified as needing special education and related services or not, **have the right to participate in physical education in the least restrictive environment and to have a modification of the regular program if needed.** Further, under Section 504 of the Rehabilitation Act of 1973, Amendments of 1991 (Public Law 102–42), and the Americans with Disabilities Act of 1990 (Public Law 101–336), **students with disabilities may not be discriminated against by school personnel.**
 - *Education Code [EC] Section 44258:* “A teacher who is authorized for **single subject instruction** may be assigned, with his [or her] consent, to teach any subject in his [or her] authorized fields at any grade level; preschool; kindergarten and grades 1 to 12, inclusive; or in classes organized primarily for adults.”
 - **So this means.....**
 - **Primary/Elementary Classroom Teachers:** Multiple Subject Credential includes Physical Education, therefore primary classroom teachers can legally teach PE & SDPE.
 - However...if a Credentialed PE teacher is teaching PE to every class on campus, then he/she is expected to teach to **EVERY class on campus (including students in SpEd)** for the same amount of minutes they provide to the GenEd classes. Otherwise, Section 504 of the Rehabilitation Act of 1973, Amendments of 1991 (Public Law 102–42), and the Americans with Disabilities Act of 1990 (Public Law 101–336) **are not being followed.**
 - **Secondary Teachers (Grades 6-12):** Requires a Single Subject Credential, therefore only a credentialed PE teacher can legally teach PE & SDPE.
 - **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.*

Q. Who teaches Specially Designed PE?

- A. The General Education PE teacher is responsible for developing an appropriate PE class to all students on campus, this includes Specially Designed PE.
- Education of All Handicapped Children Act of 1975, PL 94-142. This legislation identified physical education as a curriculum area that was to be provided for **ALL** children with **disabilities** (handicapping conditions). To date, physical education continues to be a curriculum area identified in federal law. PL 108-446, Individuals with Disabilities Education Improvement Act (IDEIA or IDEA 2004) passed in 2004 which aligned IDEA with the No Child Left Behind Act of 2001. **It continues to ensure that all children, regardless of disability, receive physical education (20 U.S.C. sec. 1401 Definitions (29)).** Some of these children require specialized instruction in physical education. As a result of these needs, **different services are required; a service delivery model demonstrating a continuum of service options for physical education programs has evolved as well.**
- CDE Physical Education Framework, Pg. 220: “[An example of Specially Designed PE] is one class period of middle or high school physical education in which all students need specially designed physical education and **are taught by the general physical education teacher.**”

Q. What does the CDE say for Physical Educators and their responsibilities for teaching students with disabilities?

- A. Physical Education Framework - Curriculum Frameworks (CA Dept of Education) page 221:

“Every student, including a student with disabilities, must have the minutes of physical education instruction required by statute. **The student's time with the adapted physical**

education specialist is usually only a portion of this time. Instruction for the remaining required physical education time is best provided in consultation with the adapted physical education specialist and should be documented on the IEP.”

“The physical education teacher seeks out opportunities for informal talks with the adapted physical education specialist or special education teacher to develop methods for working with students with disabilities.”

Q. What are the three PE Options?

- A. General Education PE, Specially Designed PE, and Adapted PE. Remember, Adapted PE is a service as prescribed on a student’s IEP and is not responsible for providing the state mandated PE minutes. Adapted PE service minutes can count towards state PE minutes, which is why it’s included in the “PE Options.”
- Physical Education Framework - Curriculum Frameworks (CA Dept of Education) page 220-221 defines the three PE Options:
 - “General physical education: The student participates with or without accommodations, adaptations, or modifications that can be made by the general physical education teacher.”
 - “Specially Designed PE: The content, methodology, or delivery of instruction is adapted to address the unique needs of the student that result from the student’s disability (34 CFR § 300.39[b]). If specially designed physical education is prescribed in a child’s IEP, the public agency responsible for the education of that child must provide services directly or make arrangements for those services to be provided (34 CFR § 300.108). A special education teacher, teaching physical education to the students in her self-contained class, is one example of specially designed physical education. Another example is one class period of middle or high school physical education in which all students need specially designed physical education and are taught by the general physical education teacher. “
 - “Adapted Physical Education: Adapted physical education services may be provided through direct instruction, team teaching, the appropriate use of instructional aides, or collaborative consultation as long as appropriate goal(s) and objective(s) are indicated and accurately monitored by the adapted physical education specialist. The frequency and duration of adapted physical education service are based on the needs of the student and are indicated on the IEP. Collaborative consultation is one method of providing instructional service to assist students with participating successfully in the less restrictive settings of general physical education.”

Q. What is Adapted PE?

A. The California Adapted PE Guidelines, page 31-34, defines Adapted PE 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.
 - **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.
- 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.*
- **California Law: 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.

Lyndi Norkin, M.S.
Adapted PE Specialist