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Least Restrictive Environment

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Berrien Regional Education Service Agency's

# Special Education SENTINEL

A NEWSLETTER FOR SPECIAL EDUCATION STAFF IN BERRIEN COUNTY

## Least Restrictive Environment

On August 10, 2004, the Michigan State Board of Education released a paper regarding the placement of students with disabilities in general education programs within general education facilities. The paper put forth the concept of the delivery of programs and services to students with disabilities known as *inclusive education*.

This paper served as a statement of commitment toward increasing opportunities for students with disabilities in general education classrooms. It is the belief of the State Board of Education that special education and related services created in general education classrooms will not only maximize the potential of students with disabilities, and students who are not disabled for integrated community living.

Inclusive education was defined as follows:

*The provision of educational services for students with disabilities, in schools where peers without disabilities attend, in age-appropriate general education programs under the direct supervision of general education teachers, with special education support and assistance as determined appropriate through the individualized education planning team (IEPT). This definition is congruent with the Michigan Department of Education's belief that all children should have the opportunity to be educated together, regardless of disability, in the school he or she would attend if not disabled unless otherwise determined appropriate through the IEPT process.*

The federal regulations at 34 CFR §300.327 and §§300.114 to 300.117 delineate the rights of students with disabilities to a placement in the least restrictive environment.


These regulations state (in part) the following:

- 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 non-disabled; and
- That special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only if 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.

Each public agency shall ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.

The continuum... must — Include the alternative placements listed in the definition of special education under §300.26 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and Must make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

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It is the policy of the State Board of Education, pursuant to state and federal requirements, that students with disabilities must be educated with their non-disabled peers to the maximum extent appropriate to meet their individual educational needs and potential. So that this may be realized, it is essential that options be available in general education programs within our general education facilities. Further, a process must be followed by the individualized educational planning team which includes an explanation of the extent to which the student will not participate with non-disabled students in the general education program, in extracurricular and other nonacademic activities. Education assignments are not to be based on the label describing the student's disability or the availability of programs.

**The State Board of Education supports the use of the following 10 step process in determining the educational placement of all students with disabilities.**

1. The student's eligibility for special education is determined by the individual educational program team (IEPT).
2. The student's specific educational needs are identified and discussed by the IEPT.
3. The specific special education and related services necessary to address the student's needs identified in step 2 are determined by the IEPT. These programs and services must be identified by rule number and provider title.
4. The IEPT should give first consideration to the appropriateness of placement in the general education environment with modifications and supports. The full continuum of services will be considered without regard to current availability.
5. The extent to which the student will not participate in general education programs is determined by the IEPT.
6. Consideration is given to any potential harmful effects on the student or on the quality of services that he/she needs.
7. A determination of where the programs and services may most appropriately be provided, including consideration of placement as close as possible to the child's home, must be made by the IEPT.
8. If the IEPT does not make a specific facility determination, documentation of the placement considerations will be forwarded to the Superintendent. The Superintendent will review the placement considerations and make a determination of where and when the programs and services will begin.
9. In either case, the Superintendent is then required to inform the parent of the public agency's intent to implement the individualized education program, to identify where those programs and services will be provided, and when they will begin (R 340.1772a).
10. Upon receiving written notice, the parent then has a reasonable time to 1) accept the Superintendent's decision as appropriate, 2) request mediation and/or a hearing related to eligibility, the individualized education program, or the placement decision, or 3) request another IEP.

## Additional Resources

*The following sites provide useful information with regard to Least Restrictive Environment:*

[http://www.ripin.org/pdfs/BoyInTheWorld\\_Resource\\_Guide.pdf](http://www.ripin.org/pdfs/BoyInTheWorld_Resource_Guide.pdf)

Numerous links are included in this document around the topics of

1. Instructional capacity and skill of educators;
2. School culture and leadership that supports LRE;
3. Availability of accessible materials;
4. Integration in school wide reform or improvement initiatives;
5. Student empowerment or self-determination; and
6. Parent and family support.

<http://www.calstat.org/lremessages.html>

California's regional assistance site for LRE

<http://nichcy.org/schoolage/placement/lre-resources>

Starter set of resources on LRE from the National Dissemination Center for Children with Disabilities

