

## The Individuals with Disabilities Act (IDEA) of 2004

**Identifies** physical education as a curriculum content area and component of special education.

**Provides** an equitable education experience for students with disabilities ages 3–21.

**Defines** physical education as a direct service that must be provided in the least restrictive environment.

## Section 504 of the Rehabilitation Act of 1973

Section 504 mandates local education agency protect students with disabilities ages 3–21 from discrimination based on disability.

## Maryland State Department of Education Regulations 13A.04.13.01

- No waiver for the high school physical education graduation requirement.
- No exemption from K–8 physical education.
- Students may participate in a modified physical education program based on individual needs.



## Fitness and Athletic Equity for Students with Disabilities Act of 2008

- Students with disabilities have an equal opportunity to try out and if selected participate in mainstream athletic programs.
- Students must be provided reasonable accommodations to allow equal opportunities to participate.
- Local Education Agencies must ensure additional athletic programs are made available.
- All programs follow the principles of the law and are inclusive in nature.

## What Can You Do if You are...

### ***A Physical Education Teacher:***

- Seek professional development through literature, conferences, in-service and on-line courses.
- Be an active participant in the IEP process.
- Collaborate with special educators, APE specialists, parents, and related service providers.

### ***An Administrator:***

- Consider staff, scheduling, time and facility requirements for quality APE.

### ***A Medical Professional:***

- Be aware that a specially designed physical education program is available for every child with a disability from age three through age 21.
- Provide pertinent information to assist in APE program development.

### ***A Parent:***

- Be an informed member of the IEP.
- Advocate for physical activity for your child!

## **Adapted Physical Education (APE) is a service, not a setting**

The physical education program designed for individuals with disabilities is called adapted physical education as it is in Title 34 Code of Regulations.(C.F.R.) §300.108.

It is important to note that many students receiving special education do not require or need adapted physical education services. They should participate in general physical education and participate in the required curriculum when appropriate.

### **Determining Eligibility for APE**

Consider a student for APE if he/she is 1.5 standard deviations below the mean on a norm referenced test or two years below on criterion-referenced tests. Multiple forms of confirming data (class observations, anecdotal records, etc. should be used. For more information see Position Statement on Eligibility for Adapted Physical Education Services. [www.shapeamerica.org/events/upload/Eligibility-Criteria-for-Adapted-Physical-Education-Services.pdf](http://www.shapeamerica.org/events/upload/Eligibility-Criteria-for-Adapted-Physical-Education-Services.pdf)

### **Removing Students from General Education**

Removing students from general education should only occur when indicated on the IEP as the nature and severity of the disability is such that a student's needs cannot be met in general education even with the use of supplementary aids and services.

## **Learn More...**

marylandlearninglinks.org  
www.shapeamerica.org  
www.ncpeid  
www.disability.gov  
www.idea.ed.gov

## **For more information contact:**

Maryland State Department of Education  
Division of Special Education/  
Early Intervention Services  
200 West Baltimore Street, 9th floor  
Baltimore, Maryland 21201  
Phone: 410-767-0244  
800-535-0182 toll free



# **Adapted Physical Education**



*According to IDEA, "Physical education services, specially designed if necessary must be available to every student ages 3–21 with a disability receiving a free appropriate education."*

**Karen Salmon, Ph. D.**  
State Superintendent of Schools  
**Andrew R. Smarick**  
President, Maryland State Board of Education  
**Marcella E. Franczkowski**  
Assistant State Superintendent,  
Division of Special Education/Early Intervention Services  
**Larry J. Hogan, Jr.**  
Governor



**Prepared by:**  
The Maryland State Steering Committee for  
Adapted Physical Education  
Maryland Adapted Physical Education Consortium  
and  
The Maryland State Department of Education