Section 1 Provision of a Free Appropriate Public Education (FAPE)

A. Comprehensive Program

The School District provides and maintains appropriate and effective educational programs in order to afford every child with a disability who is between the ages of 3 and 21(inclusive), is enrolled in the School District, and requires special education and related services to address the adverse effect of the disability on his/her education a free appropriate public education (FAPE). As part of this effort, the School District shall make available to all eligible children who are residents of the School District a comprehensive program of special education, which include each of the following:

1. A viable organizational and financial structure;
2. Systematic procedures for identifying and evaluating the need for special education and related services;
3. A continuum of appropriate alternative placements available to meet the needs of children for special education and related services which may include, but is not limited to, any of the following:
    a. Regular classes;
    b. Special classes;
    c. Special schools;
    d. Home/hospital services; and
    e. State operated or nonpublic programs.
4. Qualified personnel who are employed in sufficient number to provide:
    a. Administration of the program;
    b. Supervisory services;
    c. Instructional and resource services;
    d. Related services; and
    e. Transportation services.
5. Appropriate and adequate facilities, equipment and materials;
6. Functional relationships with public and private agencies that can supplement or enhance the special education services of the public schools;
7. Interaction with Parents and other concerned persons that facilitates the educational development of children with disabilities;

8. Procedures for internal evaluation of the special education services provided; and
9. Continuous planning for program growth and improvement based on internal and external evaluation.

B. Public Awareness

The School District shall create public awareness of special education and related services and advise the public of the rights of children with disabilities pursuant to District developed procedures. In creating public awareness of special education and related services and advising the public of the rights of children with disabilities, the School District shall comply with the following:

1. Information provided to the public shall be made available in each of the major languages represented in the School District and in the language that will be understandable to Parents, regardless of ethnic or cultural background or hearing or visual abilities;
2. Annual notification shall be provided to all Parents in the School District regarding the special education services available in or through the School District.
3. Annual dissemination of information to the community served by the District regarding the special education services available in or through the School District and the rights of children with disabilities;
4. The School District will post on its website, if any, and incorporate into student handbooks/newsletters, notice that students with disabilities who do not qualify for special education education and related services under IDEA may qualify for services under Section 504 if the student: (1) has a physical or mental impairment that substantially limits one or more major life activities; (2) has a record of a physical or mental impairment; or (3) is regarded as having a physical or mental impairment. The notice will identify the location and phone number of the office or person to whom inquiries regarding the identification, assessment, and placement of such children should be directed. The notice will state that any Parent who is deaf or does not typically communicate using spoken English and who participates in a Section 504 meeting is entitled to the services of an interpreter.
5. Documentation, including examples as appropriate, of the School District's public awareness efforts shall be maintained in the School District's files.

C. Providing Free Appropriate Public Education

Each School District will provide a free appropriate public education (FAPE) to all children with disabilities between the ages of 3 and 21, inclusive (if the eligible student reaches the age of 22 during the school year, the student is eligible for such services through the end of the school year), including children with disabilities who have been suspended or expelled from school for more than 10 consecutive school days during the school year, or who receive a series of removals that constitute a change in placement. In order to meet the requirements of the School District to provide FAPE, the School District shall comply with the following:

1. The School District shall be responsible for actively seeking out and identifying all children from birth through age 21 within the School District (and those parentally-placed private school children for whom the School District is responsible (See Section 9) who may be eligible for special education and related services.
2. The School District must ensure that FAPE is available to any individual child with a disability who needs special education and related services.
3. The special education and related services shall be provided according to the child's individualized education program (IEP), which shall be developed in accordance with these procedures, at no cost to the Parent. The IEP shall specify the special education and related services needed in order to ensure that the child receives FAPE, including any extended school year services, if appropriate.
4. FAPE shall be made available to all eligible children no later than the child's third birthday (See Section 5 for timeline requirements).
5. The special education services and placement that constitute FAPE for a particular child shall be identified based on the child's unique needs and not on the child's category of disability. These services shall address all of the child's identified needs for special education and related services.
6. The School District shall provide nonacademic and extracurricular services and activities in a manner necessary to afford children with disabilities and equal opportunity to participate in those services and activities.

7. No delay shall occur in implementing a child's IEP, including any case in which the source of payment or provision of services to the child is being determined.
8. No eligible child from 3 through 21 years of age, inclusive (if the eligible student reaches the age of 22 during the school year, the student is eligible for such services through the end of the school year), may be permanently excluded from the public schools, either by direct action by the board of education, by indication of the School District's inability to provide an educational program, or by informal agreement between the Parent(s) and the School District to allow the child to remain without an educational program.
9. The School District is not required to provide a child with services during periods in which the child has been removed from his/her current placement for 10 school days or fewer in a particular school year, if services are not provided to a child without disabilities who has been similarly removed. However, an eligible child who has been suspended or expelled from school for more than 10 school days during a particular school year shall continue to receive services necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP.
10. If a child with a disability who is receiving special education from his/her current school district transfers to this School District, this School District shall ensure that the child receives FAPE.
11. In providing FAPE to children with disabilities who have been suspended or expelled from school, the School District shall meet the requirements set forth in Subpart E of the ISBE regulations, which requires compliance with 34 C.F.R. 300.530 through 300.536 and Section 10-22.6 of the School Code (23 Ill. Admin. Code 226.400). If a student with a disability is the subject of an expulsion or a suspension which is longer than 10 cumulative days, the School District shall conduct an IEP meeting to either review or develop a behavior intervention plan for the student.
12. Any child for whom services are sought shall not be denied FAPE regardless of any jurisdictional disputes among Illinois agencies.

13. The School District shall provide an eligible student who requires continued public school educational experience to facilitate his/her integration into society with services through age 21, inclusive (i.e., through the end of the school year in which the student turns 2 years old).

D. Exceptions to Providing FAPE

1. The School District is not required to provide FAPE to a student with a disability who has graduated with a regular high school diploma. Students who have participated in a graduation ceremony but have not been awarded a regular high school diploma continue to be eligible to receive FAPE through the age of 21. If the eligible student reaches the age of 22 during the school year, the student is eligible for such services through the end of the school year.
2. The School District is required to provide FAPE to a student with a disability who has fulfilled the minimum State graduation requirements set forth in The School Code but whose IEP prescribes special education, transition planning, transition services, or related services beyond that point. In such case, the issuance of the diploma shall be deferred so that the student will continue to be eligible for those services.
3. Any child 18 through 21 (or, if applicable, 22) years of age who is incarcerated and who is not identified as eligible and did not have an IEP in his/her educational placement immediately prior to incarceration shall not be provided FAPE.

LEGAL REF.: 20 U.S.C. §§ 1412 (State eligibility), 1413 (local educational agency eligibility).
34 C.F.R. §§ 300.101 (free appropriate public education–FAPE), 300.102 (limitation--exception to FAPE for certain ages), 300.300 (provision of FAPE), 300.103 (FAPE-methods and payments), 300.106 (extended school year services)
105 ILCS 5/14-1.02 (children with disabilities).
23 Ill. Admin. Code §§ 226.50 (requirements for a FAPE), 226.700 (general).

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