

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 greater 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 • Indicator report • Evaluation reports • Other relevant sources of information
Evidence of Compliance	
<input type="checkbox"/> YES The student's record shows the last evaluation was completed within the appropriate timeline.	<input type="checkbox"/> NO The student's record shows 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 • Meeting notes • Student work • Teacher input
Evidence of Compliance	
<input type="checkbox"/> YES A variety of assessment tools and strategies were used to gather data and other relevant information about the child including	<input type="checkbox"/> NO Check NO if any of the following are true:

information provided by the parent. 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.	<ul style="list-style-type: none"> • Limited tools were used to gather data and other relevant information about the child. • Parent information was not considered. • A single measure or assessment was used as the sole criterion for determining whether a child is a student with a disability.
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RECORD REVIEW ITEM: FAPE-3

Record Review Item	Potential Documentation
There is evidence the student received all services as described within the IEP.	<ul style="list-style-type: none"> • Prior Written Notice • Service trackers • Related Services Personnel service logs • Progress reports • Attendance records • Student schedule

Evidence of Compliance

<input type="checkbox"/> YES 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.	<input type="checkbox"/> NO There is little to no evidence that components of the most recent IEP were delivered as planned.
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RECORD REVIEW ITEM: FAPE-4 - 34 CFR §300.320(a)(3)(i)(ii)

Record Review Item	Potential Documentation
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.	<ul style="list-style-type: none"> • IEP – Progress Towards Goal • Progress reports

Evidence of Compliance

<input type="checkbox"/> YES Mark YES if both of the following are true:	<input type="checkbox"/> NO Mark NO if either of the following is true:
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<ul style="list-style-type: none"> • The progress reports from the last year described the student's progress toward the annual goals • Progress reports from last year were provided as often as indicated on the IEP. 	<ul style="list-style-type: none"> • The progress reports from the last year did not describe the student's progress toward the annual goals or did not align with the student's annual goals. • The progress reports from last year were not provided as often as indicated on the IEP.
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RECORD REVIEW ITEM: FAPE-5 - 34 CFR §300.324(b)

Record Review Item		Potential Documentation
<p>There is evidence the student made progress on the current IEP's annual goals and the previous two IEPs or if the student was not making progress, there is evidence of appropriate adjustments.</p>		<ul style="list-style-type: none"> • IEP – Progress Towards Goal • IEP – Present levels • Progress reports • IEP Amendment • Goal data • Benchmark assessments • Meeting Notes • Prior Written Notice
Evidence of Compliance		
<input type="checkbox"/> YES Student is making progress or team reconvened to address lack of progress.	<input type="checkbox"/> NO The student is not making progress and the team did not reconvene to adjust.	<input type="checkbox"/> NOT APPLICABLE This is the student's initial IEP.

RECORD REVIEW ITEM: FAPE-6

Record Review Item		Potential Documentation
<p>The student's goals have changed across the three IEPs (current IEP and the previous two IEPs).</p>		<p>IEP – Annual Academic & Functional Goals & Objectives</p>
Evidence of Compliance		
<input type="checkbox"/> YES Each goal is different from what is in the previous two IEPs.	<input type="checkbox"/> NO A student's failure to make measurable progress towards their goals and if goals are renewed, can be evidence the IEP is flawed	

	and not reasonably calculated to provide educational benefit.
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RECORD REVIEW ITEM: FAPE-7 - 34 CFR §300.320

Record Review Item	Potential Documentation
The student’s goals address the needs identified within the Present Level of Academic Achievement and Functional Performance.	<ul style="list-style-type: none"> • IEP – Present Level of Academic Achievement & Functional Performance • IEP – Annual Academic & Functional Goals & Objectives • Meeting notes
Evidence of Compliance	
<input type="checkbox"/> YES The IEP contains a “through-line” in which 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.	<input type="checkbox"/> NO 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.

RECORD REVIEW ITEM: FAPE-8 - 34 CFR §300.323(d)

Record Review Item	Potential Documentation
The student’s IEP is accessible to each educator and service provider who is responsible for its implementation.	<ul style="list-style-type: none"> • Access to IEP • IEP snapshot • Documentation of access
Evidence of Compliance	
<input type="checkbox"/> YES Each educator and service provider who is responsible for implementing the student’s IEP has access to the IEP and has been informed of his or her 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.	<input type="checkbox"/> NO Each educator and service provider who is responsible for implementing the student’s IEP does NOT have access to the IEP and 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 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
Evidence of Compliance	
<input type="checkbox"/> YES 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 The district has not afforded the student an 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's school day/week include the total number of instructional hours (SDI & GE instruction) afforded to students without IEPs.	<ul style="list-style-type: none"> • IEP – Services • Student schedule • Prior Written Notice • Abbreviated day notice
Evidence of Compliance	
<input type="checkbox"/> YES Each student has a presumptive right to receive the same number of hours of instruction or educational services as other students who are in the same grade within the same school. As such, the school district may not unilaterally place a student on an abbreviated (shortened) school day program regardless of the age of the student.	<input type="checkbox"/> NO The district unilaterally placed the student on an abbreviated school day program and/or did not follow all of the requirements contained in Oregon Senate Bill 263.

A school district may provide an abbreviated school day program to a student with an individualized education program (“IEP”) only if the student’s IEP team takes all of the following actions (as outlined in SB 263):

- Determined that the student should be placed on an abbreviated school day program based on the student’s needs;
- Provided the student’s parents/guardians with an opportunity to meaningfully participate in a meeting to discuss the placement;
- Documented in the IEP the reasons why the student was placed on an abbreviated school day; and
- Documented that the team considered at least one option that includes appropriate supports for the student and that could enable the student to access the same number of hours of instruction or educational services that are provided to students who are in the same grade within the same school.

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	Student made progress on last 3 IEPs or team meet to address lack of progress	Y	N	NA
FAPE 6	Goals change over last 3 IEPs	Y	N	NA
FAPE 7	Goals address needs identified in PLAAFP	Y	N	
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