
IDEA Federal Regulations

FEDERAL FACT SHEET



New Hampshire

Department of Education

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Physical Education and Special Education Services

This fact sheet has been developed to provide clarification of the provision of specially designed instruction in the area of physical education, to meet the unique needs of a child with a disability.

IDEA, section 602(29), defines special education as specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability, including

- instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and
- instruction in physical education.

Physical education is defined as the development of:

- physical and motor fitness;
- fundamental motor skills and patterns;
- skills in aquatics, dance and individual and group games and sports (including intramural and lifetime sports); and includes
- special physical education, adapted physical education, movement education and motor development (34 CFR 300.39(b)(2)(ii))

IDEA provides that:

- public agencies make physical education services, specially designed instruction if necessary, available to every child with a disability, unless the public agency enrolls children without disabilities and does not provide physical education to children without disabilities in the same grades.

Each child with a disability must be afforded the opportunity to participate in the regular physical education program or the child needs specially designed physical education as prescribed in the child's IEP, provided by a qualified teacher, unless enrolled in a separate facility. In New Hampshire, a qualified teacher that provides physical education instruction, is certified in physical education per Ed 507.16. If provided in the IEP, the specially designed instruction in physical education must be provided and arrangements must be made to either provide the services directly or through other public or private programs.

The IEP team must:

- determine the extent to which the child can access the regular physical education program, available to all children; and in addition
- determine the extent to which physical education is required as specially designed instruction, not as a related service
- determine frequency and duration of the service based on the needs of the child.

As with all other special education and related services, the New Hampshire credentialing requirements apply, such that, the services in the IEP must be provided by an individual who is qualified to do so.
