

Priority Area 3: Free Appropriate Public Education (FAPE)



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Priority Area 3: Free Appropriate Public Education (FAPE)

FAPE is a cornerstone of the IDEA whereby each student eligible for special education is entitled to receive the individualized special education and related services determined necessary to support the student, their unique needs and to make educational and functional progress. Regardless of the student's disability category, where or how they receive services, or other student attributes, the LEA has an obligation to provide FAPE to every student experiencing disability.

In this section, the LEA will respond to a series of questions to explore whether it is meeting critical components of FAPE. Educational Benefit Review process helps teams determine if an IEP is reasonably calculated to provide educational benefit by comparing the current IEP with the previous two IEPs; aspects of this process are also included within this priority area.

Due to the nature of some findings of noncompliance in this area, which can impact the student receiving a FAPE, OESO recommends the LEA to correct all related findings immediately. In all cases where the student is still enrolled within the LEA's jurisdiction and eligible to receive special education, all instances of noncompliance must be corrected no later than one year from the OESO's written notification.

Pursuant to [OAR 581-015-2015\(8\)\(9\) - General Supervision](#), when a school district or program is notified of noncompliance, the school district or program must correct the noncompliance, including completing any corrective action required, as soon as possible, and in no case later than one year after it was identified. Identified noncompliance must be corrected as soon as possible, and in no case later than 60 days after notification to the district or program of noncompliance that could cause a student to be denied 10 or more instructional days (whether partial or full days) consecutively or cumulatively within any one school year, as compared to the majority of general education students who are in the same grade within the attending school district or program as the child or student with a disability.

Free

Appropriate

Public

Education

Free Appropriate Public Education (FAPE)

RECORD REVIEW ITEM: FAPE-1 - 34 CFR §300.301 and 300.303

Record Review Item	Potential Documentation
The initial evaluation was conducted within 60 days of parental consent or a reevaluation was conducted within three years of the most recent evaluation.	<ul style="list-style-type: none"> • Prior notice about evaluation • Consent for evaluation • Evaluation reports • Other relevant sources of information
Evidence of Compliance	
<input type="checkbox"/> YES Mark YES if there is evidence that the last evaluation was completed within the appropriate timeline.	<input type="checkbox"/> NO Mark NO if there is evidence that the last evaluation was completed outside of the appropriate timeline.

RECORD REVIEW ITEM: FAPE-2 - 34 CFR §300.304(b)(1) & 300.304(2)

Record Review Item	Potential Documentation
<p>A variety of assessment tools and strategies (not a single measure or assessment as the sole criterion) were used to gather relevant functional, developmental, and academic information about the child, including information provided by the parent.</p> <p>For reevaluation, existing data (evaluation data and parental input, current classroom based, local or state assessment data, and observations) from a variety of sources (teacher data, parent data, and related services data) were used to determine continued eligibility.</p>	<ul style="list-style-type: none"> • Evaluation reports • Prior written notice • IEP meeting notes • Parental input • Student work • Teacher input
Evidence of Compliance	
<input type="checkbox"/> YES Mark YES if there is evidence of <u>all</u> of the following: <input type="checkbox"/> A variety of assessment tools and strategies were used to gather data and other relevant information about the child	<input type="checkbox"/> NO Mark NO if <u>any</u> of the following are true: <input type="checkbox"/> Limited tools were used to gather data and other relevant information about the child. <input type="checkbox"/> Parent information was not considered.

<p>including information provided by the parent.</p> <p><input type="checkbox"/> No single measure or assessment was used as the sole criterion for determining whether the child is a student with a disability and for determining an appropriate educational program for the child.</p>	<p><input type="checkbox"/> A single measure or assessment was used as the sole criterion for determining whether a child is a student with a disability.</p>
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RECORD REVIEW ITEM: FAPE-3

Record Review Item	Potential Documentation
<p>There is evidence the student received all services as described within the IEP including but not limited to modifications, specially designed instruction, related services and/or supports for school personnel.</p>	<ul style="list-style-type: none"> • Service trackers • Related services personnel service logs • Progress reports • Lesson plans • Report from teacher interview • Training sign-in sheet • Student schedule
Evidence of Compliance	
<p><input type="checkbox"/> YES</p> <p>Mark YES if there is evidence that all components of the IEP were delivered with a high level of fidelity during the most recent period the IEP was in effect.</p>	<p><input type="checkbox"/> NO</p> <p>Mark NO if there is evidence that any component of the most recent IEP was not delivered as planned.</p>

RECORD REVIEW ITEM: FAPE-4 - 34 CFR §300.320(a)(3)(i)(ii)

Record Review Item	Potential Documentation
<p>The student's progress toward meeting the annual goals is measured and the IEP includes when the periodic report(s) of progress are provided to the student's parents.</p>	<ul style="list-style-type: none"> • IEP – Annual goals; progress towards goal • Progress reports
Evidence of Compliance	
<p><input type="checkbox"/> YES</p> <p>Mark YES if there is evidence the following are true:</p>	<p><input type="checkbox"/> NO</p> <p>Mark NO if <u>any</u> of the following is true:</p>

<p><input type="checkbox"/> The IEP indicates an appropriate method and schedule for monitoring progress toward annual goals given the students unique needs;</p> <p><input type="checkbox"/> Progress reports were provided as often as indicated on the IEP; AND</p> <p style="padding-left: 40px;"><input type="checkbox"/> The progress reports from the last year describe the student's progress toward the annual goals using the described schedule and method; OR</p> <p style="padding-left: 40px;"><input type="checkbox"/> it is the student's first IEP and was developed within the previous 364 days, all appropriate progress reports for the time period describe the student's progress toward the annual goals using the described schedule and method</p>	<p><input type="checkbox"/> The IEP does not indicate an appropriate method and schedule for monitoring progress toward annual goals given the students unique needs;</p> <p><input type="checkbox"/> The progress reports from the last year did not describe the student's progress toward the annual goals using the described schedule and method or did not align with the student's annual goals.</p> <p><input type="checkbox"/> The progress reports from last year were not provided as often as indicated on the IEP.</p>
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RECORD REVIEW ITEM: FAPE-5 - 34 CFR §300.320

Record Review Item	Potential Documentation
<p>The student's goals address the needs identified within the Present Level of Academic Achievement and Functional Performance (PLAAFP).</p>	<ul style="list-style-type: none"> • IEP – Present level of academic achievement & functional performance; annual academic & functional goals & objectives • Meeting notes
Evidence of Compliance	
<p><input type="checkbox"/> YES</p> <p>Mark YES if there is evidence that the student's goals align with the student's present level of academic achievement and functional performance, identified special factors, and other information documented on the IEP.</p>	<p><input type="checkbox"/> NO</p> <p>Mark NO if there is evidence that the student's goals do not align with the student's present level of academic achievement and functional performance, identified special factors, and other information documented on the IEP.</p>

RECORD REVIEW ITEM: FAPE-6

Record Review Item		Potential Documentation
The student's goals have changed across the three IEPs (current IEP and the previous two IEPs).		<ul style="list-style-type: none"> • IEP – Annual academic & functional goals • Progress reports
Evidence of Compliance		
<input type="checkbox"/> YES Mark YES if there is evidence that each goal was reviewed each year, the team considered adjustments to each goal based on the student's individual circumstance and only retained a goal in rare circumstances.	<input type="checkbox"/> NO Mark NO if there is evidence that a goal or multiple goals are repeated across years and the team did not consider adjustments to goals based on the student's individual circumstances.	<input type="checkbox"/> NOT APPLICABLE Mark N/A if there is evidence this is the student's initial IEP developed within the past 364 days.

RECORD REVIEW ITEM: FAPE-7 - 34 CFR §300.324(b)

Record Review Item		Potential Documentation
There is evidence the student made progress on the <u>current IEP's annual goals and the previous two IEPs</u> or if the student was not making progress, there is evidence of appropriate adjustments.		<ul style="list-style-type: none"> • IEP – Progress towards goal; present levels; amendment(s) • Progress reports • Goal data • Meeting notes • Prior written notice
Evidence of Compliance		
<input type="checkbox"/> YES Mark YES if there is evidence the following are true: <input type="checkbox"/> Student has made progress on the current IEP's annual goals; AND <input type="checkbox"/> The student made progress on the goals	<input type="checkbox"/> NO Mark NO if there is evidence the student is not or has not made progress on any of the three most recent IEPs and the team did not reconvene to adjust.	<input type="checkbox"/> NOT APPLICABLE Mark N/A if there is evidence this is the student's initial IEP

<p>in the previous two IEPs;</p> <p>OR</p> <p><input type="checkbox"/> The student did not make progress on any of the three most recent IEPs and the team reconvened to address the lack of progress.</p>		
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RECORD REVIEW ITEM: FAPE-8 - 34 CFR §300.323(d)

Record Review Item	Potential Documentation
<p>The student's IEP has been accessed by each educator and service provider who is responsible for its implementation and they have been informed of their specific responsibilities related to implementing the student's IEP as well as the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP.</p>	<ul style="list-style-type: none"> • Documentation of access (e.g. IEP system access logs; log of paper copies provided to educators)
Evidence of Compliance	
<p><input type="checkbox"/> YES</p> <p>Mark YES if there is evidence that <u>all</u> of the following are true:</p> <p><input type="checkbox"/> Every educator and service provider who is responsible for implementing the student's IEP has access to the IEP; and</p> <p><input type="checkbox"/> Every educator and service provider has been informed of their specific responsibilities related to implementing the student's IEP as well as the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP.</p>	<p><input type="checkbox"/> NO</p> <p>Mark NO if there is evidence <u>any</u> of the following are true:</p> <p><input type="checkbox"/> Any educator and/or service provider who is responsible for implementing the student's IEP does NOT have access to the IEP; and/or</p> <p><input type="checkbox"/> Any educator or service provider who is responsible for implementing the student's IEP has NOT been informed of his or her specific responsibilities related to implementing the student's IEP. They have not been informed as to the specific accommodations, modifications, and</p>

	supports that must be provided for the student in accordance with the IEP.
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RECORD REVIEW ITEM: FAPE-9 - 34 CFR §300.108

Record Review Item	Potential Documentation
Physical education services are available to the student either through regular physical education or through specially designed physical instruction.	<ul style="list-style-type: none"> • IEP service summary • Student schedule • Service trackers • Observation report
Evidence of Compliance	
<input type="checkbox"/> YES Mark YES if there is evidence the student has access to physical education services either through physical education services available to nondisabled peers or through specially designed physical education as prescribed in the child's IEP.	<input type="checkbox"/> NO Mark NO if there is evidence the student has not been afforded the opportunity to participate in the regular physical education program or through specially-designed physical education based upon the child's needs.

RECORD REVIEW ITEM: FAPE-10

Record Review Item	Potential Documentation
The student is provided with the same number of hours of instruction or educational services as the majority of other students who are in the same grade within the student's resident district, or other appropriate comparison group, unless the required processes for an abbreviated school day program under Oregon Senate Bill 819 have been appropriately followed.	<ul style="list-style-type: none"> • IEP – Services • Student schedule • Prior written notice • Abbreviated school day program notice
Evidence of Compliance	
<input type="checkbox"/> YES Mark YES if there is evidence that either:	<input type="checkbox"/> NO Mark NO if there is evidence the student's school day/week does not include the same total number of instructional hours afforded to students without IEP and the district did

- The student's school day/week includes the same total number of instructional hours afforded to students without IEPs
- The student's school day/week does not include the same total number of instructional hours afforded to students without IEP and the district followed all of the requirements contained in Oregon Senate Bill 819.

not follow all of the requirements contained in Oregon Senate Bill 819.

Individual Student File Review Form

Student Information				
Student Name:				
Student SSID:				
Student DOB:				
Student Disability:				
Grade:				
IEP Start Date:				
IEP End Date:				
FAPE				
FAPE 1	Evaluation completed within timeline	Y	N	
FAPE 2	Variety of tools and sources used to determine eligibility	Y	N	
FAPE 3	Student received all services	Y	N	
FAPE 4	Progress was measured as described in the IEP	Y	N	
FAPE 5	Goals address needs identified in PLAAFP	Y	N	
FAPE 6	Goals change over last 3 IEPs	Y	N	NA
FAPE 7	Student made progress on last 3 IEPs or team meet to address lack of progress	Y	N	NA
FAPE 8	IEP is accessible to appropriate staff	Y	N	
FAPE 9	Available PE	Y	N	
FAPE 10	Student has a full schedule – total instructional hours provided	Y	N	
Comments				

Free Appropriate Public Education (FAPE) – Summary Sheet

INFORMATION	
LEA Name:	Required Sample Size:

Total number of student files reviewed is indicated below.

Elementary School Students	Middle School Students	High School Students	Out of District Placements	Grand Record Total

List SSIDs of the targeted sample of student files. Enter “Yes” if evidence was found. Enter “No” if no evidence was found. Enter “NA” if the item is not applicable to the selected student. No item may be left blank.

SSID	FAPE-1	FAPE-2	FAPE-3	FAPE-4	FAPE-5	FAPE-6	FAPE-7	FAPE-8	FAPE-9	FAPE-10

Plan of Correction – Identify what will be done and when to correct any individual or systemic noncompliance for each item where the LEA found noncompliance during the self-assessment process.

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FAPE Focus Group Questions

FAPE	School/District Staff	Parents	Students	Community
• Are IEPs being implemented as written?	X	X	X	X
• Who is benefitting from the IEP process, and the special education services and related services determined appropriate by teams?	X	X	X	X
• Is there alignment between the needs identified within PLAAFP, the goals, accommodations and services?	X	X	X	X
• How is individual student progress monitored on IEP goals and services?	X			
• For students failing one or more subjects, are there patterns in IEP implementation that appear to be systemic and discrepant?	X	X	X	X
• Where are the challenges with IEP implementation within our district or buildings?	X			
• If there are FAPE concerns, what is the district's typical process to address?	X	X	X	X
• What issues related to IEP progress monitoring and educational benefit have caused contention in your district that may have resulted in dispute resolution?	X	X		X