



Free Appropriate Public Education (FAPE) - Part B/619

Policy Number: EIEP-21-005

Administrative

Responsible Section: Early Intervention and Education Program (EIEP) Part B/619

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Reason for the Policy

The EIEP ensures that all Child Development Centers (CDCs) make available a Free Appropriate Public Education (FAPE) to all children residing within its jurisdiction between the ages of three (3) through five (5) years of age, including children who have been suspended or expelled from school pursuant to 34 C.F.R. § 300.17 and 300.101.

Scope

This policy pertains to EIEP, all CDCs, and CDC staff.

Policy Statement

1. **Assistive Technology**
 - a. All CDCs offer and provide assistive technology devices or services or both to a child with a disability, if required, as a part of:
 - i. Special education
 - ii. Related services
 - iii. Supplementary aids and service.
 - b. On a case-by-case basis, the CDC shall provide school-purchased assistive technology devices in a child's home or other setting if the child's Individualized Education Plan (IEP) team determines that the child needs access to those devices in order to receive FAPE.
2. **Extended School Year (ESY) Services**
 - a. All CDCs shall make ESY 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 34 C.F.R. § 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 shall:
 - i. Be provided beyond the normal school year;
 - ii. Be provided in accordance with the child's IEP;
 - iii. Be provided at no cost to the parents of the child; and
 - iv. Meet Wyoming standards.

3. Non-Academic Services

- a. All CDCs 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. Non-academic and extracurricular services and activities may include counseling services, transportation, health services, and recreational activities.

4. Physical Education Opportunities

- a. All CDCs shall make regular physical education services available to children with disabilities to the same extent that the CDCs provide those services to children without disabilities, unless:
 - i. The child is enrolled full time in a separate facility; or
 - ii. 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 CDC shall ensure that the child receives appropriate physical education services.
- c. If special physical education is prescribed in a child's IEP, the CDC shall provide for those services, either directly or through other public or private programs.

5. Assurances

- a. All CDCs shall make FAPE available to each eligible child within its jurisdiction beginning no later than the child's third birthday; and
- b. An IEP is in effect for the child by that date, in accordance with 34 C.F.R. §300.323(b).
- c. If an eligible child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP will begin.
- d. All CDCs 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.
- e. 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 with the CDC for making eligibility determinations.

Related Information

34 C.F.R. § 300.17
34 C.F.R. § 300.101

Revision History

Revision Date	Author	Description
<i>April 2021</i>	<i>EIEP</i>	<i>New Policy</i>