



ECSE Priority Area 4:

Free
Appropriate
Public Education
(FAPE)



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Children with disabilities aged 3 through 5 are entitled to a Free Appropriate Public Education (FAPE) under Part B of the Individuals with Disabilities Education Act (IDEA). In Oregon, FAPE is provided through Early Childhood Special Education (ECSE) services and supports that are individualized, accessible, and delivered in accordance with each child’s IFSP. These services and supports are designed to meet the child’s unique developmental and functional needs and ensure meaningful participation in general education to the fullest extent possible. FAPE includes special education and related services at no cost to the family and must be delivered in the least restrictive environment in accordance with state and federal law.

Ensuring Individualized Access to Appropriate Services

The purpose of this priority area is to ensure that all components necessary to provide FAPE are in place and implemented in a timely and compliant manner. Programs must ensure that services are not initiated without informed written parental consent, and that services begin only after the IFSP is developed and agreed upon. IFSPs must include clear service descriptions, start dates, and methods of delivery. Teams must also consider and document special factors, extended school year services, and coordination with non-ECSE services when relevant. Decisions must be based on the child's needs and must be regularly reviewed and adjusted based on progress.

Proper implementation of FAPE ensures that children have access to high-quality services that support their growth and learning in inclusive settings whenever possible.

By using this protocol, ECSE ODE team will evaluate whether the program is meeting legal requirements related to the provision of FAPE under 34 CFR § 300.101–300.113 and related Oregon Administrative Rules. Reviewers will examine documentation to ensure timely parental consent, accurate implementation of services, appropriate consideration of special factors, and coordination of services. If noncompliance is identified, it is recommended that the program address findings promptly. All noncompliance must be fully corrected within one year of written notification from the Oregon Department of Education (ODE), and sooner if it affects a child's access to services.

Record Review Item: FAPE -1 34 CFR § 300.323; OAR 581-015-2830

Record Review Item	Potential Documentation
<p>The IFSP was in effect, and parental consent was obtained, before the provision of any Early Childhood Special Education (ECSE) or related services.</p> <p>All services were:</p> <ul style="list-style-type: none">• Implemented on or after the IFSP meeting date, and• Delivered no later than the projected start dates listed in the IFSP <p>Choose N/A only if the delay in services was caused by the parent, and include documentation of the reason.</p>	<ul style="list-style-type: none">• IFSP – Service Start Dates• Service contact logs• Composite service/contact logs• Parent communication logs• Meeting notes or attendance sheets <p>Check for the following:</p> <ul style="list-style-type: none">• The IFSP meeting date is on or before the service start dates• Parent consent for services was signed prior to any service provision• Services were delivered on or before the projected start date indicated in the IFSP• If there is a delay:<ul style="list-style-type: none">○ Confirm whether the delay was parent-caused and note documentation○ If not parent-caused, document the actual service start date and the number of delayed days• Ensure no services were provided before the IFSP was finalized and consent was obtained

Evidence of Compliance

YES

Mark **YES** if there is evidence that all of the following are true:

- Services began on or after the IFSP meeting date and on or before the listed start date
- Parent consent was obtained before services were provided
- Documentation (logs, notes, communications) confirms timely service delivery
- Any delay in services was due to parent request or scheduling and is clearly documented

NO

Mark **NO** if there is evidence that any of the following are true:

- Services began before the IFSP was developed or consent was obtained
- Services started after the listed start date, without a valid or documented reason
- No documentation exists confirming when services actually began
- A delay occurred without explanation or correction

Mark **N/A** if:

- The delay in service was caused by the parent, and
- Documentation in the file clearly reflects this reason

Record Review Item: FAPE –2. 34 CFR § 300.320; § 300.324; OAR 581-015-2815

Record Review Item	Potential Documentation
<p>IFSP goals demonstrate progress across multiple review cycles.</p> <p>If a child is not making sufficient progress, the IFSP is reviewed and revised as necessary to reflect the child’s evolving needs, ensuring appropriate supports and services are in place.</p>	<ul style="list-style-type: none">• IFSP – Annual Goals Section• Progress reports• IFSP amendments (if applicable)• Meeting notes• Prior Written Notice (if changes to services or goals were made) <p>Check for the following:</p> <ul style="list-style-type: none">• Progress reports indicate that the child is making measurable progress toward IFSP goals• If progress is not sufficient, the IFSP was:<ul style="list-style-type: none">○ Reviewed by the team○ Amended with revised goals, services, or supports as needed• Team meeting notes reflect a data-driven discussion of progress and decisions about instructional or service changes• If the IFSP was revised, there is a Prior Written Notice that documents the changes and the reason for them• Documentation shows that the program is monitoring progress regularly and using that information to adjust services when necessary

Evidence of Compliance

YES

Mark **YES** if there is evidence that all applicable statements are true:

- Progress is demonstrated across review cycles through written reports or other documentation
- IFSP amendments or updated goals were made in response to lack of progress
- The team reviewed data and adjusted services to meet the child's needs
- Prior Written Notice was provided when changes were made to the IFSP

NO

Mark **NO** if there is evidence that any of the following are true:

- No documentation of progress is available or progress is unclear
- The child is not making progress, and there is no evidence of team review or IFSP revision
- Services or goals remain unchanged despite lack of progress
- No Prior Written Notice is present when the IFSP was changed

Record Review Item: FAPE –3. 34 CFR § 300.324; OAR 581-015-2820

Record Review Item	Potential Documentation
<p>The current ECSE IFSP includes documentation that the team considered Special Factors, as required for all children with disabilities. For each factor, if the answer is “yes”, the team addressed the corresponding needs in the IFSP.</p> <p>Special Factors:</p> <ol style="list-style-type: none"> 1. Behavior – Does the child’s behavior impede their learning or that of others? <ul style="list-style-type: none"> • If yes, behavioral strategies are included in the IFSP. 2. Blind or Visually Impaired – Is the child blind or visually impaired? <ul style="list-style-type: none"> • If yes, the IFSP addresses pre-reading/writing needs and includes an evaluation. 3. Assistive Technology – Does the child require assistive technology devices or services? <ul style="list-style-type: none"> • If yes, services are addressed in the IFSP. 4. Limited English Proficiency – Is the child or family limited English proficient? <ul style="list-style-type: none"> • If yes, language-related needs are addressed in the IFSP. 5. Communication Needs – Does the child have 	<ul style="list-style-type: none"> • IFSP – Special Factors Section • Meeting notes • Assistive technology assessment (if applicable) • Functional Behavior Assessment (FBA) or Behavior Intervention Plan (BIP) • Evaluations related to vision, hearing, language, or communication <p>Check for the following:</p> <ul style="list-style-type: none"> • Each special factor has been considered and addressed in the IFSP (even if no action was needed) • If a factor was marked “yes,” ensure the IFSP includes relevant services, supports, or accommodations • For children with limited English proficiency, documentation includes: <ul style="list-style-type: none"> ○ Language of assessment and instruction ○ Consideration of how language impacts participation ○ Mode of communication for family engagement • For children who are blind or visually impaired, ensure pre-Braille/Braille instruction is addressed or an evaluation explains why it is not appropriate • For children who exhibit challenging behavior, ensure strategies and supports are listed; an FBA is recommended when appropriate • For deaf/hard of hearing, documentation includes communication mode, interaction opportunities, and language planning

Record Review Item	Potential Documentation
<p>communication needs?</p> <ul style="list-style-type: none"> • If yes, needs are addressed in the IFSP. <p>6. Deaf or Hard of Hearing – Is the child deaf or hard of hearing?</p> <ul style="list-style-type: none"> • If yes, communication and interaction needs are addressed in the IFSP. <p>7. Extended School Year (ESY) – Does the child require ESY services?</p> <ul style="list-style-type: none"> • If yes, data is collected and considered for a later determination. <p>If the team determines that any of the above factors require a service, device, accommodation, or modification for the child to receive FAPE, that requirement must be documented in the IFSP.</p>	

Evidence of Compliance

YES

Mark **YES** if there is evidence that all applicable statements are true:

- All special factors were considered and documented in the IFSP
- “Yes” responses led to services, supports, or evaluations that are reflected in the IFSP
- Communication, vision, hearing, behavior, technology, and language considerations were individualized and addressed
- Extended School Year needs were discussed and noted for future data review

NO

Mark **NO** if there is evidence that any of the following are true:

- Special factors were not addressed or documentation is incomplete
- Services, supports, or evaluations related to a “yes” response are missing
- Language needs, Braille/pre-Braille needs, or behavior supports are not reflected where applicable
- No documentation exists to show the team considered special factors

Record Review Item: FAPE -4. 34 CFR § 300.106; OAR 581-015-2855

Record Review Item	Potential Documentation
<p>The IFSP includes consideration of Extended School Year (ESY) services and documentation of the team’s decision.</p>	<ul style="list-style-type: none">• IFSP – ESY Decision Section• Meeting notes• Prior Written Notice (if ESY services were denied)• Service delivery records (if ESY was provided) <p>Check for the following:</p> <ul style="list-style-type: none">• The IFSP includes a clearly marked ESY decision: Yes, No, or Maybe• If "Maybe, collect data and determine later" is selected:<ul style="list-style-type: none">○ A specific date is listed for when the team will reconvene to review data and make a final determination• If ESY is denied, check for a Prior Written Notice explaining the team’s decision• If ESY is provided, confirm that service delivery records document when and how services were delivered• The ESY decision is made based on data and individualized need (e.g., regression/recoupment, emerging skills, severity of disability, or critical stages of learning)

Evidence of Compliance

YES

Mark **YES** if there is evidence that all applicable statements are true:

- ESY decision is documented in the IFSP
- If “Maybe” was selected, a follow-up date is included
- If ESY was denied, Prior Written Notice explains the decision
- If ESY was provided, services are documented in logs or service records
- ESY consideration aligns with individual needs and regulatory requirements

NO

Mark **NO** if there is evidence that any of the following are true:

- ESY decision is missing or not marked on the IFSP
- “Maybe” is selected but there is no documented plan to reconvene or review data
- No Prior Written Notice provided when ESY was denied
- ESY services were delivered but not documented
- Decision appears generic or not based on individualized need

Record Review Item: FAPE – 5. 34 CFR § 300.320; OAR 581-015-2815

Record Review Item	Potential Documentation
<p>The current <u>ECSE</u> IFSP contains a description of other services, such as medical, that are not ECSE services, and the funding sources or the steps to secure funding.</p>	<ul style="list-style-type: none">• IFSP – Non-ECSE Services Section• Medical or community referral forms• Documentation of funding source or steps to secure it• Parent communication logs• Service coordination notes <p>Check for the following:</p> <ul style="list-style-type: none">• The IFSP includes a section that lists non-ECSE services, which may include:<ul style="list-style-type: none">○ Medical services○ Health services○ Head Start○ Oregon Pre-Kindergarten○ Community-based supports or therapies• For each non-ECSE service, documentation includes:<ul style="list-style-type: none">○ Method of delivery (e.g., therapy, consultation)○ Location (e.g., clinic, home, community site)○ Provider (who is responsible for delivering the service)○ Start and end dates○ Funding source or steps the team will take to obtain funding• If the funding source is unknown, the IFSP must describe the steps to pursue services through public or private sources• Services listed must reflect the family’s needs and priorities, and coordination efforts by the program should be clearly documented

Evidence of Compliance

YES

Mark **YES** if there is evidence that all of the following are true:

- The IFSP includes a description of non-ECSE services relevant to the child or family
- Each service includes method, location, provider, funding source (or steps to secure funding), and timeframes
- Community referrals or documentation confirm that coordination has occurred
- If funding is not yet secured, steps toward accessing support are clearly outlined

NO

Mark **NO** if there is evidence that any of the following are true:

- Non-ECSE services are relevant but not described in the IFSP
- Service descriptions are incomplete (e.g., missing provider, timeline, or funding details)
- No documentation of community referrals or funding pursuit is present
- IFSP does not reflect service coordination efforts for identified family needs