

# Least Restrictive Environment



Technical Assistance Session:  
Serving Students with Disabilities

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OSSE Division of Systems and Supports,  
K-12



# Agenda

- Introduction & Purpose
- Review of Individuals with Disabilities Education Act (IDEA) & District of Columbia Municipal Regulations (DCMR)
- LEA Obligations
  - Free Appropriate Public Education (FAPE)
  - Least Restrictive Environment (LRE)
  - Continuum of Educational Placements
- Introduction: OSSE's Placement Oversight Process
- Planning for Success: Review of resources
- Question and Answers



## Did You Know...

- The research clearly shows that students with disabilities do better when they are educated in settings with non-disabled peers and are closer to home.
- Additional research shows that students without disabilities also benefit from being educated alongside students with disabilities.
- In 2008, nationally, approximately 4 percent of students with disabilities received their services in a separate day school outside of the LEA. At the same time, in the District of Columbia, 27 percent of students were placed in such settings.
- In DC's most recent FFY 2015 (2015-2016 school year) Annual Performance Report (APR), OSSE reported:
  - The majority (55.61 percent) of students with disabilities receive instruction inside general education classes 80 percent or more of the school day
  - 10.04 percent of students with disabilities receive instruction inside separate schools, residential facilities, or homebound/hospital instruction.
- DC has come a long way toward ensuring that students are educated in less restrictive settings, but we are still above the national average.



Review of Individuals with  
Disabilities Education Act  
(IDEA) & District of Columbia  
Municipal Regulations  
(DCMR)



# IDEA Overview

- Education for All Handicapped Children Act from 1975 – 1990
- Individuals with Disabilities Education Act (IDEA) from 1990 – present
- Implementing regulations written by the Department of Education and codified in the Code of Federal Regulations.
  - Most recent version revised in 2012
  - Contains all of the detailed requirements of the law

## **Three overall expectations of the law:**

1. Students with disabilities receive a free appropriate public education
2. Students with disabilities are served in their least restrictive environment
3. Services and support to students with disabilities should be based on student need and in conformity with the IEP.



## **IDEA Mandate (34 CFR § 300.101)**

**FAPE**, as defined by IDEA, is special education and related services that are provided in conformity with an IEP, are without charge, and meet standards of the SEA.

**FAPE** ensures children with disabilities are able to access the general curriculum and are prepared for further education, employment, and independent living to the extent as their **non-disabled peers**.

FAPE must be provided in the **least restrictive environment**.



- Local regulations governing the provision of special education and related services to students with disabilities is found in Title 5 of the District of Columbia Municipal Regulations (DCMR).
  - Regulations governing services provided in District of Columbia Public Schools and charter schools are found in [Subtitle E, Title 5, Chapter 30 \(5 DCMR §E-3000-3033\)](#).
  - Regulations governing nonpublic schools are found in [Subtitle A, Title 5, Chapter 28 \(5 DCMR §A-2800-2899\)](#).



# LEA Responsibility: LRE & Continuum of Educational Placements





# IDEA Mandate (CFR § 300.114(a)(2))

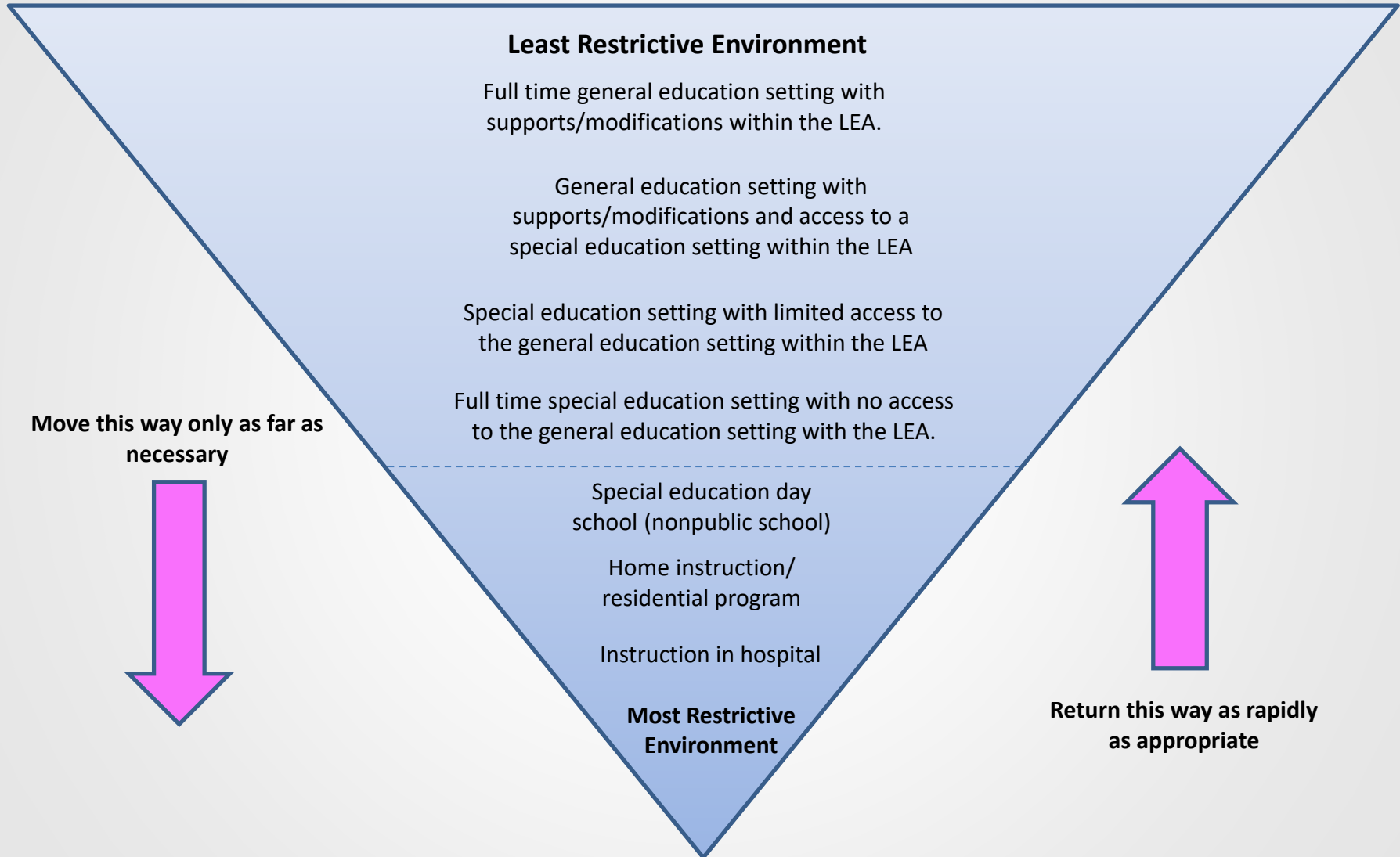
Every public agency is to ensure that, **to the maximum extent appropriate, students with disabilities are educated with students who are non-disabled in the general education classroom.**

Special schooling, special classes, or other **removal of children with disabilities from the general education environment should occur only if the nature and severity of the disability is such that education in regular classes, with the use of supplementary aids and services, cannot be achieved satisfactorily.**

- Placement decisions must be based on a **child's unique needs and IEP**, not on administrative convenience, disability/program label, or allocation of funds.
- Consideration must be given to any **potential harmful effect** on the child or on the quality of services that the child needs.
- A child with a disability **may not** be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education classroom.



# Continuum of Educational Placements





# IDEA: LRE vs. Inclusion

## LRE

The meaningful education of students with disabilities to the maximum extent possible in the general education environment.

IDEA requires that each student with a disability requiring special education be educated in the LRE appropriate to meet the student's unique needs, based on the student's IEP.

## Inclusion

The approach of providing students with disabilities education within the general education setting with accommodations and modifications as needed.

Inclusion **does not** mean that students with disabilities must be or are always educated in the general education setting for 100% of the time.



# Continuum of Educational Services

**Placement**, as it relates to special education, is the level of service and the type of environment, classified by the level of restrictiveness (e.g. general education classroom, special education/resource classroom, or nonpublic school). It is also known as an educational environment.

## **Placement is NOT:**

- Location of services
- Number of hours for special education services that a student receives
- Reliant on the category of disability, language or communication needs, space availability, needed modification to the general education curriculum, or administrative convenience.



# DCMR- Educational Placement

## [DCMR Mandate \(Sec. 3012\)](#)[DCMR Mandate \(Sec. 3012 & 3013\)](#)

- The LEA shall ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.
- Alternative placements shall include instruction in:
  - (a) Regular classes;
  - (b) Special classes;
  - (c) Special schools;
  - (d) Home instruction; and
  - (e) Instruction in hospitals and institutions.
- Provision for supplementary services, such as resource rooms and itinerant instruction, shall be available in conjunction with regular class placement.



# DCMR: Placement and Location

- The LEA shall ensure that the educational placement decision for a child with a disability is:
  - (a) Made by a group of persons, including the parents and other persons, knowledgeable about the child, the meaning of the evaluation data, and the placement options;
  - (b) Made in conformity with the LRE provision of the Act and DCMR;
  - (c) Made within timelines consistent with applicable local and Federal law;
  - (d) Determined at least annually after his or her initial placement;
  - (e) Based on the child's IEP; and
  - (f) Is as close as possible to the child's home.
- Unless the IEP of a child requires some other arrangement, the child shall be educated in the school that the child would attend if not disabled.
- In selecting the LRE, consideration shall be given to any potential harmful effect on the child or on the quality of services that the child needs.



# Placement: Factors to Consider

## **Factors to be considered in placement:**

**In determining the educational placement of students with disabilities, consideration must be given to any potential harmful effect(s) on the students or on the quality of services that the students need. The following factors should also be considered:**

- Based on the student's IEP
- Determined by the IEP team
- Determined at least annually
- Is as close as possible to the student's home school - the school the student would attend if the student did not have a disability



# Introduction: OSSE's Placement Oversight Process

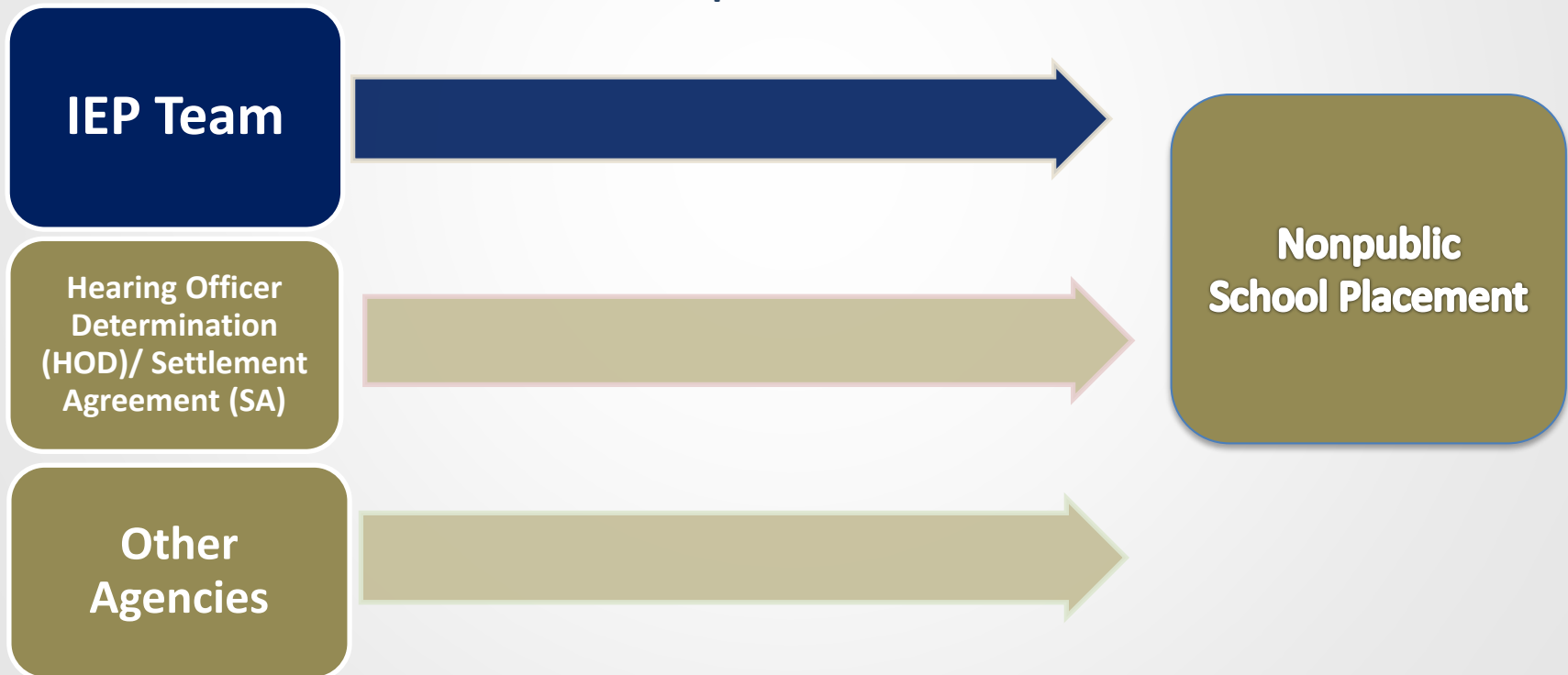




# OSSE's Placement Process

The **Placement Oversight Team** coordinates with internal District government agencies and community partners to ensure that all District students receive FAPE; and **develops and administers procedures to ensure that students are educated in the LRE appropriate to meet their needs.**

## Routes to a Nonpublic School Placement





# Placement Process: Nuts and Bolts

- If an LEA/IEP team believes a student may require a more restrictive nonpublic school placement, it must seek a change in placement review from OSSE.
  - OSSE's role is to help the LEA/IEP team examine if additional steps can be taken to maintain the student in his/her current setting.
  - OSSE conducts this process by reviewing documents related to steps taken to support the student, looking at the student's response to interventions based on the student's current behavior and performance, and listening to staff, the parent, and, as appropriate, the student him/herself.
  - Once this review is completed, OSSE will provide a recommendation to the team regarding whether all steps have been exhausted or whether the team thinks additional strategies could be tried.
  - Ultimately it is the IEP team's decision- OSSE serves in an advisory role.
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# Placement Oversight Process: The Basics

## **How do you initiate a change in placement (CIP) review process?**

To open a change in placement review case with OSSE, an LEA must submit a Justification of Removal Statement (JRS).

A complete JRS will provide the following:

- A description of the child's special education and related service needs;
  - A description of the services that have been considered by the team and implemented as strategies for success in the general education environment or LRE;
  - A description of any specific placements and/or locations under consideration or requested by the parents and/or the LEA; and
  - A description of provisional plans for reintegration back into a less restrictive learning environment.
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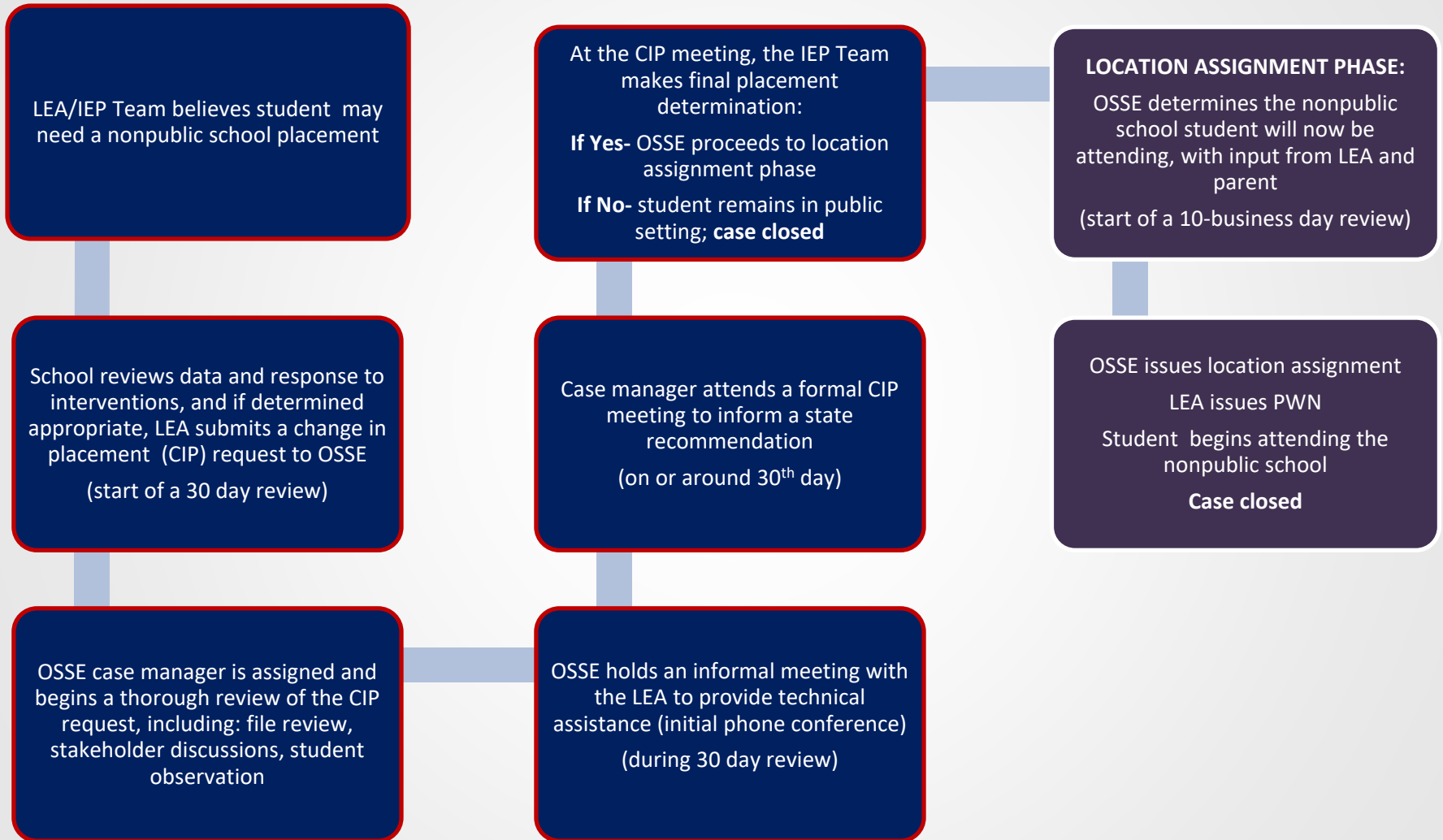


# What to Expect as an LEA

- **Once a CIP request is submitted...**
    - A change in placement coordinator will be assigned to complete the 30 day review.
    - The Coordinator will acknowledge receipt of the case. In the acknowledgment email, the Coordinator will request specific student documentation and propose meeting dates to review the request- an Initial Phone Call and a CIP Meeting date.
    - **Initial Phone Call:** On this phone conference, the coordinator will review the case with the LEA and provide initial training and technical assistance. The Coordinator, at his/her discretion, may speak with the parent and may conduct a student observation.
    - **CIP Meeting:** At the conclusion of the review, the Coordinator will attend a CIP meeting and issue a state recommendation warranting a more restrictive setting for the student.
    - If the team moves forward, the *location assignment phase* begins.
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# OSSE's Placement Oversight Process





# Planning for Success

- A. It helps OSSE to have as much information up front when a request is made. Knowing what steps you have taken to serve a student will help us get a full picture.
  
  - B. It is important to keep families informed of the process and to get input on what they see as important considerations. Your help with this engagement and information sharing is critical.
  
  - C. If a decision is made to place a student into a nonpublic setting, the student remains enrolled at the LEA, and IDEA obligations remain in effect. It is your role to ensure the student continues to be well-served.
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# OSSE Change in Placement Data

- Since the inception of the state level placement process, OSSE has reviewed close to 1,000 change in placement requests. On average, annually OSSE has helped LEAs prevent 30 percent or more requests for more restrictive nonpublic school settings. OSSE's efforts to support LRE take into account the best interest of the child and current available resources.
- The majority of placement requests are related to behavioral reasons.
- For school year 2015-16, below are the demographics for the cases OSSE received.
  - 74 percent of cases were male students and 26 percent were female students
  - 88 percent of cases were African American students, 6 percent were White students, and 5 percent were Hispanic students
  - 43 percent of cases were PreK to 5<sup>th</sup> grade students, 23 percent were 6<sup>th</sup> to 8<sup>th</sup> grade students, and 34 percent were 9<sup>th</sup> to 11<sup>th</sup> grade students
  - OSSE received cases for students ranging from age 4 to 21. Students age 9 to 16 accounted for 75 percent of the cases.



Preparing for Success





# Preparing for Success: Key Reminders

## LEAs must:

- Ensure students with disabilities receive a free appropriate public education in their least restrictive environment.
- Have a continuum of educational placements to meet the needs of students with disabilities.
  - **Special education is not a place**; it is a set of services and supports.
- Ensure a student's placement is:
  - Determined at least annually;
  - Based on the child's IEP; and
  - As close as possible to the child's home, unless the IEP requires another arrangement.
- Compliance with IDEA, DCMR and OSSE state policies.



# Preparing for Success: Resources

- IDEA provisions
- DCMR provisions
- [OSSE State Policies & Guidance](#)
  - Least Restrictive Environment Toolkit
  - Least Restrictive Environment White Paper
  - Policies and Procedures for Placement Review, Revised- Policy
  - Policies and Procedures for Placement Review, Revised- Guidance
  - Policies and Procedures for Placement Review, Revised - Parent Brochure



Q&A



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| Thank you!