

Free Appropriate Public Education (FAPE) Responsibility

Student's Residence or Placement	Local Education Agency (LEA) responsible for FAPE	Notes
Home with parent or other adult	Resident LEA unless open enrolled or attending LEA under tuition waiver.	<p>In general, the Thayer rule applies and the responsible LEA is where the student resides.</p> <p><i>Parentally-placed private school students, including students enrolled by their parent in 4K or 5K program in a private school:</i> LEA where school is located is responsible for child find and service plan. A parent may also request an evaluation from the resident LEA. Resident LEA is responsible for providing FAPE should the student re-enroll in public school.</p> <p><i>Open Enrollment or Tuition Waiver:</i> LEA where the student attends school.</p> <p><i>66.0301 Cooperative Agreements:</i> Resident LEA remains responsible for FAPE.</p> <p><i>County Disability Educational Board (CDEB) Programs:</i> The student's resident LEA is responsible for FAPE when placing the student in a CDEB. The LEA and CDEB program coordinate IEP development and implementation.</p>
Out-of-home care placement: examples include foster care, group home, or shelter care, home of an adult other than a parent	LEA where the school of origin* is located unless a best interest determination determines otherwise. Students placed in out-of-home care are presumed to remain in their school of origin.*	<p>A student living in out-of-home care means a student who has been placed in a residential setting outside of the student's home by a county, state, or tribal child welfare agency. This includes, but is not limited to shelter care, the home of a relative other than a parent, residential facilities,** foster care, or a group home. Schools must receive notice whenever a student is placed in out-of-home care, or when the student's placement has been changed from one residential setting to another. The educational stability provisions under ESSA apply to students at all public schools, including preschools and public charter schools.</p> <p>*The school of origin is the public school where the student was enrolled or most recently enrolled in at the time of placement. The student continues to attend their school of origin to the extent feasible, unless a best interest determination indicates otherwise.</p> <p>**See Wisconsin's Residential Care Center (RCC) rule explained below.</p>

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Homeless or unaccompanied youth	<p>LEA where the school of origin* is located unless a best interest determination dictates a school in another LEA.</p> <p>Students experiencing homelessness are presumed to remain in the school of origin* as in the child's or youth's best interest, except when doing so is contrary to the request of the child's or youth's parent or guardian, or (in the case of an unaccompanied youth) the youth.</p>	<p>Each LEA assigns a homeless liaison for students experiencing homelessness. The homeless liaison is responsible for ensuring all students experiencing homelessness, including unaccompanied homeless youth (youth not in the physical custody of a parent or legal guardian), receive FAPE consistent with the provisions of the McKinney-Vento Homeless Assistance Act.</p> <p>The student continues to attend their school of origin* to the extent feasible, unless the parent, guardian, or unaccompanied homeless youth wishes otherwise.</p> <p>*The school of origin is the public school that a child or youth attended when last permanently housed, or the public school in which the child or youth was last enrolled and attending, including a preschool. Homeless student guidance.</p>
Wisconsin hospital, nursing home, treatment facility, juvenile detention, county jail or house of correction	LEA where the facility is located unless the student is excused from compulsory attendance.	<p>In general, the Thayer rule applies and the responsible LEA is where the facility is located.</p> <p>However, if a student is temporarily excused from compulsory attendance per state statute by the LEA the student attended prior to presence in the facility, the prior LEA remains responsible for FAPE.</p>
Department of Health Services (DHS) and Department of Corrections (DOC) facilities	DHS or DOC.	<p>DHS and DOC are LEAs.</p> <p>DHS facilities.</p> <p>DOC juvenile facilities.</p>

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Wisconsin Residential Care Centers (RCCs)	LEA responsible before placement in RCC remains responsible unless the student is placed in an RCC from a DHS facility or a DOC type 1 juvenile correctional facility or prison. In this case, the LEA where the RCC is located is responsible for FAPE.	<p>The RCC rule applies to Wisconsin RCC placements paid for by a Wisconsin county or a state agency.**</p> <p>Most students placed in RCCs attend the RCC's educational program, and the county or state agency is responsible for all costs of education. If a student placed in an RCC attends an LEA school program, the LEA is eligible for state categorical tuition aid.</p> <p>RCC Directory.</p> <p>***This does not include placements by parents into a facility that also serves as an RCC.</p>
Out-of-state Residential Care Centers (RCCs)	Wisconsin LEA responsible before placement in the out-of-state RCC.	When a Wisconsin county or LEA places a student in an out-of-state care facility, if the student's parent continues to reside in Wisconsin, federal guidance establishes that the Wisconsin LEA responsible for FAPE before placement in the out-of-state RCC continues to be responsible for ensuring FAPE.
State schools: Wisconsin School for the Deaf (WSD) and Wisconsin Center for the Blind and Visually Impaired (WCBVI)	Resident LEA. The student continues to be a resident of the LEA where the student lives when not at the school.	<p>The student's resident LEA is responsible for initial placement in a state school. A representative from the state school must participate on the IEP team.</p> <p>Once placed, the student's resident LEA is responsible for FAPE. The LEA and state school coordinate IEP development and implementation. A state school representative is responsible for scheduling and preparing documents for subsequent IEP team meetings and for ensuring reevaluations are conducted. The resident LEA representative is an IEP team participant. The state school implements the IEP.</p>