FREE APPROPRIATE PUBLIC EDUCATION

What is FAPE? A quick guide for parents

Someone at the meeting says "FAPE," everyone nods, and the conversation moves on. You nod too. Then you go home wondering what it means and whether your child is getting it.

> **THE SHORT ANSWER**
> FAPE stands for free appropriate public education. Under the Individuals with Disabilities Education Act (IDEA), it means special education and related services at public expense, meeting state standards, delivered through an IEP that fits your child. Section 504 has its own FAPE rule (34 CFR 104.33).

The four parts of FAPE under IDEA

FAPE is special education and related services that (34 CFR 300.17):

- are provided at public expense, under public supervision and direction, and without charge;
- meet the standards of the state education agency;
- include an appropriate preschool, elementary school or secondary school education in the state;
- are provided in conformity with an IEP that meets federal requirements.

That last part ties FAPE to the IEP. Two things decide whether your child is getting FAPE: the quality of the IEP, and whether the school actually follows it.

What "appropriate" means

It doesn't mean the best possible program. In 2017, in *Endrew F. v. Douglas County School District*, the Supreme Court said a school must offer an IEP "reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances."

What that means for you

Progress is measured against your child's own circumstances. There's no single bar every child has to clear. And the school should be able to give "a cogent and responsive explanation" for its decisions.

So it's fair to ask

- How will these goals and services lead to real progress for my child?
- Can I see the data behind the progress reports?
- Can I have that decision in writing?

Signs your child may not be receiving FAPE

None of these proves a denial of FAPE on its own. Each one is a good reason to ask questions.

- [ ] Progress reports show little or no movement on IEP goals over several reporting periods, and the IEP hasn't been revised.
- [ ] Services written in the IEP aren't being delivered, or missed sessions aren't made up.
- [ ] Goals are copied from year to year with the same baseline.
- [ ] Your child's needs have changed (a new diagnosis, new behaviors, a big drop in grades) and the school hasn't evaluated or met to discuss it.
- [ ] Your child is often sent home, suspended or removed from class because of behavior related to the disability.
- [ ] The school refused an evaluation, a service or a placement without explaining why in writing.
- [ ] Present levels are vague, so it's hard to tell where your child started or whether the goals fit.

What you can do

Most FAPE problems get solved at the IEP table. You don't need a legal argument. You need your concern in writing.

1. **Write down what worries you, in a sentence or two.**
2. **Email the school to ask for an IEP meeting.**
3. **Ask for the data behind your child's progress reports before that meeting.**
4. **If the school proposes or refuses something, ask for its decision in writing (prior written notice).**

Disagree with the school's evaluation? You can request an independent educational evaluation (IEE) at public expense (34 CFR 300.502). If talking it through doesn't fix the problem, IDEA also gives you mediation, a state complaint and a due process hearing. I'm an advocate, not an attorney, and this isn't legal advice. For due process or compensatory services, talk with a special education attorney.

MY CONCERN, IN A SENTENCE OR TWO

Want help with this? Book a free 15-minute call at myaccessadvocacy.com.

Karlie Libraro, M.S., CCC-SLP EDUCATIONAL ADVOCATE | ACCESS EDUCATIONAL ADVOCACY