



## LEGISLATION



Section 300.17

# Free Appropriate Public Education (FAPE)

## Section Overview:

- Education at public expense
- Meets state education standards
- Appropriate school setting (preschool - high school)
- Compliance with Individualized Education Plan (IEP)



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## Section 300.17: Free Appropriate Public Education (FAPE)

[Original Source Link](#)

Free appropriate public education or FAPE means **special education and related services** that –

- (a) Are provided at public expense, under public supervision and direction, and **without charge**;
- (b) Meet the standards of the SEA, including the requirements of this part;
- (c) Include an appropriate preschool, elementary school, or secondary school education in the State involved; and
- (d) Are **provided in conformity with an individualized education program (IEP)** that meets the requirements of §§300.320 through 300.324.





# Key Takeaways

## Section 300.17

### FAPE is defined as:

- Education and related services provided with government funds (no charge to families).
- Includes preschool through high school.
- Following the Individualized Education Plan (IEP).



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Section 300.101

# Free Appropriate Public Education (FAPE)

## Section Overview:

- Applies to children ages 3-21
- Eligibility not dependent on academic performance



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## Section 300.101: Free Appropriate Public Education (FAPE)

Original Source

**(a) General. A free appropriate public education must be available to all children residing in the State between the **ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school**, as provided for in §300.530(d).**

**(b) FAPE for children beginning at age 3.**

(1) Each State must ensure that—

- (i) The obligation to make FAPE available to each eligible child residing in the State **begins no later than the child's third birthday**; and
- (ii) An IEP or an IFSP is in effect for the child by that date, in accordance with §300.323(b).

(2) If a child's third birthday occurs during the summer, the child's IEP Team shall determine the date when services under the IEP or IFSP will begin.

**(c) Children advancing from grade to grade.**

(1) Each State must ensure that **FAPE is available to any individual child with a disability who needs special education and related services, even though the child has not failed or been retained in a course or grade, and is advancing from grade to grade.**

(2) The determination that a child described in paragraph (a) of this section is eligible under this part must be made on an individual basis by the group responsible within the child's LEA for making eligibility determinations.



# Key Takeaways

## Section 300.101

### The state holds responsibility for:

- FAPE applies to children ages 3-21.
- Evaluation and determination of eligibility for special education and related services should be complete before a child's third birthday.
- Good academic performance does not prohibit a child from receiving special education and related services.
- Eligibility for special education and related services must happen in a formal eligibility meeting.



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# Free Appropriate Public Education (FAPE)

## Additional Resources



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