

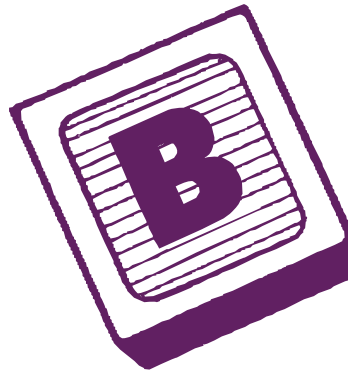
The ABCs of LRE

Least Restrictive Environment and Placement Decisions

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As every parent of a child with special needs knows, navigating the world of special education is challenging, at best. Placement decisions can be especially difficult. Where your child is placed plays a big role in where he or she spends their time at school, and how services are provided. How do you know where your child should be placed? What are your legal rights in this

individualized and based on a student's IEP. For instance, is the child making progress on his or her IEP goals? Satisfactorily educated doesn't just mean academic success; students who may not benefit academically can still be a part of the regular educational setting.



decision-making process? All students are legally entitled to be placed in the "least restrictive environment" (LRE) in which they can be successful. LRE is a core component of your child's Individualized Education Program (IEP), and a critical building block for creating an appropriate and effective IEP.

What is the "least restrictive environment"?

Federal law requires that every student receive their education, to the maximum extent appropriate, with their nondisabled peers. This means that a child should be in general education settings at school, unless there is a valid reason suggesting otherwise. Special education students shouldn't be removed from "regular" classes unless they can't learn satisfactorily, even with accommodations and/or modifications, in those classrooms. LRE requires educating students with disabilities in general education settings if at all possible, for the entire school day.

What is a "regular educational environment"?

The term "regular education" and "general education" can be used interchangeably. The "regular educational environment" is a broad term encompassing all general education classrooms and other settings (such as the school bus, lunch, recess, library, etc.). All settings in which nondisabled peers participate are considered to be a part of the "regular educational environment." An example of something that wouldn't be "regular" would be a resource room or speech therapist's office, for instance.

How do we know if a student is learning "satisfactorily"?

The Individuals with Disabilities Education Act (IDEA) doesn't have a specific standard for "achieved satisfactorily." It is highly

Inclusion in general education looks at whether the student's IEP goals and/or objectives can be met in the classroom with accommodations and/or modifications. Special education students can have substantial modifications or accommodations in order to benefit from placement in a general education classroom.

Of course, students with IEPs can benefit from being educated in a general education setting. A child who may learn differently, or benefit differently, cannot be excluded simply because he or she does not receive the same "academic" benefit. Social interaction, for instance, could be an important goal in a regular classroom. In this context, "benefitting" is a broad term meaning more than just academics.

What are "supplementary aids and services"?

Schools must provide supplementary aids and services that allow students to succeed. A supplementary aid or service is either an accommodation or a modification. A modification or accommodation is a support that is provided in regular education classes, education-related settings, extracurricular settings and nonacademic settings. The support should be designed to help students be educated with typical children to the maximum extent appropriate. Some examples include: extra time, slower-paced instruction, physical adaptations, providing note-takers, and allowing sensory breaks.

What if the aids or services are expensive?

This should not be a factor in the decision. Schools are required to provide accommodations for a student's special education needs. Schools must also take steps to include students with disabilities in general educational settings. Schools can't make

“mere token gestures” to include students. Schools have broad requirements for either modifying or supplementing general education so that it works for all students. Cost can't be used to deny needed and/or required services. The only time cost can be used to deny services is if it is so expensive that it would significantly impact the education of many other students.

My child's behavior is disruptive. Does the district need to try a regular education classroom first?

Yes! Federal laws require the IEP team to consider behavior intervention strategies for students with disabilities whose behavior is disruptive. Before a district decides that a student's behavior is so disruptive that he or she would significantly impair other students' education, the school needs to try other strategies. This must be done before moving a child to a more restrictive environment. A behavior intervention plan,



for instance, might have different strategies for a student to effectively regulate his or her emotions, and thus eliminate behaviors that might have been disruptive.

Does the district still have LRE requirements if my child is not placed in a regular classroom?

Yes. Sometimes, general education settings simply aren't the best fit for a child. In that case, a child might be better served in a different educational setting. Other settings might include instruction in special classes, special schools, home instruction, or instruction in hospitals or institutions. Each decision must be made based on a child's IEP, not their special education eligibility category or the severity of a disability. These decisions are individualized and not based on single factors or broad generalities.

However, even if some or all instruction will be in a different setting, the school still needs to find ways to maximize opportunities for the student to interact with peers without disabilities, to the extent appropriate for that child. For instance,

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a child might spend much of their day in a special education classroom, but eat lunch or have recess with their typical peers.

Do parents have a voice in this process?

Absolutely. Parents are to be equal members of the IEP team. Unlike other members of the IEP team, you are an expert about your child. You will likely have a better understanding of your child's needs or capabilities than anyone at the school. You have a right to participate in all of your child's IEP meetings. That includes decisions about your child's participation in both general and special education settings, including where and when your child will be in each of those settings. Speak up on behalf of your child to have input into the LRE decision.



What if I disagree with the LRE decision made by the school?

If you disagree with the amount of time that your child will spend in general education, special education, or both, you have a few options. You could request mediation with the district, you could file a due process complaint, or you could file a complaint with the appropriate education department in your state. In Oregon, this would be the Oregon Department of Education. In Washington, this would be the Office of Superintendent of Public Instruction.

While this dispute is being resolved, your child may be able to remain in his or her current placement under a “stay-put” order. However, all of these processes vary greatly in time, cost, and available outcomes. An attorney may be able to help you work through the legal intricacies, and suggest the best option for your family.

