

*Individuals with Disabilities
Education Act (IDEA) 2004*

**The
Least
Restrictive
Environment**



*A Primer for Parents
and Educators*

Legal Requirements and Best Practices

2006

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LEAST RESTRICTIVE ENVIRONMENT

“To the maximum extent appropriate, students with disabilities are to be educated with students who are not disabled.”

SPECIAL EDUCATION IS NOT A PLACE; IT IS SERVICES AND SUPPORT FOR GENERAL EDUCATION.

The general education curriculum can be delivered in other educational environments.

Inclusion and mainstreaming are not addressed in federal regulations

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OVERVIEW OF THE LEAST RESTRICTIVE ENVIRONMENT

Since the Education for All Handicapped Children Act—now known as the Individuals with Disabilities Education Act 2004—was passed in 1975, States have been required to make available to students with disabilities a free appropriate public education (FAPE) in the Least Restrictive Environment (LRE). The LRE standard that each school district must establish includes

STANDARD

“procedures to assure that, to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and that special classes, separate schooling, or other removal of children with disabilities from the general educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily” (IDEA 2004).

“Supplementary aids and services” means accommodations and modifications that ensure success in the general education classroom. LRE differs for each student with a disability receiving special education and related services. **Basically, a student's LRE is the environment where the student can receive an appropriate education designed to meet his or her special educational needs, while still being educated with nondisabled peers to the maximum extent appropriate.** Depending on the student's individual needs, the LRE could be the general classroom, with or without supplementary aids and services; a pull-out program for part of the day with the remainder of the day being spent in the general classroom or in activities with students who do not have disabilities; a special education class within the student's neighborhood school; or even a separate school specializing in a certain type of disability. Thus, one student's least restrictive environment—where that student can get the education he or she needs while still interacting with nondisabled peers—may be very different from another student's.

Determining the Student's LRE

In a November 23, 1994 memorandum to the Chief State School Officers, the U.S. Department of Education offered clarification regarding IDEA's LRE provisions, which state **the strong preference for educating students with disabilities in general classes with disabilities in general classes with appropriate aids and supports** (Heumann & Hehir, 1994, p. 3) (IDEA 97 refers to “supplementary aids and services”). This memo made it clear that a student's placement in the general education classroom is the *first* option the IEP team must consider.

An integral part of deciding whether or not the student will be educated within the general education classroom is an IEP team inquiry into the possible range of supplementary aids and services that are needed to ensure that the student can be satisfactorily educated in that environment. If the IEP team determines that the student can be education satisfactorily in the general education classroom, “that placement is the LRE for that student” (Heumann, 1994, p. 2).

However, the IEP team may determine that the student cannot be educated satisfactorily in the general education classroom, even when supplementary aids and services are provided. An alternative placement must then be considered. Accordingly, schools have been, and still are, required to ensure that “a continuum of alternative placements is available to meet the needs of students with disabilities for special education related services.” This continuum includes a range of alternative placements such as “instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions.” (Committee on labor and Human Resources, 1997, p. 11).

The required continuum of alternative placements reinforces the importance of the individualized inquiry, not a “one size fits all” approach in determining what placement is the LRE for each student with a disability. As such, the requirement for a continuum of alternative placements supports the fact that determining LRE must be done on an individual basis, considering the student in question and his or her special needs.

State’s Obligation to Ensure LRE

IDEA 2004 maintains the presumption that students with disabilities are most appropriately educated with their nondisabled peers, and that special classes, separate schools, or other removal of students with disabilities from the general educational environment occurs “...only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved.” Generally, students with disabilities are educated in the same school and in the same classes that they would normally attend if they did not have a disability, unless the student’s IEP cannot be implemented satisfactorily in that environment, even with the provision of supplementary aids and services.

***IDEA 2004 LRE PROVISIONS**

LEAST RESTRICTIVE ENVIRONMENT. –

IN GENERAL. To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the

disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.” 20 U.S.C. §1412(a)(5)(A).

Placement-neutral Funding

If a State uses a funding mechanism that distributes State funds on the basis of the type of setting in which a student is served, the funding mechanism must not result in placements that violate the requirements of least restrictive environment. Further, if the State does not have policies and procedures in place to ensure compliance, the State is required to provide the Secretary of Education with an assurance that it will revise its funding mechanism as soon as is feasible. Funding formulas should not be designed to reward school districts for “numbers served” in special education.

Supplementary Aids and Services

“Supplementary aids and services,” can be a critical part of enabling students with disabilities to succeed within the general education setting. The IDEA provides a definition of supplementary aids and services, as follows:

“The term ‘supplementary aids and services’ means aids, services, and other supports that are provided in regular education classes or other education-related settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate.”

LRE and General Education

Many familiar components of the IEP have been modified to weave in an emphasis upon student involvement in the general curriculum, and an entirely new IEP component has been added. The IEP must now include

“an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in clause (iii)” [extracurricular and nonacademic activities].

Prior to the enactment of EHA in 1975, the opportunity and indication to educate students with disabilities was often in separate programs and schools away from students without disabilities. IDEA 2004 contains a presumption that students with disabilities are to be educated in general classes. Therefore, the legislation requires that the IEP include an explanation of the extent, if any, to which a student with a disability will not participate with nondisabled student in the general class and in the general education curriculum, including extracurricular and nonacademic activities.

Every decision made for a student with a disability must be made on the basis of what that individual student needs. Nonetheless, when the decision is made to educate the student separately, an explanation of that decision will need, at a minimum, to be stated

as part of the student's IEP.

Permissive Use of Funds and Incidental Benefit

When the students with disabilities are educated in the general education classroom, the possibility exists that a nondisabled student might benefit from the special education and related services being provided to a student with a disability. A school district may now use Part B funds to pay for special education and related services and supplementary aids and services provided in a general class or other education-related setting to a student with a disability in accordance with the IEP of the student, even if one or more students without disabilities benefit from the services. This effectively removes one of the roadblocks in the way of educating students with disabilities in the general education classroom.

Participation in Assessments

In keeping with IDEA's intent to strengthen student involvement in general education, the legislation requires that students with disabilities be included in State and district-wide assessment programs. Modifications may be made to facilitate students' participation. For those students with disabilities whose participation is not appropriate, States must develop alternate ways of assessing their progress.

Additionally, each student's IEP must now include a statement of how the administration of State or district-wide assessments will be modified for the student so that he or she can participate. If the IEP Team determines that the student cannot participate in such assessments, then the IEP must include a statement of (a) why the assessment is not appropriate for the student, and (b) how the student will be assessed.

Performance Goals and Indicators

IDEA also requires States to establish performance goals for students with disabilities and to develop indicators to judge the students' progress. Interestingly, the performance goals must be "consistent, to the maximum extent appropriate, with other goals and standards for students established by the State." Indicators must address, at the very least, the performance of students with disabilities on assessments, drop-out rates, and graduation rates,

While not on LRE issue per se, the principle of LRE runs beneath this new requirement of law. Again, the law would place student with disabilities as much as possible alongside their peers without disabilities – in this case, we need to expect things of them, establish goals for them, and these need to be consistent, to the maximum extent appropriate, with what is expected of other students.

Early Intervening

IDEA allows school districts to use up to 15 percent of their total federal IDEA funding to provide services to students before they are identified as having a disability. This will allow districts to use their funds with flexibility and creativity to address difficulties

young students may have, prevent a disability from developing, reduce the severity of any potential disability, or identify students earlier as needing to undergo the evaluation process of IDEA.

School districts can choose whether or not to use 15 percent for early intervening. Before the 15 percent can be used, all eligible students with disabilities must receive FAPE/LRE; if funds are still available, up to 15 percent can be used for early intervening. Districts can use early intervening funds to support professional development activities, educational supports and services, positive behavioral supports and evaluations, or other activities to help children succeed in the general education curriculum.

LEAST RESTRICTIVE ENVIRONMENT (LRE) BAKER'S DOZEN

1. *Full inclusion is not a legal mandate; LRE regulations are the standard for determining where services will be provided.*
2. Placement decisions must be made on an *individual basis* by the IEP team.
3. Each school will have *alternative placements* available in order to ensure that each student with a disability receives an education that is appropriate to his or her individual needs.
4. LRE also *applies to all preschool students (3- to 5-year-olds)* with disabilities who are entitled to receive FAPE. Public schools that provide preschool programs for non-disabled preschool students must meet LRE requirements. Schools that do not operate programs for non-disabled preschool students are not required to initiate such programs solely to satisfy the requirements regarding placement in the LRE.
5. The school must ensure that each student's placement is in the LRE where the unique needs of that student can be best met, *based upon the student's IEP.*
6. School districts may use up to *15 percent* of their total federal funds to provide services to students before they are identified as having a disability.
7. When a student with a disability is so *disruptive* in a general classroom that the education of other students is significantly impaired, the needs of the student with a disability cannot be met in that environment. Therefore, regular placement would not be appropriate to his or her needs.
8. When placing a student with a disability in an alternate setting, a factor to be considered is the need to place the student *as close to home as possible* – in the neighborhood school.
9. Students with disabilities must also be provided *nonacademic services* in as integrated a setting as possible.
10. Sometimes the *general education classroom* is the most restrictive environment.
11. Sometimes *social benefit* is more important than academic benefit.
12. LRE does not always apply to *Extended School Year services (ESY).*

13. The *general education curriculum* is not a “place”; it can be taught in other settings.

STANDARDS FOR DETERMINING THE LEAST RESTRICTIVE ENVIRONMENT

Standard – Services are provided in the appropriate educational environment.

1. The student's educational placement is *based upon the unique needs* of the student and made by the IEP team.
2. The *parents receive notice and are involved* in the placement decision.
3. To the maximum extent appropriate, students with disabilities are *educated with students who do not have disabilities*.
4. A *full continuum of placement options* is made available to each eligible student with a disability.
5. The student is *placed in the school he or she would attend* if not disabled, unless the IEP requires otherwise.
6. The student's placement is determined *at least annually*.
7. The use of *supplementary aids and services* should always be considered to get the student in the general education classroom – educational accommodations and modifications.

PLACEMENT IS BASED ON THE IEP

Standard – The IEP team should ensure that the placement decision is determined individually and is based on unique needs outlined in the IEP.

Avoid decision-making that is influenced by the following:

- Types of established programs
- Availability of space and qualified staff
- Type of disability
- Severity of disability
- Budget factors
- Availability of related services staff
- A school mandate for full inclusion

Consider the following:

- Present levels of academic achievement and functional performance
- The IEP annual goals
- Unique needs of the student
- Health and safety factors
- Impact of placement on other students
- Parent input

FULL CONTINUUM OF SERVICE OPTIONS

Standard – Each school shall offer a full continuum of service options starting with the general education classroom.

General education should be the first environment to consider before moving to a more restrictive placement.

Avoid decision-making that is influenced by the following:

- Budgetary factors
- Severity of the disability
- Past school programs
- Administrative conveniences
- Teacher preferences

Consider the following:

- Justification of service option starting with the general education classroom.
- A discussion of supplementary aids and services that will assist the student in staying within the least restrictive environment and having access to the general education curriculum.
- If a more restrictive placement is suggested, the services should be at the neighborhood school.
- Provide training for general education teachers lacking skills in working with students with disabilities.

CONTINUUM OF SERVICES AND LEAST RESTRICTIVE PLACEMENT

Students with disabilities may be in a variety of program options. Below are some of the program options for serving students with disabilities:

Full Time General Classroom

Least Restrictive

General Classroom with Accommodations

General Classroom and Resource Room Services

Part-time Resource Room with Limited General
Class Time

Full Time, Separate Special Class General School Setting

One-on-one Paraeducator

Special Day School In A Separate Facility

Homebound with Support

Residential Program in a Separate Facility

Most Restrictive

Note: As we move from restrictive settings to more general class placements, researchers have reported positive gains in the overall school performance. Better attendance, positive attitudes, peer relationships, and higher achievement were some of the benefits.

ACCOMMODATIONS AND MODIFICATIONS

Examples of Accommodations that assist in keeping a student with a disability in the general education classroom

A. Examinations	
<input type="checkbox"/> Reduce the number of exams.	<input type="checkbox"/> Provide open-book exams.
<input type="checkbox"/> Allow more time for exams.	<input type="checkbox"/> Reduce the length of exams.
<input type="checkbox"/> Use more objective items.	<input type="checkbox"/> Provide options to give same exam orally.
<input type="checkbox"/> Student provides answers on tape.	<input type="checkbox"/> Reduce the reading level of exams.
<input type="checkbox"/> Write down exam items for student.	<input type="checkbox"/> Read exam items to student.
<input type="checkbox"/> Give take-home exams.	<input type="checkbox"/> Substitute assignments for exams.
<input type="checkbox"/> Tape record answers for exams and quizzes.	<input type="checkbox"/> Paraphrase questions.
<input type="checkbox"/> Peer helper	<input type="checkbox"/> Use paraeducators to read tests
B. Classroom Assignments	
<input type="checkbox"/> Repeat instructions/provide more detailed directions/paraphrase.	<input type="checkbox"/> Provide course outline.
<input type="checkbox"/> Use individual learning packages with clearly stated objectives.	<input type="checkbox"/> Use progress charts, informal individual feedback interviews.
<input type="checkbox"/> Give instructions through several channels (written, oral).	<input type="checkbox"/> Provide materials that are programmed/self-checking.
<input type="checkbox"/> Brief student on key points before starting an assignment.	<input type="checkbox"/> Cooperative learning
<input type="checkbox"/> Use paraeducators to assist student.	<input type="checkbox"/> Other (specify) _____

C. Adapt the assignments.	
<input type="checkbox"/> Require fewer correct responses in order to receive a specific grade.	<input type="checkbox"/> Allow more time for assignments.
<input type="checkbox"/> Reduce the length of assignments.	<input type="checkbox"/> Reduce the reading level of the assignment.
<input type="checkbox"/> Underline/outline major points in the assignment.	<input type="checkbox"/> Change the format of the instructional materials (fewer problems).
<input type="checkbox"/> Use a highlighter to identify key words, phrases, or sentences for the student to read.	<input type="checkbox"/> Make a bright construction paper border for the student to place around reading materials in order to maintain his/her attention to the task.
<input type="checkbox"/> Rearrange problems on the page (e.g., if crowded, create more space between the problems).	<input type="checkbox"/> Use graph paper to math problems, handwriting, etc.
Other (specify) _____	
D. Use alternative supplementary materials to the text (workbook).	
<input type="checkbox"/> Use differently formatted materials to teach the same content.	<input type="checkbox"/> Break the assignment into a series of smaller assignments.
<input type="checkbox"/> Use handouts, transparencies, maps, and/or charts to emphasize major points.	<input type="checkbox"/> Allow classroom peer to make carbon copies of notes for the student.
<input type="checkbox"/> Allow teacher aide/volunteer to take notes for the student.	<input type="checkbox"/> Use individualized learning centers, contracts, or learning packages.
<input type="checkbox"/> Use visual/audio materials.	<input type="checkbox"/> Use adaptive equipment/facilities (jigs, ramps, etc.).
<input type="checkbox"/> Share remediation or reinforcement materials from other teachers.	<input type="checkbox"/> Other (specify) _____
<input type="checkbox"/> Provide study aids (hints, cues, spelling lists, calculators).	

E. Use alternatives to written/reading assignments.

Performance/"hands-on" activities, physical assignments (puzzle, games, tapes, manipulatives)

Use high interest/ motivating materials along with drill materials.

F. Alternatives in Presenting Content

Provide class outline before lecture.

Make cassette recording of the lecture for individual feedback.

Provide laboratory "hands-on" learning by discovery experience.

Use programmed learning, self-checking materials.

Use independent study.

Oral presentations, reports, projects, role play, etc.

Other (specify) _____

Speak at a slower pace.

G. Organizational Skills

Weekly grade checks

Use assignment notebook.

Provide set of complete notes.

Strategic tutoring, study hall

Provide structured time for organization of materials.

Other (specify) _____

Use a school/home communication process.

LRE JUSTIFICATION STATEMENTS AND SAMPLE CASES

The following are areas where justification can be used to serve a student with a disability in a more or less restrictive environment. An example justification statement is included for each area.

1. Nature and Severity of the Disability

Example: Jaime is an eighth grade female student with severe health care problems. Jaime requires a respirator for breathing and needs to be catheterized several times during the day. Jamie has requested that any health care procedures be conducted in a private location.

2. Diverse Learning Style

Example: Sara learns best using a kinesthetic or tactile approach. The visual/auditory approach used in the general classroom has not worked in the past. A resource room setting would be more appropriate for using a tactile approach, with manipulatives for all academic areas.

3. Need for Specially Designed Materials, Supplies, or Equipment that would Prohibit Access to the Curriculum and Goals of the General Classroom

Example: Mike is a fourth grade student who is visually impaired and needs access to a Braille writer. Mike requires a setting with few distractions to complete written language assignments and a place that won't interfere with the learning of other students. The IEP team agrees that the resource room study area would provide such a setting, where a Braille writer could be used and Mike would not be distracted by other students.

4. Significant Modification to the General Curriculum that would have an Adverse Effect on the Educational Program and Learning Environment of Other Students

Example: Billy is a sixth grade student functioning at a readiness level in all academic areas. The modifications to the general education curriculum would be so great as to make it unrecognizable. It is, therefore, the recommendation of the IEP team for Billy to receive academic instruction in a self-contained setting where one-on-one instruction and appropriate materials are available at his present academic level.

5. Extent to which the Student is Distractible

Example: Jodi is a sixth grade student with a history of distractibility and off-task

behavior. During her fifth grade year, several attempts were made to include her in the general education reading groups. Behavior management plans and reinforcement techniques had little effect on her distracting behaviors. It is the recommendation of the IEP team that Jodi complete her reading IEP objectives in a resource room setting to reduce distractions for other students and increase Jodi's ability to master reading.

6. Inability to Engage Appropriately with Other Students

Example: Jason exhibits inappropriate social skills in his classrooms. He often uses profanity and inappropriately touches other students. The IEP team recommends that Jason's IEP goal for social skills be implemented in a resource room setting with one-on-one and small group role playing until Jason has demonstrated the ability to interact appropriately in a classroom setting.

7. Potentially Harmful Effects on the Student or on the Quality of Services that the Student Needs

Example: John is a tenth grade student experiencing difficulties in math. His skills are at a seventh grade level. John is extremely sensitive and values his time with non-disabled peers. It is the recommendation by the IEP team that John receive help with his math IEP goals in the general education class with the supplementary aids and services listed on the IEP. The social factors of general education placement outweigh the benefits of moving him to a resource room setting.

8. Significant Disruptions that would occur in the General Classroom having a Negative Effect on the Education of Other Students

Example: Tim is a third grade student who has frequent grand mal epileptic seizures (4-5 times each day). The violent nature of the seizures is disrupting for other students, embarrassing for Tim, and are a safety risk because of the many physical obstacles in the classroom. It is the recommendation of the IEP team that Tim receive his IEP academic instruction in a setting that is safer and reduces disruptions to others.

9. Degree to which the Student Would Not Benefit from Services Provided in the General Classroom

Example: Margaret is a fourth grade student who is recovering from traumatic brain injury and requires homebound instruction and nursing services. At this point, she is unable to benefit from the general education program because of her fragile medical condition. It is recommended she remain homebound until she is physically and psychologically able to succeed in a general classroom environment.

LRE QUESTIONS AND ANSWERS

1. Q. *What are some factors for determining the location of services for students with disabilities?*
 - A. The following are some of the factors:
 - Present levels of academic achievement and functional performance
 - Goals on the IEP
 - Severity of disability
 - Full continuum of options
 - Health and safety factors
 - Access to general curriculum

2. Q. *Why should the location of services be determined individually by the IEP team and based upon the student's IEP?*
 - A. Each student is has unique needs.

3. Q. *What elements of the IEP could influence the location of services?*
 - A. These items might come into play:
 - Present levels of academic and functional performance
 - Annual goals
 - Amount of services and types of services
 - Modifications needed
 - Health and safety factors
 - Unique needs
 - Access to general curriculum

4. Q. *Should the school offer a full continuum of placement decision?*
 - A. Yes, a full continuum offering is a legal requirement.

5. Q. *How do supplementary aids and services influence the location of services?*
 - A. Supplementary aids and services must be considered and attempted before moving to a more restrictive environment. They enable the student to participate in the general curriculum.

6. Q. *What is the relationship between inclusion and the LRE?*
- A. Inclusion refers to a placement option on the continuum. Only offering a full inclusion model is contrary to federal regulations and violates the full continuum of options.
7. Q. *How often does the IEP team review the location of services? Opportunities to participate with students without disabilities?*
- A. At least annually.
8. Q. *Should students placed in a separate facility be given the general classroom and curriculum?*
- A. Yes, integration should occur whenever appropriate.
9. Q. *Who determines the location of services: IEP team or school administration office?*
- A. IEP team, including the parent(s).
10. Q. *How is the amount of time a student spends in special education and related services determined?*
- A. The following are considered:
- Present levels of academic achievement and functional performance
 - Goals on the IEP
 - Severity of disability
 - Full continuum of options
 - Health and safety factors
 - Impact on other students
11. Q. *What non-academic activities should students with disabilities participate in with other students?*
- A. These are some possibilities:
- Recess
 - Lunch
 - Transportation
 - PE
 - Assemblies
 - Drama/Music
 - Field trips

12. Q. *How are related services for special education students delivered?*
- A. Location of services should be based on the IEP and the unique needs of the students. Related services should be delivered in or as close to the general education environment as possible.
13. Q. *When is location of services of a student with a disability determined?*
- A. After the IEP is developed and at least annually.
14. Q. *Are services for students in special education located to the maximum extent possible in the general classroom environment?*
- A. Yes, with the use of supplementary aids and services.
15. Q. *Does least restrictive environment apply to extended school year services?*
- A. LRE is always determined on a case-by-case basis, including ESY. LRE is not always possible during ESY.

LEARNING OPPORTUNITIES IN THE GENERAL CLASSROOM

The Benefits of Inclusive Education for All Students

- The best preparation for adult life in a diverse society is education in a diverse classroom.

Inclusive classrooms can build understanding around human differences.

Are our classrooms artificially homogeneous?

Are our students socially inept at being with people who have some type of difference?

Are our students growing up with a narrow definition of “who is okay?”

- Inclusive schools can assist in the development of future citizens who value people – regardless of learning, physical, or emotional characteristics.

Benefits from learning together:

Friendships. Friendships between students with disabilities and typical students are most likely to develop and be maintained when students are members of the same class and have opportunities to interact with one another during academic, extracurricular, and social activities. Friendships between students are based on knowledge of one another’s strengths as well as one’s vulnerabilities.

Academic Skills. For too long, students with disabilities have been denied exposure to interesting and demanding coursework. Should we really be surprised when students with disabilities surpass our academic expectations when they enroll in general education classes? Effective educational strategies for typical students – outcomes-based instruction, process reading and writing, hands-on learning, prescriptive teaching, and cooperative learning – are also effective for students with disabilities. Perhaps it is even more critical for students with disabilities to incorporate learning of reading and math skills within meaningful contexts than to isolate those skills through rote or repetitive practice.

Learning to Interact in Cooperative Groups. When teachers structure classrooms for cooperation and interdependence, all students are seen as having something to contribute and no one has to “lose” so another can “win.” Cooperative learning activities more nearly represent the challenges that people face working with one another in

adulthood. We all know that the “smartest” of our colleagues are not necessarily the most successful. People who have “social skills” and who can work as team members have the most flexibility in the kind of job they get and are more likely to succeed in the social aspects of the work world.

Organizational and Process Skills. Every activity, whether it is designed for students working independently, in small groups, or in a large group, has process components such as initiating, preparing materials, socializing, communicating, and terminating. The ability to carry out those tasks independently or in collaboration with others has many applications to home, work, leisure, and community living activities.

Special Interests. When students with disabilities are placed in separate classes, their curriculum is sometimes less varied than when they are members of a general class. Opportunities to participate in science, social studies, fine arts, and applied arts (home economics and industrial arts) can lead to the development of lifelong leisure and vocational interests for students with disabilities.

Communication, Movement, and Social Skills. A general education class in which communication skills are recognized as important for all students will provide many opportunities for students with disabilities to learn these skills as well. Physical Education class is an obvious place for students to develop lifetime fitness habits, learn how to play individual and group games and sports, and at the same time, work on more basic motor skills such as balance, agility, motor planning, and so forth. When students’ IEPs call for professionals to provide those services to students before or after school, the learning opportunities in the general class are not compromised.

Functional Life Skills. It was once thought that students with disabilities should spend most of their school day out in the community learning shopping, street crossing, work, and other “functional skills” very early in life. For all students, there are many opportunities to learn these skills within the general class or other school environments without having to remove them from opportunities to interact with their age peers. Arrival and dismissal time, snack and lunch time, physical education and extracurricular activities, and classroom and other school jobs all provide opportunities for students to learn “life skills.” When students get into high school, after-school and summer jobs, co-op work experiences, and summer camp, these experiences can provide them with the opportunity to learn and practice skills together with their peers.

12 PRINCIPLES FOR SUCCESSFUL INCLUSIVE SCHOOLS

Inclusive schools have the following characteristics:

1. Vision

Inclusive schools begin with a philosophy and vision that all students belong and can learn in the mainstream of school and community life. Diversity is valued and celebrated. It is believed that this diversity strengthens the class and offers all of its members greater opportunities for learning.

2. Leadership

The building principal plays an active, positive, and supportive leadership role in the development and implementation of inclusive schooling practice and strategies, meaningfully involving the entire school staff in the planning and implementation.

3. High Standards/High Quality Staff

All students within an inclusive school, including those with disabilities, work toward similar educational outcomes based on high standards; what will differ is the level at which these outcomes are achieved, the degree of emphasis placed on them, and the content and manner in which these outcomes are achieved. Strategies for pursuing excellence without sacrificing equity are pursued.

4. Sense of Community

Within inclusive schools, everyone belongs, is accepted, and is supported by his or her peers and other members of the school community while educational needs are being met. This sense of community helps to foster self-esteem, pride in individual accomplishments, mutual respect, and a sense of belonging and self-worth among all students.

5. Array of Services

An array of services is provided within an inclusive school that are coordinated across and among educational and community agency personnel.

6. Flexible Learning Environments to Meet Student Needs

Inclusive schools utilize flexible groupings, authentic and meaningful learning experiences, and developmentally appropriate curricula accessible to all students. Even though full inclusion is a goal, a continuum of educational options is present.

7. Research-based Strategies

Research-based practices are implemented to support inclusive schools for all

students – cooperative learning, curriculum adaptations, peer-mediated learning approaches, direct instruction, reciprocal teaching, social skills training, study skills training, mastery learning, etc.

8. Collaboration and Cooperation

Inclusive schools foster natural support networks across students and staff. Strategies are implemented such as peer tutoring, buddy systems, circles of friends, cooperative learning, and other ways of connecting students in natural, ongoing, and supportive relationships. In addition, all school personnel work together and support each other through professional collaboration, team teaching, co-teaching, teacher and student assistance teams, and other collaborative arrangements.

9. Changing Roles and Responsibilities

Transformation within inclusive schools will result in changing roles and responsibilities. Teachers become facilitators of learning—they provide support and work together in collaborative arrangements. School psychologists work more with teachers, parents, and students and spend less time testing students. Building-based problem-solving teams work together to solve individual student problems.

10. New Forms of Accountability

New forms of accountability and assessment are developed within inclusive schools to assess on-going student progress toward identified educational goals.

11. Access

Technology and necessary physical modifications are made to assure full access and participation of all students.

12. Partnerships with Parents

Within inclusive schools, parents are embraced as equal partners and are involved in the planning and implementation of inclusive school strategies.

LRE LETTER FROM OSEP



UNITED STATES DEPARTMENT OF EDUCATION OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

November 23, 1994

Contact Person	
Name	: Rhonda Weiss
Telephone	: (202) 205-5503

OSEP – 95-9

TO : Chief State School Officers

FROM : Judith E. Heumann
Assistant Secretary
Office of Special Education and Rehabilitation Services

: Thomas Hehir
Director
Office of Special Education Programs

SUBJECT : Questions and Answers on the Least Restrictive Environment
Requirements of the Individuals with Disabilities Education Act

Introduction

The least restrictive environment (LRE) requirements of Part B of the Individuals with disabilities Education Act (IDEA) have been included in the law in their present form since 1975. However, these requirements continue to generate complex and interesting questions from the field. In particular, questions have been raised about the relationship of IDEA's LRE requirements to "inclusion." Consistent with our attempt to

provide you and your staff with as much current information as possible and to ensure that the applicable requirements of IDEA that govern the education of students with disabilities are accurately understood and properly implemented, guidance on IDEA's LRE requirements is being provided in a question and answer format. In most cases, this question and answer document consolidates the prior policy guidance that the Department has provided in this area. We encourage you to disseminate this document to a wide range of individuals and organizations throughout your State. Any further questions should be directed to the contact person named at the beginning of this document or to Dr. JoLeta Reynolds at (202) 205-5507.

We hope that the above questions and answers are of assistance to you and your staff as you carry out your responsibilities to ensure that disabled students are provided a free appropriate public education in the least restrictive environment.

Attachment

- cc: State Directors of Special Education
- RSA Regional Commissioners
- Regional Resource Centers
- Federal Resource Center
- Special Interest Groups
- Parent Training Centers
- Independent Living Centers
- Protection and Advocacy Agencies

QUESTIONS AND ANSWERS

1. What are the Least Restrictive Environment (LRE) requirements of Part B of IDEA?

ANSWER:

In order to be eligible to receive funds under Part B of IDEA (IDEA), States must, among other conditions, assure that a free appropriate public education (FAPE) is made available to all students with specified disabilities in mandated age ranges. The term “FAPE” is defined as including, among other elements, special education and related services, provided at no cost to parents, in conformity with an individualized education program (IEP). The IEP, which contains the statement of the special education and related services to meet each disabled student’s unique needs, forms the basis for the entitlement of each student with a disability to an individualized and appropriate education. IDEA further provides that States must have in place procedures assuring that, “to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and supports, is found in the statute at 20 U.S.C. §1412 (5) (B) and is implemented by the Department’s regulations at 34 CFR §§300.550-300.556. Copies of the relevant statutory and regulatory provisions are attached to this question and answer document.

2. Does IDEA define the term “inclusion?”

ANSWER:

IDEA does not use the term “inclusion”; consequently, the Department of Education has not defined that term. However, IDEA does require school districts to place students in the LRE. LRE means that, to the maximum extent appropriate, school districts must educate students with disabilities in the regular classroom with appropriate aids and supports, referred to as “supplementary aids and services,” along with their nondisabled peers in the school they would attend if not disabled, unless a student’s IEP requires some other arrangement. This requires an individualized inquiry into the unique educational needs of each disabled student in determining the possible range of aids and supports that are needed to facilitate the student’s placement in the regular educational environment before a more restrictive placement is considered.

In implementing IDEA's LRE provisions, the regular classroom in the school the student would attend if not disabled is the first placement option considered for each disabled student before a more restrictive placement is considered. If the IEP of a student with a disability can be implemented satisfactorily with the provision of supplementary aids and services in the regular classroom in the school the student would attend if not disabled, that placement is the LRE placement for that student. However, if the student's IEP cannot be implemented satisfactorily in that environment, even with the provision of supplementary aids and services, the regular classroom in the school the student would attend if not disabled is not the LRE placement for that student.

- 3. How can IDEA requirements be implemented to ensure that consideration is given to whether a student with a disability can be educated in the regular educational environment with the use of supplementary aids and services before a more restrictive placement is considered?**

ANSWER:

The relationship of IDEA's LRE requirements to the IEP process is key, since under IDEA, the student's IEP forms the basis for the student's placement decision. IDEA requires that the IEP of each disabled student must contain, among other components, a "statement of the specific special education and related services to be provided to the child and the extent that the child will be able to participate in regular educational programs." 34 CFR §300.346(a) (3). At the student's IEP meeting, the extent that the student will be able to participate in regular educational programs is one of the matters to be addressed by all of the participants on the student's IEP team before the student's IEP is finalized. In addressing this issue, the team must consider the range of supplementary aids and services, in light of the student's abilities and needs, that would facilitate the student's placement in the regular educational environment. As discussed in question 4 below, these supplementary aids and services must be described in the student's IEP. Appendix C to 34 CFR Part 300 (question 48)

- 4. Does IDEA define the term "supplementary aids and services?"**

ANSWER:

No. However, in determining the educational placement for each disabled student, the first line of inquiry is whether the student's IEP can be implemented satisfactorily in the regular educational environment with the provision of supplementary aids and services. This requirement has been in effect since 1975 when the Education of the Handicapped Act (EHA), the predecessor to the IDEA, originally became law.

Consistent with this requirement, any modifications to the regular educational program, i.e., supplementary aids and services that the IEP team determines that the student needs to facilitate the student's placement in the regular educational environment must be described in the student's IEP and must be provided to the student. Appendix C to 34 CFR Part 300 (question 48). While determinations of what supplementary aids and services are appropriate for a particular student must be made on an individual basis, some supplementary aids and services that educators have used successfully include modifications to the regular class curriculum, assistance of an itinerant teacher with special education training, special education training for the regular teacher, use of computer-assisted devices, provision of notetakers, and use of a resource room, to mention a few.

5. How frequently must a disabled student's placement be reviewed under IDEA?

ANSWER:

Under IDEA, each disabled student's placement must be determined at least annually, must be based on the student's IEP, and must be in the school or facility as close as possible to the student's home. Under IDEA, each student's placement decision must be made by a group of persons, including persons knowledgeable about the student, the meaning of evaluation data, and the placement options. While the student's IEP forms the basis for the placement decision, a student's IEP cannot be revised without holding another IEP meeting, which the school district is responsible for convening. If either the student's parent or teacher or other service provider wishes to initiate review of the student's IEP at a point during the school year that does not correspond with the annual IEP review, that individual can request the school district to hold another IEP meeting. If the IEP is revised, following the meeting, the placement team would need to review the student's IEP to determine if a change in placement would be needed to reflect the revised IEP.

6. If a determination is made that a student with a disability can be educated in regular classes with the provision of supplementary aids and services, can school districts refuse to implement the student's IEP in a specific class because of the unwillingness of a particular teacher to educate that student in his or her classroom or the teacher's assertion that he or she lacks adequate training to educate that student effectively?

ANSWER:

Under IDEA, lack of adequate personnel or resources does not relieve school districts of their obligations to make FAPE available to each disabled student in the least restrictive

educational setting in which his or her IEP can be implemented. Exclusion of a student from an appropriate placement based solely on the student's disability is prohibited by Section 504 of the Rehabilitation Act of 1973. However, placement in a particular regular class based on the qualifications of a particular teacher is permissible under both statutes. The public agency has an affirmative responsibility to ensure the supply of sufficient numbers of teachers who are qualified, with needed aids and supports, to provide services to students with disabilities in regular educational environments, and to provide necessary training and support services to students with disabilities. The innovative approaches to address issues surrounding resource availability. Factors that could be examined include cooperative learning, teaching styles, physical arrangements of the classroom, curriculum modifications, peer mediated supports, and equipment, to mention a few.

- 7. Once a determination is made that a disabled student cannot be educated satisfactorily in the regular educational environment, even with the provision of supplementary aids and services, what considerations govern placement?**

ANSWER:

IDEA does not require that every student with a disability be placed in the regular classroom regardless of individual abilities and needs. This recognition that regular class placement may not be appropriate for every disabled student is reflected in the requirement that school districts make available a range of placement options, known as a continuum of alternative placements, to meet the unique educational needs of students with disabilities. This requirement for the continuum reinforces the importance of the individualized inquiry, not a "one size fits all" approach, in determining what placement is the LRE for each student with a disability. The options on this continuum must include "the alternative placements listed in the definition of special education under §300.17 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions)." 34 CFR §300.551 (b) (1). These options must be available to the extent necessary to implement the IEP of each disabled student. The placement team must select the option on the continuum in which it determines that the student's IEP can be implemented. Any alternative placement selected for the student outside of the regular educational environment must maximize opportunities for the student to interact with nondisabled peers, to the extent appropriate to the needs of the student.

It also should be noted that under IDEA, parents must be given written prior notice that meets the requirements of §300.505 a reasonable time before a public agency implements a proposal or refusal to initiate or change the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child. Consistent

with this notice requirement, parents of disabled students must be informed that the public agency is required to have a full continuum of placement options, as well as about the placement options that were actually considered and the reasons why those options were rejected. 34 CFR §§300.504 - 300.505; Notice of Policy Guidance on Deaf Students Education Services, published 57 Fed. Reg. 49274 (Oct. 30, 1992).

8. What are the permissible factors that must be considered in determining what placement is appropriate for a student with a disability? Which factors, if any, may not be considered?

ANSWER:

The overriding rule in placement is that each student's placement must be individually-determined based on the individual student's abilities and needs. As noted previously, it is the program of specialized instruction and related services contained in the student's IEP that forms the basis for the placement decision. In determining if a placement is appropriate under IDEA, the following factors are relevant:

- the educational benefits available to the disabled student in a traditional classroom, supplemented with appropriate aids and services, in comparison to the educational benefits to the disabled student from a special education classroom;
- the non-academic benefits to the disabled student from interacting with nondisabled students; and
- the degree of disruption of the education of other students, resulting in the inability to meet the unique needs of the disabled student.

However, school districts may not make placements based *solely* on factors such as the following:

- category of disability;
- severity of disability;
- configuration of delivery system;
- availability of educational or related services;
- availability of space; or
- administrative convenience.

9. To what extent is it permissible under IDEA for school districts to consider the impact of a regular classroom placement on those students in the classroom who do not have a disability?

ANSWER:

IDEA regulations provide that in selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services that the student needs. If a student with a disability has behavioral problems that are so disruptive in a regular classroom that the education of other students is significantly impaired, the needs of the disabled student cannot be met in that environment. However, before making such a determination, school districts must ensure that consideration has been given to the full range of supplementary aids and services that could be provided to the student in the regular educational environment to accommodate the unique needs of the disabled student. If the placement team determined that even with the provision of supplementary aids and services, that student's IEP could not be implemented satisfactorily in the regular educational environment, that placement would not be the LRE placement for that student at that particular time, because her or his unique educational needs could not be met in that setting.

While IDEA regulations permit consideration of the effect of the placement of a disabled student in a regular classroom on other students in that classroom, selected findings from Federally-funded research projects indicate that:

(1) achievement test performance among students who were classmates of students with significant disabilities were equivalent or better than a comparison group (Salisbury, 1993); (2) students developed more positive attitudes towards peers with disabilities (CRI, 1992); and (3) self concept, social skills, and problem solving skills improved for all students in inclusive settings (Peck, Donaldson, & Pezzoli, 1990, Salisbury and Palombaro, 1993).¹

¹ California Research Institute. (1992). Educational practices in integrated settings associated with positive student outcomes. Strategies on the Inclusion on the Integration of Students with Severe Disabilities, 3, (3), 7, 10. San Francisco State University. San Francisco, California.

Peck C.A., Donaldson, J., & Pezzoli, M. (1990). Some benefits non-handicapped adolescents perceive for themselves from their social relationships with peers who have severe disabilities. Journal of the Association for Persons with Severe Handicaps, 15 (4), 241-249.

Salisbury C.L. (1993, November). Effects of inclusive schooling practices: Costs to kids and organization. Presentation at the 1993 Conference of the Association for Persons with Severe Handicaps, Chicago, Illinois.

10. Are there any resources that the Department is aware of that have proven helpful to educators and paraprofessionals in implementing inclusive educational programs?

ANSWER:

The department has supported a variety of professional development and training projects (e.g., preservices, inservices, school restructuring projects) that address the needs of students with disabilities in inclusive educational programs. In addition, the Department has financed Statewide Systems Change projects which support changing the setting for delivery of educational services from separate settings to general education settings in the school that the student would attend if not disabled. Numerous materials and products have been developed by these projects which have focused on strategies that support collaborative planning and problem solving, site based control, curriculum and technological adaptations and modifications, parent and family involvement, and the creative use of human and fiscal resources. These projects have underscored the importance of timely access to resources (e.g., people, materials, information, technology) when they are needed.

Educators can obtain further information regarding these programs by contacting:

National Information Center for Children and Youth with Disabilities
P.O. Box 1492
Washington, D.C. 20013-1492
Telephone: 1-800-695-0285
(Deaf and hearing-impaired individuals may also call this number for TDD)

Consortium on Inclusive Schooling Practices
Allegheny Singer Research Institute
320 E. North Avenue
Pittsburgh, PA. 15212
Telephone: (412) 359-1600
(Deaf and hearing-impaired individuals may also call the Pennsylvania Relay Service number at 1-(800) -654-5984)

Salisbury, C.L., & Palombaro, M. M. (Eds.) (1993). "No problem." Working things out our way. State University of New York-Binghamton, Binghamton, New York.

California Research Institute on the Integration of Students with Severe
Disabilities

San Francisco State University

1415 Tapia Drive

San Francisco, California 94132

Telephone: (415) 338-7847-48

(Deaf and hearing-impaired individuals may also call the California Relay Service
number at (800) 735-2922)