

Priority Area 3: Free Appropriate Public Education (FAPE)



Introduction

Under the Individuals with Disabilities Education Act (IDEA), each student eligible for special education is entitled to a Free Appropriate Public Education (FAPE). This fundamental right requires that students receive individualized special education and related services designed to meet their unique needs and enable meaningful educational progress. The Supreme Court's *Endrew F.* decision clarified that each student's IEP must be reasonably calculated to enable progress appropriate in light of the student's circumstances.

FAPE encompasses both procedural and substantive obligations. Procedural requirements ensure proper development and implementation of IEPs with full parental participation and legal safeguards. Substantive requirements ensure educational programs are tailored to individual needs and result in meaningful benefit. Within substantive FAPE, Local Educational Agencies (LEAs) must demonstrate both effective implementation of services and organizational capacity to deliver them.

This protocol examines FAPE through three lenses: (1) Major Procedural Requirements focusing on fundamental process safeguards; (2) Meaningful Educational Benefit examining whether IEPs provide appropriate access and progress; and (3) Appropriately Ambitious Progress analyzing whether students make progress suitable to their circumstances.

When using this protocol, LEAs will examine critical components related to FAPE provision. If noncompliance is found, LEAs must prioritize correcting noncompliance for affected students as soon as possible. In all cases, noncompliance must be corrected within one year of the Oregon Department of Education's (ODE) written notification. When noncompliance could result in denial of 10 or more instructional days, correction must occur within 60 days of ODE's notification.

Contents

Introduction 1

Section 1: Major Procedural Requirements 3

 FAPE-1 – Procedural Safeguards Provided 3

 FAPE-2 – Parent/Adult Student Invited 4

 FAPE-3 – Required IEP Team Members Present 5

 FAPE-4 – Prior Written Notice 6

Section 2: Meaningful Educational Benefit 7

 FAPE-5 – PLAAFP Establishes Foundation for Services 7

 FAPE-6 – Goals and Services Logically Address PLAAFP Needs 8

 FAPE-7 – All Services in IEP Were Provided 9

 FAPE-8 – IEP Is Accessible to Staff 10

Section 3: Appropriately Ambitious Progress 11

 FAPE-9 – Progress Was Measured and Provided as Described 11

 FAPE-10 – Goals Changed Over Last 3 IEPs 12

 FAPE-11 – Student Made Progress on Goals 13

FAPE Summary Sheet 14

FAPE Focus Group Questions 15

Section 1: Major Procedural Requirements

This section evaluates the LEA's adherence to critical procedural requirements that ensure parents are informed partners and students' rights are protected.

FAPE-1 – Procedural Safeguards Provided

Record Review Item

Procedural Safeguards were provided to the parent, legal guardian, and/or adult student at least once per school year and were provided in understandable language.

Related Authorities

Federal: 34 CFR § 300.504

State: OAR 581-015-2315

Potential Documentation

- IEP – Procedural Safeguard Notification
- Meeting Notes
- Prior Written Notice

Evidence of Compliance

Mark YES if there is evidence the procedural safeguards were provided at least once per school year and were provided in understandable language.

Mark NO if there is no evidence that the parent, legal guardian and/or adult student were provided a copy of the procedural safeguards at least once per school year and/or it were not provided in understandable language.

FAPE-2 – Parent/Adult Student Invited

Record Review Item

The parents/legal guardians or adult student were invited to the IEP meeting, and if neither attended the meeting, there is documentation of attempts to afford them the opportunity to participate.

Related Authorities

Federal: 34 CFR § 300.322; 34 CFR § 300.501(b)

State: OAR 581-015-2190; OAR 581-015-2195

Potential Documentation

- Notice of Team Meeting
- Documentation of invitation
- Contact or communication logs with parent/adult student, including emails

Evidence of Compliance

Mark YES if there is evidence that the parents or adult student were invited to the IEP meeting.

Mark NO if there is no evidence that parents or adult student were invited to the meeting.

FAPE-3 – Required IEP Team Members Present

Record Review Item

The required members of the IEP Team were present at the IEP meeting, or there is appropriate documentation in the student's records authorizing a required member's non-attendance.

Related Authorities

Federal: 34 CFR § 300.321

State: OAR 581-015-2210

Potential Documentation

- IEP – Meeting Participants
- Meeting Notes
- Written agreement between parents and the district
- Written input

Evidence of Compliance

Mark YES if there is evidence that all required IEP team roles are filled and clearly identified and if any required role on the IEP team is not filled, there must be documentation that those members were appropriately excused with parent and/or legal guardian agreement prior to the meeting, and that those members whose area of the curriculum or related services was modified or discussed provided written input prior to the meeting.

Mark NO if there is evidence that the IEP team did not have all required roles filled and those members were not properly excused, or required IEP team members not present did not provide written input when their area of the curriculum or related services was modified or discussed.

FAPE-4 – Prior Written Notice

Record Review Item

The most recent Prior Written Notice given by the LEA to the parent and/or legal guardian was provided within a reasonable time before the LEA proposed or refused to initiate or change the identification, evaluation, or educational placement of the student or the provision of FAPE to the student; **and** included all the required content in understandable language.

Related Authorities

Federal: 34 CFR § 300.503

State: OAR 581-015-2310

Potential Documentation

- Prior Written Notice

Evidence of Compliance

Mark YES if there is evidence that the LEA gave Prior Written Notice to the parent and/or legal guardian within a reasonable time after a decision and before implementation of the decision; and the Prior Written Notice included all of the required content and was provided in understandable language.

Mark NO if there is evidence that the Prior Written Notice was not provided after a decision and before implementation, did not include all required content, or was not provided in understandable language.

Section 2: Meaningful Educational Benefit

This section assesses whether the IEP's substance and implementation are designed to confer meaningful educational benefit and access to the general curriculum.

FAPE-5 – PLAAFP Establishes Foundation for Services

Record Review Item

The student's Present Levels of Academic Achievement and Functional Performance (PLAAFP) establish a clear and comprehensive baseline, using data to describe the student's unique needs and provide a direct foundation for the goals, services, and supports described later in the IEP.

Related Authorities

Federal: 34 CFR § 300.320(a)(1) & 300.324(a)(1)

State: OAR 581-015-2200(1)(a) & OAR 581-015-2205(1)

Potential Documentation

- IEP – Present Levels of Academic Achievement and Functional Performance
- IEP – Measurable Annual Goals
- IEP – Service summary

Evidence of Compliance

Mark YES if there is evidence that the PLAAFP provides sufficient context to understand the student's strengths or challenges, contains data-driven statements of the student's needs, and that the identified needs are clearly linked to the goals and services in the IEP.

Mark NO if the PLAAFP is a generic statement, lacks data or merely provides but does not describe data, does not provide sufficient context to understand the student's strengths or challenges, or if the needs described in the PLAAFP do not appear to be the basis for the goals and services provided in the IEP.

FAPE-6 – Goals and Services Logically Address PLAAFP Needs

Record Review Item

The IEP contains measurable annual goals, services, and supports that are logically connected to the needs identified in the PLAAFP and are designed to enable the student to access and make progress in the general education curriculum.

Related Authorities

Federal: 34 CFR § 300.320(a)(2)

State: OAR 581-015-2200(1)(b)

Potential Documentation

- IEP – Present Levels of Academic Achievement and Functional Performance
- IEP – Measurable Annual Goals
- IEP – Service Summary

Evidence of Compliance

Mark YES if there is evidence of a clear thread connecting the needs in the PLAAFP, the measurable goals, and the specially designed instruction and related services.

Mark NO if the goals and services appear disconnected from the student's identified needs, or if they are not sufficient to address the needs described in the PLAAFP.

FAPE-7 – All Services in IEP Were Provided

Record Review Item

There is evidence the student received all services as described within the most recent IEP including but not limited to specially designed instruction, related services, supplementary aids and services, and/or supports for school personnel.

Related Authorities

Federal: 34 CFR § 300.323

State: OAR 581-015-2220

Potential Documentation

- IEP – Service Summary
- Service Trackers/Logs
- Student schedule
- Progress reports

Evidence of Compliance

Mark YES if there is evidence that all services in the IEP were provided.

Mark NO if there is evidence that any services in the most recent IEP were not provided.

FAPE-8 – IEP Is Accessible to Staff

Record Review Item

The student's IEP is accessible to all staff who are 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.

Related Authorities

Federal: 34 CFR § 300.323(d)

State: OAR 581-015-2220(3)

Potential Documentation

- IEP distribution logs
- Emails to staff and providers, along with confirmations of receipt
- Access tracking systems
- Meeting agendas
- Staff training materials

Evidence of Compliance

Mark YES if there is evidence that all staff responsible for implementing the IEP has access to it and has been informed of their specific responsibilities and the specific accommodations, modifications, and supports that must be provided.

Mark NO if there is evidence that any of these conditions were not met.

Section 3: Appropriately Ambitious Progress

This section examines whether the IEP facilitates appropriately ambitious progress and whether the IEP team adjusts the plan based on the student's progress or lack thereof.

FAPE-9 – Progress Was Measured and Provided as Described

Record Review Item

The student's progress towards meeting annual IEP goals was measured and reported to the parents or adult student in accordance with the method and schedule provided in the IEP.

Related Authorities

Federal: 34 CFR § 300.320(a)(3); 34 CFR § 300.323

State: OAR 581-015-2200; OAR 581-015-2220

Potential Documentation

- IEP – Measurable Annual Goals
- Progress Reports
- Progress monitoring data

Evidence of Compliance

Mark YES if there is evidence that the IEP indicates an appropriate method and schedule for monitoring progress; progress is measured consistent with the method outlined; and progress reports were provided as often as indicated on the IEP.

Mark NO if there is evidence that any of these conditions were not met.

FAPE-10 – Goals Changed Over Last 3 IEPs

Record Review Item

The student's goals have changed across the last three IEPs, or in the rare event that a goal is retained, the IEP includes a rationale that describes the student's circumstances that led to the retention of the goal.

Related Authorities

Federal: 34 CFR § 300.320(a)(2)(i); 34 CFR § 300.324(b)

State: OAR 581-015-2200(1)(b); OAR 581-015-2225

Potential Documentation

- Annual IEPs (3 years total)
- All IEP amendments within past 3 years
- Progress Reports
- Progress monitoring data

Evidence of Compliance

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 that includes a rationale.

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.

FAPE-11 – Student Made Progress on Goals

Record Review Item

Across the last three IEPs, there is evidence that the student's measurable annual goals were being achieved; or the IEP team reviewed and, if determined appropriate, revised the IEP to address any lack of expected progress.

Related Authorities

Federal: 34 CFR § 300.320(a)(2)(i); 34 CFR § 300.324(b)

State: OAR 581-015-2200(1)(b); OAR 581-015-2225

Potential Documentation

- IEP – Measurable Annual Goals
- Progress Reports
- Prior Written Notice
- Progress monitoring data

Evidence of Compliance

Mark YES if there is evidence of either: student has made progress on the three most recent IEP's annual goals; or the student did not make progress on one or more goals, and the team addressed the lack of progress.

Mark NO if there is evidence the student did not make progress on one or more of the three most recent IEP's annual goals and the team did not address the lack of progress.

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 Total of Records

List Secure Student Identifiers (SSIDs) of the targeted sample of student files. Enter “Yes” if evidence was found. Enter “No” if evidence was not found. Enter “N/A” 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	FAPE-11

Plan of Correction

Identify what will be done and when to correct any individual or systemic noncompliance for each item where noncompliance was found during the review process.

FAPE Focus Group Questions

School/District Staff

- How do you ensure IEPs are truly individualized and not based on available programs?
- What systems are in place to monitor IEP implementation fidelity across all settings?
- Who is benefitting from the IEP process, and the special education services and related services determined appropriate by teams?
- Is there alignment between the needs identified within the present levels, the goals, accommodations and services?
- How is individual student progress monitored on IEP goals and services?
- What professional development needs exist around developing meaningful IEPs?
- Where are the challenges with IEP implementation within your district or at individual schools?
- How do you notice when there are FAPE concerns? If there are FAPE concerns, what is the district's typical process to address?
- What issues related to IEP progress monitoring and educational benefit have caused contention in your district?

Parents and/or Legal Guardians

- Do you feel your child's IEP truly addresses their individual needs?
- How well is the IEP being implemented as written?
- Are you receiving meaningful progress reports that help you understand your child's growth?
- What changes would make the IEP more effective for your child?
- Do you feel heard and valued as an equal partner in the IEP process?

Students

- Do you understand your IEP goals and why they're important?
- Are you getting the help and services your IEP says you should?
- How do you know if you're making progress on your goals?
- What would help you be more successful in school?
- Do you feel included in decisions about your education?

Community

- What community services could complement school-based special education services?
- How can we ensure continuity of services between school and community settings?
- What role can community organizations play in supporting meaningful educational benefit and student progress?
- Are there systemic barriers in your community that affect students' ability to access FAPE?