

# Free Appropriate Public Education (FAPE)

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WISCONSIN DEPARTMENT OF  
**Public Instruction**  
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# Objectives

- **Understanding the Basics of FAPE**
- **District's Responsibilities**
- **Parent's Rights**



# FAPE


Free Appropriate Public Education (FAPE) is a provision in federal law that mandates certain rights for students with disabilities.

The Individuals with Disabilities Education Act (IDEA) stipulates the rights of children with disabilities for FAPE.



# Definition

**A free appropriate public education (FAPE) means:**

- **special education and related services that are provided at public expense, under public supervision and direction, in conformity with an individualized education program (IEP),**
  - **must be available to all students with disabilities ages 3 through 21 enrolled in a public school district,**
  - **includes students with disabilities who have been suspended or expelled from school.**
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# US Supreme Court Cases

*Hendrick Hudson Dist. Bd. Of Ed v Rowley* (458 U.S. 176) (1982)

- Court held that FAPE is achieved when an IEP is reasonably calculated to enable the child to receive educational benefit.

*Endrew F. v. Douglas County School District Re-1*, 137 S. Ct. 988 (2017)

- Held that FAPE requires an IEP to be reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances.



# FAPE

**FAPE is achieved when an IEP is reasonably calculated to enable the child to receive educational benefit.**

- **Allow the student to progress from grade to grade.**
- **Be appropriately ambitious in light of the child's circumstances.**
- **Chance to meet challenging objectives.**



# Aligned to Grade Level Content

**The IEP must:**

- **Align with academic content standards.**
- **Ensure access to the general education curriculum**



# College and Career Ready IEP





# Students with the Most Significant Cognitive Disabilities

## IEP goals

- must reflect high expectations,
- align with content standards, and
- be appropriately ambitious in light of the student's circumstances.

## IEP Teams must determine instruction aligned to:

- general education achievement standards or
- aligned to alternate academic achievement standards



# Measuring Progress

- IEP must be reasonably calculated to enable the child to make progress towards goals
- Judgment of the IEP team
- No guarantee of progress



# Measuring Progress (continued)

The IEP team must:

1. Review at least annually
2. Revise, as appropriate, to address any lack of expected progress
3. Consider the root cause of any lack of progress
4. Make the necessary revisions to address the lack of progress.

**NOTE:** Monitoring and measuring progress both in the general education curriculum and toward IEP goals is a critical component for ensuring FAPE.

# IEP Services

District obligations include:

- continuum of educational placements
- full range of services

Determined by the IEP team, which includes the parent.

Must be provided as written.



# CCR IEP



# Bullying and FAPE

- Affects FAPE when it impacts student's ability to make progress.
- Districts must ensure a student who is targeted continues to receive IEP services.
- If student who engaged in bullying has an IEP, IEP Team should review/revise IEP to determine if additional services, supports and goals are needed.



# Behavioral Supports and FAPE

**When student's behavior impedes their learning or that of others, the IEP team must consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior.**



**Failure to address the behavioral needs of a student may result in student not receiving FAPE.**



# Positive Behavioral Interventions and Supports

Changes to Adult Practice	Skills to Teach	Accommodations to Support
Relational Support	Self Regulation Skills	Regularly Scheduled Breaks
Instructional Strategies	Problem Solving Skills	Home Base or Calm Area when Upset
Curriculum Demands	Self-monitoring Skills	Peer Supports
Environmental Factors	Transition Skills	Use of Visual Schedule
Other	Other	Other



# Eligibility for FAPE

Remains until:

- the student is determined, through an evaluation, to no longer be a child with a disability; or
- the parent revokes consent for special education



# Eligibility for FAPE (continued)

Remains until:

- Student graduates from high school with a regular high school diploma, or
- The age of 21
  - Note: If the student turns 21 during the school year, the student is entitled to receive services until the end of the school year in which they turn 21.



# Eligibility for FAPE: Other Considerations

- Student drops out and re-enrolls.
- Parents place student in private school
- Student is suspended or expelled



# FAPE

*A student receives FAPE when the IEP is appropriately ambitious in light of the child's circumstances.*



# Parents' Rights

If parents and families have questions or disagree with a decision of the school there is information and options available:

- Procedural Safeguards Notice
- [Communication Options for Families](#)
- Contact the DPI Special Education Team
  - (608) 266-1781
  - Submit a completed [Contact Form](#)



# Wisconsin Special Education DISPUTE RESOLUTION OPTIONS



## IEP Facilitation

This early conflict prevention option provides a neutral, trained facilitator to help the IEP team with the IEP process. The facilitator helps the IEP team maintain open, respectful, and productive communication and is provided by WSEMS.

Contact: Wisconsin Special  
Education Mediation System  
888-298-3857  
gia@wsems.us



## Mediation

Mediation is available to resolve issues by providing a free professional mediator. The goal of mediation is to come to a mutual decision, in writing, which is binding in federal and state court. Discussions during mediation are confidential and can't be used in further legal proceedings.

Contact: Wisconsin Special  
Education Mediation System  
888-298-3857  
gia@wsems.us



## IDEA State Complaint

Any individual or organization may file a complaint if they believe a school district has violated state or federal special education requirements. The complaint must be filed within one year of the alleged violation. DPI investigates the complaint and issues a decision.

Contact: DPI Special Education  
Team  
608-266-1781  
dpisped@dpi.wi.gov



## Due Process Hearing Request

A written request for a hearing by an administrative hearing officer related to the identification, evaluation, placement, issues pertaining to the IEP, or the provision of a free and appropriate public education of a child with a disability.

Contact: DPI Special Education  
Team  
608-266-1781  
dpisped@dpi.wi.gov



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# Resources

College and Career Ready IEP [Learning Resources](#)

Information Update Bulletin 18.02 [Free Appropriate Public Education](#)

Information Update Bulletin 23.01 [Providing Positive Behavior Interventions and Supports to Students with Disabilities and Use of Functional Behavioral Assessments](#)

Many More Resources: [Special Education Topics](#)

# More Resources

## Wisconsin DPI

- [Introduction to Special Education](#)
- [Introduction to Special Education \(Hmong\)](#)
- [Introduction to Special Education \(Spanish\)](#)
- [Special Education in Plain Language](#)
- [Special Education in Plain Language \(Spanish\)](#)

## Family Support Organizations:

- [Disability Rights](#)
- [Wisconsin FACETS](#)
- [Wisconsin Family Ties](#)
- [Wisconsin Statewide Parent Educator Initiative](#)





# Questions



# Contacts



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