

Individuals with Disabilities Education Act (IDEA) Requirements for Least Restrictive Environment (LRE)

What does IDEA require related to LRE?

IDEA states that to the maximum extent appropriate, students with disabilities, must be educated with students who are not disabled, and special classes, separate schooling or other removal of students with disabilities from the general educational environment may occur only when the nature or severity of the disability of the child is such that education in regular classes cannot be achieved satisfactorily.

What are supplementary aids and services?

Supplementary aids and services are accommodations or supports given to the student that enable participation in the general education program or participation in activities with students without disabilities.

What is the definition of LRE?

The least restrictive environment (LRE) is the placement in which an individual student can be taught and make progress in the general education curriculum to the maximum extent possible with students without disabilities.

When an individual educational plan (IEP) team makes the decisions about LRE, the team must consider the continuum of alternative placements. This continuum includes the different options where students can receive services. This includes placements such as

- In a general education classroom;
- In a general education classroom, with some services being delivered in a resource room;
- In a self-contained classroom;
- In a special education school;
- At home; and
- In a hospital or other public or private institution.

What is inclusion?

Inclusion is the practice of educating all students together – students with disabilities and students without disabilities – regardless of their abilities or readiness. It is more than placing students with disabilities in a room with their peers without disabilities. With true inclusion, students with disabilities can access the general education curriculum, classrooms and typical school activities.

What is a Best Practices in Inclusive Education (BPIE) assessment?

The BPIE is an internal assessment process designed to facilitate the analysis, implementation and improvement of inclusive educational practices. It is required that once every three years, each school district and school must complete a BPIE assessment. The results of this process, including all planned short and long-term improvement efforts.

What is co-teaching? What is required of teachers who co-teach?

Co-teaching means that two teachers are assigned to the entire group of students, and each teacher is responsible for all of the students during the entire class period. In co-teaching, each teacher must be responsible for planning, delivering and evaluating instruction for all students in the class or subject for the entire class period.

What is inclusion teaching?

Two or more teachers assigned to a group of students, but an ESE-certified teacher is responsible for providing instruction, assessment and support to only one student or a small group of students in the classroom.

What is required of inclusion teachers?

Under this service delivery model, an ESE-certified teacher provides instruction, assessment and support in a general education classroom for part of the class period or week. The ESE teacher's role may include working with small groups, conducting informal or formal assessments or collecting data on certain students. Inclusion teachers and support facilitators work directly with students. Inclusion teachers can support the students in several teachers' classrooms, providing varying levels of frequency and support throughout the day or week.

What is consultation, and how does it differ from inclusion teaching?

Consultation requires that the ESE-certified teacher provide support to the general education teacher of record, on a regular basis, regarding students with disabilities.

How can paraprofessionals assist in supporting inclusive schools?

Paraprofessionals can support inclusive schools by assisting in the delivery of special education.

Can a student work on general education standards within a special class (self-contained) classroom?

Yes. Schools structure their self-contained classrooms based on the unique needs of their student population. Some self-contained classrooms contain students that work on general education standards, as well as students working on a modified curriculum.

Can students working on a modified curriculum participate in general education classrooms?

Yes. A child with a disability is not removed from education in a general education classroom solely because of modifications to the curriculum. These students can participate in a general education classroom with the support of an ESE teacher.

Can a student work on access points in a general education classroom when an ESE teacher provides consultation to the general education teacher?

No. If the general education teacher is not dually certified, at the minimum there must be a regularly scheduled support facilitator providing face-to-face support to the student. Consultation (ESE support to the teacher) is not sufficient.

What information must be included in an IEP with regard to LRE?

The IEP must include an explanation of the extent, if any, to which a student will not participate with students without disabilities in the general education classroom. This explanation provides a justification for any amount of time the student may be removed from participation in the general education classroom or from activities in which peers without disabilities participate.

Who is involved in making the placement decision?

In Florida, the IEP team is responsible for making the placement decision. Parents are a part of the team that decides their child's placement. If the parents are unable to attend the IEP team meeting, the school system must provide parents with prior written notice regarding the placement decision before implementing the decision made by the IEP team. School districts must make meaningful attempts to ensure parental involvement in the placement decision. A meaningful opportunity to participate in the placement decision is achieved when parents actively help to develop the IEP and are afforded the chance to share their educational preferences with the other members of the IEP team. If parents do not attend an IEP meeting and school districts subsequently provide prior written notice to parents, parents must be informed about the placement options that were considered and the reasons why those options were rejected.

What are some factors to consider as an IEP team determines placement?

Placement decisions can only be made after the development of the IEP. Consistent with IDEA, a student's placement in the general education classroom is the first option for consideration. After considering the questions below, if the group decides that the student's needs can be met in the general education classroom with appropriate services and supports, then that placement is the LRE for the child.

1. Do the measurable annual goals – including benchmarks or short-term objectives, if applicable – appropriately address the student's academic, social, emotional, behavioral, communication, physical and career needs?
2. What supplementary aids and services, program modifications or supports for school personnel are necessary in order for the student to be involved and make progress in the general curriculum?
3. Will the student satisfactorily achieve the goals and objectives or benchmarks in the IEP if the student is educated in the general education classroom with the support of supplementary aids and services?
4. Are the student's needs for interaction with peers without disabilities appropriately addressed?
5. How will the student have opportunities to participate in nonacademic and extracurricular activities?

What considerations cannot be a factor in determining the LRE?

When discussing the LRE where a child will receive a free appropriate public education (FAPE), the group must consider the child's unique needs and determine the LRE for the child based upon those needs. Thus, LRE decisions may not be based on the following:

- The child's exceptionality
- Limited space in a program
- Administrative convenience
- Configuration of the service delivery system
- Cost or funding issues

Whatever the placement option that is chosen, it is required that it be located as close as possible to the child's home.

Is an IEP team required to “try out” the general education classroom option before deciding on a more restrictive setting?

No. Consistent with IDEA, a student's placement in the general education classroom is the first option for consideration. However, IDEA does not require that every student with a disability be placed in the general education classroom regardless of

individual abilities and needs. This recognition that general education classroom placement may not be appropriate for every student with a disability is reflected in the requirement that school districts make available a range of placement options to meet the unique educational needs of students with disabilities.

Is it permissible under IDEA to consider the impact of a general education classroom placement on the students in the classroom who do not have a disability?

Yes. IEP teams can consider the degree of disruption to other students that may result in the inability to meet the student's needs. In some cases, a student's educational or behavioral needs may be so significant that they cannot successfully be served in a general education classroom. The district must ensure that consideration is given to the full range of supplementary aids and services needed to support the student in that setting prior to making such a determination.

In addition, it would be expected that a student being considered for removal from a general education classroom would have been involved with a multi-tiered system of supports utilizing data-based planning and problem solving, matched to student learning needs. Review of interventions enacted, fidelity checks conducted and data obtained during the use of these supports should also be considered in any potential instructional and placement planning.

If a student's home-zoned or neighborhood school serves all students with disabilities in a general education classroom, but a student needs a self-contained setting or resource room in order to receive educational benefit, what action should be taken?

If the home-zoned or neighborhood school does not have the setting determined necessary for the student to benefit from his or her educational program, then the district must provide an option at another site. Placement decisions are to be made based on the unique needs of each individual student.

If it is determined that a student with a disability can be educated in general education classes with supplementary aids and services, can a district refuse to implement the IEP because a teacher claims to lack the essential training needed to educate the child properly?

No. In this instance, the teacher would need to be provided with the necessary training to educate the child.

Is placement the same thing as location?

Generally, the term "placement" encompasses the student's placement on the LRE continuum and the collection of services provided to the student, not necessarily the specific location or school site. Location is the physical location where the child receives related services, such as a classroom or building.

Placement options may include:

- A general education classroom;
- A general education classroom, with some services being delivered in a resource room;
- A special education class;
- A special education school;
- The child's home; or
- A hospital or other public or private institution.

Do IEP teams have to specify the specific school site where services will be received?

Generally, the specific school site does not need to be identified by the IEP team and only the general environment where the services will be provided (general education classroom, resource room, etc.) will be specified. Most of the time, students can move to another school site without it constituting a change in placement. However, for some, and based upon their unique needs, when a student moves from one school to another, a change in placement could occur if the change in location substantially alters the student's educational program or their ability to receive FAPE in the new location.

How frequently must a student's placement be reviewed?

A student's placement is reviewed annually as part of the IEP process. However, the student's parent, teacher or other service provider can initiate a request for review of the student's IEP at any point in time.

What if the parents disagree with the placement decision?

If the child will be receiving services in an ESE center school (i.e., an ESE center or special day school to which peers without disabilities do not have access), parental consent is required. Without parental consent, the district may only proceed with such placement if (1) the parent fails to respond to a request to provide consent after reasonable efforts, or (2) approval is obtained through a due process hearing.