

HANDOUT: FAPE—Free Appropriate Public Education

The law guarantees that each eligible child with a disability will have available a free appropriate public education, often referred to as FAPE. What precisely does that mean?

The law defines FAPE in the following way:

"Free appropriate public education.—The term 'free appropriate public education' means special education and related services that

- A. "Have been provided at public expense, under public supervision and direction, and without charge;
- B. "Meet the standards of the State educational agency;
- C. "Include an appropriate preschool, elementary, or secondary school education in the State involved; and
- D. "Are provided in conformity with the individualized education program required under section 614(d)."

Looking at each of the words alone can be a useful way of understanding FAPE. "Free" is a vital part of the law's requirement, for the education of each child with a disability must be "provided at public expense...and without charge" to the child or the child's parents. The law, in its definition of special education, uses the phrase "at no cost to the parents." The existing regulations define the meaning of this phrase, as follows,

"At no cost" means that all specially designed instruction is provided without charge, but does not preclude incidental fees that are normally charged to nondisabled students or their parents as a part of the regular education program."

An "appropriate" education differs for each child with a disability. Yet each child with a disability is entitled to an education that is appropriate for his or her needs. The law requires this and specifies in some detail how the school and parents are to plan the education that each child receives so that it is appropriate. For example, evaluations are conducted to identify as closely as possible the child's individual needs. These evaluations are expected to inform the decision-making process so that the school and parents can design an education that responds to the child's needs. Together, the school and parents specify what this education will be and put it down in writing in the Individualized Education Program (IEP). The IEP must be reviewed and, as appropriate, revised each year, to ensure that the education being delivered remains appropriate to the child's needs.

"Public" generally refers to our public school system. Children with disabilities have the right to attend public school just as other children do, regardless of the nature or severity of their disabilities. The public school system must serve students with disabilities, respond to their individual needs, and help them plan for their future.

"Education" is what the law is all about. IDEA is, first and foremost, an education law. It guarantees that a free, appropriate public education is available to eligible children with disabilities and that this free appropriate public education consists of "special education and related services...provided in conformity with an IEP." The IEP must meet requirements specified within the law and is based upon the child's individual needs.

FAPE is an exciting and important principle of the law. While in practice FAPE differs for each child, in principle it is the same for each child: a guarantee of access to a free, appropriate public education that indeed opens the doors of opportunity and learning.

Adapted from www.nichcy.org, the website of the National Dissemination Center for Children with Disabilities