**Individuals with Disabilities Education Improvement Act**

**Effective July 1, 2005**

**The Individuals with Disabilities Education Act (IDEA), Public Law 108-466 (2004)**, states that physical education is a required service for children and youth between the ages of 3-21 who qualify for special education services because of a specific disability or developmental delay.

The federal law (PL 94-142, PL 101-476, PL 105-17, PL 108-446) mandates the following in regards to physical education and students with disabilities:

**§300.26 Special education**  
  
**General.**   
(1) As used in this part, the term special education means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including-   
(i) Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and   
(ii) Instruction in physical education.

(2) The term includes each of the following, if it meets the requirements of paragraph (a)(1) of this section:

**Physical education-**   
(i) Means the development of-  
(A) Physical and motor fitness;   
(B) Fundamental motor skills and patterns; and   
(C) Skills in aquatics, dance, and individual and group games and sports (including   
intramural and lifetime sports); and   
(ii) Includes special physical education, adapted physical education, movement   
education, and motor development.   
(3) Specially-designed instruction  
Means adapting, as appropriate to the needs of an eligible child under this part, the   
content, methodology, or delivery of instruction-  
(i) To address the unique needs of the child that result from the child's disability; and   
(ii) To ensure access of the child to the general curriculum, so that he or she can meet the   
educational standards within the jurisdiction of the public agency that apply to all   
children.

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

**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.

**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 shall provide the services directly or make arrangements for those services to be provided through other public or private programs.

**Education in separate facilities.**  
The public agency responsible for the education of a child with a disability who is enrolled in a separate facility shall ensure that the child receives appropriate physical education services in compliance with paragraphs (a) and (c) of this section.

(Authority: 20 U.S.C. 1412(a)(25), 1412(a)(5)(A))

IDEA 2004 provides for the changes in the following categories: alternate assessments, attorneys fees, discipline, enforcement, funding, highly qualified teachers, and paperwork and meetings. For additional information look at the following websites:

Council for Exceptional Children (CEC): [www.cec.sped.org](http://www.cec.sped.org)  
US Dept of Education: [www.ed.gov/policy/speced/guid/idea/idea2004.html](http://www.ed.gov/policy/speced/guid/idea/idea2004.html)   
Wrightslaw: [www.wrightslaw.com/idea/](http://www.wrightslaw.com/idea/)

"PE Central: Adapted Physical Education Web Sites." *PE Central: The Web Site for Health and Physical Education Teachers*. 1 Aug. 2005. Web. 10 May 2010. <http://www.pecentral.org/adapted/idea04.html>.