

FAPE...Free, Appropriate, Public, Education

I. Understanding what free, appropriate, public, education is:

1. IDEA: Individuals with Disabilities Education Act...
 - a. IDEA is the law that provides a right to a free/appropriate education.
 - b. Purpose is to ensure all children with disabilities have available free education and related services which emphasize Special Education and related services designed to meet their unique needs and prepare them for further education/employment and independent living.

IEP: Individual Education Program (Public schools are responsible for your child's FAPE. IEP's are the roadmap that describes how the school will provide your child with a FAPE)...

- a. Every child with a learning disability is entitled to an IEP
 - b. When developing, reviewing or revising an IEP, be sure to reread the IDEA purpose.
 - c. Is this IEP going to meet the child's unique needs; will it prepare the child for the future?
2. Educational Benefit: Child must receive meaningful educational benefit...
 - a. They are not entitled to "best" education nor "maximizes the child's potential" ...it is best not to use these words in conversation or documentation.
 - b. Meaningful educational benefit is best measured by the child's knowledge and skills.
 - c. Parents should fully understand the test and scoring measures used and what the test scores mean.
3. Improved Outcomes... No Child Left Behind Act 2001
 - a. Requires all states to adopt high academic standards for all children.
 - b. Reauthorized in 2004 to improve outcomes for all children.

II. How to document your concerns with your child's IEP and IEP team:

1. If the IEP team develops an IEP which includes vague goals that cannot be measured objectively, or IEP team has a "take it or leave it" attitude, you must...
 - a. Put your concerns in writing
 - b. Make your wishes, concerns and objections clear
 - c. State your concerns in the meeting
 - You may say (always politely) things such as, "This IEP does not provide my child enough help." (or the right help/or my child is not making significant progress.)
 - Write on the IEP something like, "I consent to this IEP being implemented but I object to it for the reasons I stated during the meeting." Then sign your name.

2. Now the school is aware of your concerns...
 - a. They may say you are not allowed to write on the IEP, but you should know there is nothing prohibiting any IEP member from writing on it.
 - b. If you wish to tape record meetings, recorder must be visible to all
 - c. Write a thank you letter when you get home. Describe what happened in that letter and document your concerns, what you requested and how your request were received
 - d. Say you consented to IEP being implemented because "something is better than nothing" or " an inadequate program is better than no program at all"
 - e. You need to clarify in this letter that the IEP is not appropriate for your child at all
 - f. State you consented to the school implementing the IEP and that you assume they will follow thru until...
 - g. Schedule another IEP meeting to resolve outstanding issues
 - h. If you take these steps the school will take it more seriously and want to avoid a due process hearing.

III Four rules for parents to follow:

1. Your child is not entitled to the “best” or “maximized special education”; they are entitled to an “appropriate” education. It is important not to use the words “best” or maximized special education
2. Parent testimony carries little weight because in the eyes of the hearing officers and judges, parents are biased.
3. School staff will testify that their program is appropriate almost 99% of the time. They are allowed to use the word “best”
4. Parents must have experts who know the child and are:
 - a. Willing to educate the IEP team about the child
 - b. Able to describe the child’s strengths, weaknesses and needs
 - c. Able to describe the educational program that will help meet the child’s needs
 - d. Able to explain why the school program is not appropriate and how the child could become disadvantaged if he does not receive an appropriate education.

In addition to the above:

Administration does not want to reimburse parents for services from a provider in the private sector...i.e. Applied Behavior Analyst, Occupational Therapist, Tutor, etc.

IV Other educational options:

1. Charter Schools
 - Public school
 - Tax supported, must follow IDEA
2. Private Schools
 - Not tax supported
 - Parents pay tuition
 - Do not have to follow IDEA
 - Exceptions...see below
3. Home School...see WI DPI Website, (Department of Public Instruction)

V. Misc....

LEA, (Local Education Agency) can place the child in a private school if IEP team decides the public school is unable to meet the child's needs. LEA would pay for all tuition and fees such as transportation. LEA is responsible to ensure the IEP is being met.

If a parent decides to send the child to a private school because they think the district did not provide FAPE a hearing officer or court can require a district to pay, but be aware that critical and specific guidelines must be met before putting a student in a private school if you are seeking district responsibility for tuition/fees. Reference the DPI website for further clarification.

Disclaimer:

An attorney, state education employee I am not. I do not have full knowledge of the education system. This information is taken from the DPI direct website and condensed to give us all a general overview, information and understanding of FAPE and IEP.