



Least Restrictive Environment (LRE)

SERR Chapter 7



What does LRE mean?

Student with disabilities must

- receive their education
- to the maximum extent appropriate
- with nondisabled peers
- not be removed from regular classes
 - unless, even with supplemental aids and services, education in regular classes cannot be achieved satisfactorily.

Bottomline: separation is inherently unequal



Key terms (various ways of meeting the LRE requirements)

- **Mainstreaming:** placement of a student with disabilities into ongoing activities of **regular classrooms** so that the child receives education **with nondisabled peers** — even if special education staff must provide supplementary resource services.
- **Integration (def 1):** **same as “mainstreaming.”** A student with severe disabilities should be able to participate in: (1) general school activities (2) selected activities in regular classes (3) regular academic subjects in regular classes (4) The student should be able to use the same facilities as nondisabled students
- **Integration (def 2):** also refers to placement of students in **special education classes located on integrated school sites** (that is, sites that have both special and regular education classes)
 - An “integrated” placement includes systematic efforts to **maximize interaction between the student with disabilities and nondisabled peers.**



Key terms (various ways of meeting the LRE requirements)

- **Full inclusion:** **total integration** of a student with disabilities into the regular education program with special support. The student's **primary placement is in the regular education class**. The student has **no additional assignment** to any special class for students with disabilities.
 - Student is an actual member of the class
 - The student need not be in the class 100% of the time, but can leave the class to receive related services such as speech or physical therapy.
- **Reverse mainstreaming:** **bringing nondisabled students to a self-contained classroom, segregated site or to state hospital classrooms** for periods of time to work with or tutor students with disabilities. (artificial and should not be used exclusively)



Legislative provisions around LRE

- **Congress** requires that **IEPs** include a statement describing how the child's disability affects her involvement and progress in the general curriculum and a statement of annual goals; The statement of services in the IEP must also include statements of:
 1. The supplemental aids and services to be provided for the student; and
 2. The program modifications and supports for school personnel to be provided for her to be involved, progress in the general curriculum, and participate in extracurricular and nonacademic activities.



Legislative provisions around LRE

- **State law:** Students with disabilities shall be offered “special assistance programs that promote maximum interaction with the general school population in a manner that is appropriate to the needs of both.” [Cal. Ed. Code Sec. 56001(g).]
 - **For students already receiving special education:**
 - In providing or arranging for the provision of activities, each public agency shall ensure that each [student] participates in those activities with nondisabled students to the maximum extent appropriate
 - **For students who are eligible but has not yet started receiving special education:**
 - Student shall be referred for special educational instruction and services only after the resources of the regular education program have been considered and, where appropriate, utilized.



Legislative provisions around LRE

- **Federal regulations:** Unless the IEP of a child with a disability requires some other arrangement, **the child is educated in the school that she would attend if nondisabled**; [and] [i]n selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that she needs. [34 C.F.R. Secs. 300.116(c) & (d).]
 - Numeral **case law** on the federal level have encouraged integrated education and decided that placement in a regular public school class is preferable to placement in a special public school class
 - The **burden is on the school district** to prove that a student cannot be educated successfully in the regular classroom



Factors determining LRE compliance

Sacramento City Unified School District v. Rachel Holland

1. **Educational benefits** available to the student with a disability in a regular classroom, supplemented with appropriate aids and services, as **compared** with educational benefits of a special education classroom;
2. **Nonacademic benefits** of interaction with children who are not disabled;
3. **Effect on the teacher and the other students** in the classroom of the presence of the student with disabilities in terms of disruptive behavior and/or undue consumption of the teacher's time;
4. **Cost** of mainstreaming a student with disabilities in a regular education classroom as compared to the cost of placement of the student in a special education classroom.



Factors that cannot be relied on solely

The district **may not** make placement decisions based **solely** on factors such as the following

- category of disability;
- severity of disability;
 - The law does recognize that the nature or severity of a student's disability may justify removal of a student from the regular class, particularly when the student disrupts other students. However, **total removal from the regular education environment may not be warranted**. The district should still provide opportunities for interaction with nondisabled peers in **extra-curricular or nonacademic settings** when appropriate.
- configuration of delivery systems;
- Location or availability of educational or related services;
- availability of space; or administrative convenience.



Caveat on academic/educational benefits

- **Some educational benefit must occur.**
 - if a student would not benefit from placement in a regular class or environment — that is, she would not progress toward meeting her IEP goals — placement in a regular classroom is unlikely.
- **However, in California, the threshold for educational benefits is not high:**
 - Mainstreaming requires that a [disabled] student be educated in a regular classroom if the student can receive a **satisfactory education** there, **even if it is not the best** academic setting for the child
 - A student should be found **inappropriate** for regular class placement if such placement would require **significant modification** of the regular curriculum
- The determination of whether a student will make progress toward IEP goals must be made **in the context** of whether she will make progress if **supplementary aids and services** are offered to support the student in the regular environment.



Supplemental aids and services

The district **must** provide supplementary aids and services to accommodate the special educational needs of students with disabilities in integrated environments.

- Cost is a proper factor to consider, but it is no defense. [*Roncker v. Walter*]
- **Insufficient funds is not a legally sufficient reason** for refusing to provide needed services, except, perhaps, when the costs would significantly impact the education of other students in the district.

Before determining that a special education student would be so **disruptive** that she would significantly impair the education of the other students, **the district must consider the full range of supplementary aids and services** that could be provided to the student in the regular education environment to accommodate her unique needs.



Supplemental aids and services

Defined broadly. Some examples (**non-exhaustive**) of aids and services that can be provided in a regular classroom to assist children with disabilities:

- A structured learning environment, repeating and simplifying instructions about in-class and homework assignments, supplementing verbal instructions with visual instructions, using behavioral management techniques, adjusting class schedules, modifying test delivery, using tape recorders, computer-aided instruction and other audio-visual equipment, modified textbooks or workbooks, tailoring homework assignments, reducing class size, use of one-on-one tutorials, classroom aides and note takers, involvement of a “services coordinator” to oversee implementation of special programs and services, modification of nonacademic times (such as lunchroom, recess and physical education)
- Modifications to the regular class curriculum, assistance of an itinerant special education teacher, special education training for the regular teacher, use of computer-assisted devices, and the use of a resource room.



If the child is not placed in a regular classroom

- The district must still take steps to maximize opportunities for her to interact with nondisabled peers to the extent appropriate to her needs
- District must provide written notice to the parents explaining the placement options that were considered and the reasons for rejecting those options
- IEP team must document its rationale for placement in a setting other than the student's school and classroom
- The documentation shall further indicate why the student's disability prevents her needs from being met in a less restrictive environment even with the use of supplementary aids and services.



If the child is not placed in a regular classroom

- The student still has the right to participate in **nonacademic and extracurricular** services and activities to the maximum extent appropriate to their needs.
- **Examples of services and activities:**
 - Meals, recess, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs, and employment opportunities.
- A district **cannot use lack of appropriate placements as an excuse** for denying students their right to an education in the least restrictive environment.
 - Districts must provide a full continuum of alternative placements to ensure that students receive services in the Least Restrictive Environment



How LRE is reflected in the IEP

- Integration should be, built into goals across areas of **skill** (communication, mobility, social) and **domain** (vocational, leisure, domestic, community)
- In terms of **mainstreaming or full inclusion**, students who can participate in regular programming or regular classes may require **accommodations, modifications, supplementary aids or services** within that class in order to learn. These must be specifically written into the IEP.
- The IEP should **specifically describe placement in the LRE**. This can be written in the placement section, in the notes section or in an addendum attached to the IEP.
 - E.g. Placement in a special day class (SDC) on an age-appropriate regular school site with daily opportunities for integration and mainstreaming
- The IEP can extend integration activities into the **community**



LRE applies across board

Appropriate opportunities for participation in regular education programs and activities must be made even if the child is placed in:

- State developmental center
- Hospital
- Residential facility
- Nonpublic school placement
- Public charter school

This determination is based on the student's individual needs as written in her IEP.



Obligations of regular education staff

IEP must be made available to all of the teachers and other staff responsible for its implementation and each of them must be informed of their specific responsibilities related to implementing the IEP and the specific supports that must be provided for the student.

- The **IEP team must include at least one regular education teacher** of the student if the student is in general education. The teacher must:
 - **Participate in the development of the IEP**, including determination of appropriate positive behavior interventions and strategies, supplementary aids and services, program modifications, and support for school personnel in providing these aids, services and modifications
 - Participate in the **review and any revision** of the IEP
- District must be represented at every IEP meeting by a **school official who is knowledgeable about the general curriculum** and about the availability of resources of the district.



Obligations of the school district

- The CDE and local school districts have general responsibility to ensure that both regular and special education personnel are adequately prepared to provide instruction to special education students.
 - District needs to provide support to general education teachers
- The district has an affirmative responsibility to ensure sufficient numbers of regular education teachers who are qualified (with needed aids and supports) to provide services to students with disabilities in regular educational environments.
 - The lack of adequate personnel or resources does not relieve school districts of their obligation to educate a child in the regular classroom



Resource Specialist Program (RSP)

- A student can be enrolled in the Resource Specialist Program (RSP) for a majority of the school day and still participate in regular classes
 - This should be discussed during the IEP meeting with the IEP team
 - The RSP program offers small group instruction to meet the needs of each child's individual education plan (IEP)



LRE for preschoolers

- All of the provisions of federal and state special education law apply to students starting at **age three**, which includes preschool age special education students.
- Preschoolers, therefore, may receive instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions.
- The LRE requirement for preschoolers may include placement in a **Head Start program** or **private preschool placement**.
- **If a school district operates general education preschool programs**, then the requirements for having a general education teacher at every IEP meeting if the child is or may be participating in the general education program apply.



LRE for transition-age children

- LRE requirements apply to children transitioning out of high school special education and into more adult programing opportunities.



Integration in ESY

- If regular summer school programs are **available** to non-disabled students in the child's school district, and if the child's **IEP includes integration in the regular classroom during the regular academic year**
 - Those integrated services must be provided during the extended school year.
- If there is **no summer school program for non-disabled students in your school district**, the parent can:
 - Ask the district for an extended school year program **in another district** that does offer an integrated program; or
 - **Request that the district pay for an integrated private program.**



Role of the parents

In determining the educational placement of their child

- The parent must be part of any group who makes a special education placement decision.
- The team (including the parent) that makes placement decisions must be guided by the requirement that special classes, separate schooling or other removals of children with disabilities from general classes only occurs if the nature or severity of the disability is such that education (with supplementary aids and services) cannot be achieved satisfactorily in a general education environment.



Children educated at home or hospitals

When recommending placement for home instruction, the IEP team must

- Have a **medical report** in the assessment information from the attending physician and surgeon or the report of the psychologist, as appropriate, stating the diagnosed condition and certifying that the severity of the condition prevents the pupil from attending a less restrictive placement.
- The report must also **include a projected calendar date for the pupil's return to school**.
- The IEP must **meet to reconsider the IEP prior to the projected calendar date** for the pupil's return to school.
- If the student has a medical condition such as those related to surgery, accidents, short-term illness or medical treatment for a chronic illness, the IEP team must **review and revise the IEP**, if appropriate, whenever there is a significant change in the student's current medical condition.



Children educated at home or hospitals

- Instructions in the home or hospital may be delivered **individually, in small groups or by teleclass.**
- It **must be provided by a regular class teacher, the special class teacher or the resource specialist teacher**
 - **If the teacher or specialist is competent** to provide such instruction and services and if the provision of such instruction and services by the teacher or specialist is feasible.
 - **If not**, the appropriate related services specialist shall provide the instructions.
- The teacher providing the home instruction shall contact the pupil's previous school and teacher to determine:
 - the course work to be covered;
 - the books and materials to be used; and,
 - who is responsible for issuing grades and promoting the pupil when appropriate.



Children educated at home or hospitals

- For pupils in **grades 7 to 12**, the teacher shall confer with the school guidance counselor to determine:
 - The hours the pupil has earned toward semester course credit in each subject included in the IEP and the grade as of the last day of attendance;
 - Who is responsible for issuing credits when the course work is completed; and,
 - Who will issue the diploma if the pupil is to graduate.