

## FREE APPROPRIATE PUBLIC EDUCATION

A LEA shall make a free appropriate public education (FAPE) available to all children with disabilities aged three (3) to twenty-one (21) residing within its district's boundaries, including children with disabilities who have been suspended or expelled for more than ten (10) school days in a school year.

707 KAR 1:290 Section 1 (1)

KRS 158.150 (6) (c)

34 CFR 300.300 (a) (1)

Owen County School District makes a free appropriate public education (FAPE) available to children with disabilities and provides the child and parents all of the rights under Part B of the Individuals with Disabilities Education Act (IDEA), Kentucky laws, and administrative regulations.

Owen County School District ensures a free appropriate public education is available to each child with a disability:

1. whose age is three (3) to twenty-one (21) years;
2. who resides in a home, facility, residence, or any type of shelter within Owen County School District's geographical boundaries;
3. who has a disability, regardless of the severity (according to procedures for **EVALUATION** and **ELIGIBILITY**);
4. who needs special education and related services (according to procedures for **IEP**);
5. who has been suspended or expelled for more than a total of ten days in a school year (according to **PROVIDING SERVICES** in procedures for **DISCIPLINE**); and
6. who has not graduated with a general education diploma or certificate of completion (according to **Release Due to Withdrawal From School** in procedures for **PLACEMENT IN THE LEAST RESTRICTIVE ENVIRONMENT**).

### Standards For Determining FAPE

The services and placement needed by each child with a disability to receive FAPE must be based on the child's unique needs and not on the child's disability.

34 CFR 300.300 (a) (3) (ii)

Owen County School District provides services for students with disabilities of school attendance age three (3) to twenty-one (21) years, consistent with the Kentucky Program of Studies, Core Content for Assessment, 707 KAR Chapter 1, and Owen County School District Board Policy.

Services for students with disabilities include:

1. individualized instruction to meet the unique needs of a student with a disability, according to an Individual Education Program (IEP); and
2. access to a variety of programs, services, and activities provided for students without disabilities.

FAPE is provided through an IEP that serves as a program of reasonably designed strategies and services to meet the individual needs of a student with a disability in the general education curriculum. All decisions of the Admissions and Release Committee (ARC) relate to the specific student and not the commonly anticipated educational needs of most students who have the same disability or categorical label. All decisions of the Admissions and Release Committee (ARC) relate to the specific student and not the commonly anticipated educational needs of most students who have the same disability or categorical label.

### **No Cost to Parents**

“Free appropriate public education (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 Kentucky Department of Education included in 707 KAR Chapter 1 and the Program of Studies, 704 KAR 3:303, as appropriate;  
(c) include preschool, elementary school, or secondary school education in the state; and  
(d) are provided in conformity with an individual education program (IEP) that meets the requirements of 707 KAR 1:320.

707 KAR 1:280 Section 1 (26)  
34 CFR 300.13

“Public expense” means that the LEA either pays for the full cost of the services to meet the requirements of 707 KAR Chapter 1 (special education regulations) or ensures that the services are otherwise provided at no cost to the parent. Nothing in these regulations shall relieve an insurer or similar third party from an otherwise valid obligation to provide or to pay for services provided to a child with a disability.

707 KAR 1:280 Section 1 (43)

Owen County School District makes sure that any expenses for the identification, evaluation, and educational placement of a child with disabilities, or the provision of special education and related services for a child with disabilities are at no cost to parents.

At no cost to parents also includes at no cost to the child if emancipated (age eighteen or married).

This requirement does not preclude charging incidental fees which are normally charged to children without disabilities or their parents as part of the general education program (e.g., activity fees, field trips, etc.).

Owen County School District provides and uses local, state, federal, and other fiscal resources to provide special education and related services for children who have disabilities. Resources may include interagency agreements and third party providers such as private insurance and Medicaid.

### **Medicaid**

KLEA is an authorized school-based health services provider. When a child with a medical card receives a billable service (speech, OT, PT, evaluations, etc.) through the

IEP, the parent will be asked, by the assigned case manager, to give written authorization for KLEA to bill these services directly to the child's medical card. The parent may chose to deny access to this Medicaid billing at any time. It is important that the parent understand that the child's benefits under the Medicaid program are not reduced because KLEA bills for appropriate services. Parent and child rights, and the services provided through an IEP are not affected in any way by KLEA's participation in the Medicaid program. In the event a child has a medical card and also has private health insurance, the case manager will inform the KLEA Representative, who will contact the DoSE prior to making any decision to bill Medicaid for services.

Nothing in this part relieves an insurer or similar third party from an otherwise valid obligation to provide or pay for services, including transition services, provided to a child with a disability. This includes the Department of Vocational Rehabilitation or any other participating agency for which a child with disabilities meets eligibility criteria of that agency.

KLEA administers and uses all fiscal resources available for the education of children with disabilities according to all applicable state and federal laws and regulations.

### **Proper Functioning Of Hearing Aids**

A LEA shall ensure that a hearing aid worn in school by a child with a hearing impairment is functioning properly.

707 KAR 1:290 Section 3  
34 CFR 300.303

The DoSE assigns a person to make sure the hearing aids of the students who have hearing impairments are properly functioning.