Family Matters

Michigan Department of Education, Office of Special Education

Fact Sheet

Free Appropriate Public Education (FAPE)

Students with a disability are entitled to a free appropriate public education (FAPE). Schools must provide a FAPE through programs and services. The FAPE must meet the student's unique needs and provide educational benefit.

To provide a FAPE, schools must:

- Create an individualized education program (IEP), which is a written plan for your child's education at school and based on their identified needs.
- Provide special education services that meet your child's specific (or unique) needs.
- Provide related services so your child can benefit from special education. An example of related services is receiving occupational therapy.
- Provide accommodations and modifications to support your child can be in general education settings.
- Provide access to the same non-academic and extracurricular activities as peers without disabilities.
- Educate your child in the least restrictive environment (LRE), which means your child should be educated as much as appropriate in the general education classroom with peers who are not disabled. Spending time outside the general education classroom is only allowed due to the nature or severity of the disability.

Schools are not required to:

- Provide services that are superior to what other students receive.
- Provide programming based only on parents' requests, such as the supports and services their child will receive. These are decisions made by the IEP team, which includes the parent.
- Provide preferred treatment in belonging to clubs or playing sports. However, students are entitled to the same opportunity as others to be involved.

What to do if you believe your child is not receiving a FAPE

Discuss it first with your child's IEP team. If you are still not satisfied, contact the following in the order given to see if you can come to agreement:

- Special education administrator
- Superintendent
- Intermediate School District

If you are still not satisfied, you can pursue facilitation, mediation, a state complaint, or a due process complaint.

September 2023

MICHIGAN Department of Education

1-888-320-8384
(OSE information line)

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Family Matters fact sheets are intended to enhance public understanding of Michigan's special education system and are not a substitute for official laws and regulations.

Free

- Special education and related services are provided by public schools, including public charters, at no cost to parents.
- Schools cannot deny a FAPE due to the cost of services.
- Schools can charge fees if children without disabilities are charged the same fees.

Appropriate

- Students are entitled to an education that meets their education and disability-related needs.
- The individualized education program (IEP) provides a plan, personalized, to meet his or her education and disability-related needs.
- The IEP outlines the type and frequency of special education programs and related services.
- The IEP describes your child's educational goals.

Public

- Children receiving special education programs and related services have a right to receive an education provided by the public school system, including public charters.

Education

- Every child who is eligible for special education has a right to a free appropriate public education.
- The education should prepare all children for their future including postsecondary education, employment, and independent living.
- The education provided must meet state standards and federal regulations defined in the *Individuals with Disabilities Education Act* (IDEA).

Resources

Michigan Alliance for Families
information, support, and education

Inclusion: FAPE in the LRE
A Michigan Alliance for Families Webinar

- Center for Parent Information and Resources (CPIR): Defining and Understanding FAPE
- U.S. Department of Education — Free Appropriate Public Education
- Michigan Department of Education
  - » FAPE for Adult Learners
  - » FAPE in the County Jail
  - » Individualized Education Program (IEP) Development: Special Education Programs and Services