

**FREE APPROPRIATE PUBLIC EDUCATION (FAPE)**

FREE APPROPRIATE PUBLIC EDUCATION

- A. The District shall make FAPE available to each eligible child within its jurisdiction from Kindergarten through the end of the school year in which the child turns 21 years of age; and
- B. An IEP is in effect for the child annually , in accordance with 34 C.F.R. §300.323(b).
- C. The District shall 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.
- D. The determination that a child is eligible for and in need of special education must be made on an individual basis by the group responsible within the District for making eligibility determinations.

ASSISTIVE TECHNOLOGY

- A. The District shall ensure that assistive technology devices or services or both will be available to a child with a disability, if required, as a part of:
  - 1. Special education
  - 2. Related services
  - 3. Supplementary aids and service.
- B. On a case-by-case basis, the District shall ensure the use of school-purchased assistive technology devices in a child's home or other setting if the child's IEP team determines that the child needs access to those devices in order to receive FAPE.

EXTENDED SCHOOL YEAR SERVICES (ESY)

**FREE APPROPRIATE PUBLIC EDUCATION (FAPE) (contd.)**

- A. The District shall make extended school year services available as necessary to provide FAPE to children with disabilities.
- B. ESY services will be provided only if a child's IEP team determines, in accordance with §§300.320 - 300.324, that the services are necessary for the provision of FAPE.
- C. Services will not be limited to a particular category of disability, or unilaterally limited to the type, amount, or duration of services.
- D. The ESY services that are provided to a child with a disability will:
  - 1. Be provided beyond the normal school year of the agency;
  - 2. Be provided in accordance with the child's IEP;
  - 3. Be provided at no cost to the parents of the child; and
  - 4. Meet the ESY standards of Wyoming.

**NONACADEMIC SERVICES**

- A. The District shall afford children with disabilities an equal opportunity for participation in nonacademic and extracurricular services and activities including, as determined appropriate and necessary by the child's IEP team, the provision of supplementary aids and services.
- B. Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the public agency, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the District and assistance in making outside employment available.

**FREE APPROPRIATE PUBLIC EDUCATION (FAPE) (contd.)**

PHYSICAL EDUCATION

- A. The District shall make regular physical education services available to children with disabilities to the same extent that the District provides those services to children without disabilities, unless:
  - 1. The child is enrolled full time in a separate facility; or
  - 2. The child needs specially designed physical education as prescribed in the child's IEP.
- B. If a child is enrolled in a separate facility, the District shall ensure that the child receives appropriate physical education services.
- C. If special physical education is prescribed in a child's IEP, the District shall provide for those services, either directly or through other public or private programs.

*34 C.F.R. §300.101*

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