August 4, 2025

Submitted by Garth Tymeson (gtymeson@gmail.com;

The webpage below describes the differences between OSEP issued "Dear Colleague Letters", FAQs, and "Policy Letters" for guidance and clarification regarding implementation of the IDEA. It also includes a database of "Policy Letters of Clarification" that are issued by OSEP. There can be hundreds of these letters issued each year by the legal department at OSEP.

USDE – OSEP Policy Letters and Policy Support Documents https://sites.ed.gov/idea/policy-letters-policy-support-documents/

I focus on obtaining Policy Letters to clarify implementation of IDEA requirements related to adapted or specially designed instruction in physical education for students with disabilities, ages 3-21+.

Samples of OSEP Issued of Policy Letters of Clarification Related to Adapted Physical Education

Issue/Topic of Letter: Adapted physical education for preschool students with disabilities

https://sites.ed.gov/idea/files/idea/policy/speced/guid/idea/memosdcltrs/13-004807r-wi-tymeson-apefinal-7-31-13.pdf

Issue/Topic of Letter: Adapted physical education for secondary level students with disabilities

https://sites.ed.gov/idea/files/idea/policy/speced/guid/idea/memosdcltrs/13-010344-va-kellyape10-23-13.pdf

Issue/Topic of Letter: No substituting related services for adapted physical education

https://sites.ed.gov/idea/idea-files/policy-letter-may-12-2021-to-tymeson/

https://sites.ed.gov/idea/files/osep-letter-to-tymeson-05-12-2021.pdf

Issue/Topic of Letter: Adapted physical education professionals as part of IEP teams and meetings, and other PE requirements related to IDEA

https://sites.ed.gov/idea/files/OSEP_Letter_to_Tymeson_07-30-2024.pdf

Draft questions for Jen to ask Garth during the podcast:

- 1. What are OSEP Letters of Policy Clarification and why are they important to APE teachers, parents, advocates, and others?
- 2. How have you determined specific APE topics or issues when requesting the OSEP Letters of Policy Clarification you've obtained?
- 3. How can these OSEP Letters of Policy Clarification be used to improve PK12 APE services for students with disabilities, ages 3-21+?
- 4. How can PK12 APE teachers or APE higher education faculty get involved in this type of advocacy or professional service?
- 5. Are you currently working on any requests for additional APE related OSEP Letters of Policy Clarification?
- 6. Where do I find these OSEP Letters of Policy Clarification, and are there comparable items at the state level? (**Garth's note:** Refer here to SEA issued FAQs, IDEA state special education complaints and SEA webpages for each report of findings).
 - a. Example: Wisconsin Department of Public Instruction (SEA) webpage for IDEA Special Education State Complaints Process and Past Reports

https://dpi.wi.gov/sped/dispute-resolution/complain