

Frequently Asked Questions about Least Restrictive Environment

What exactly is Least Restrictive Environment (LRE)?

LRE is defined in the New York State Education Department Regulations of the Commissioner of Education (Part 200.1 [cc]), as:

..... placement of students with disabilities in special classes, separate schools or other removal from the regular educational environment occurs only when the nature or severity of the disability is such that even with the use of supplementary aids and services, education cannot be satisfactorily achieved. The placement of an individual student with a disability in the least restrictive environment shall:

- 1. provide the special education needed by the student;*
- 2. provide for education of the student to the maximum extent appropriate to the needs of the student with other students who do not have disabilities; and*
- 3. be as close as possible to the student's home*

What must be considered before a placement is recommended?

The regulations also state that recommendations made by the Committee on Special Education (CSE) shall be developed in conformity with the provisions of LRE, which are:

1. placement shall be based on the student's individualized education program and determined at least annually;
2. placement shall be as close as possible to the student's home, and unless the student's individualized education program requires some other arrangement, the student shall be educated in the school he or she would have attended she/he did not have a disability
3. in selecting the least restrictive environment, consideration must be given to any potential harmful effect on the student or on the quality of services that he or she needs; and
4. a student with a disability must not be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

What is the difference between LRE, inclusion, and mainstreaming?

Keeping in mind how LRE is defined, what may be the LRE for one student may not be the LRE for another student. It refers to the setting in which a student with a disability receives his/her education with access to peers without disabilities to the maximum extent appropriate. Inclusion calls for a "home-base" placement of students as members of a general education classroom, but allows for opportunities for students to be taught in other environments within the school and the community (Sailor, Gee, & Karasoff, 1993; Sailor, 1991). Finally, mainstreaming is providing a student with a disability access to classes with typical peers based on his or her strengths. The placement is in a self-contained classroom (i.e., one with all students with disabilities), but if she or he excels in one or more areas (e.g., math or language arts), she/he has access to instruction in that subject or subjects within the general education setting.

What do educational settings that utilize inclusive practices look like?

In the December 15, 2015 Field Advisory Memo, *School Districts' Responsibilities to Provide Students with Disabilities with Specially-Designed Instruction and Related Services in the Least Restrictive Environment*, high-quality inclusive settings are described as meaning:

- Instruction and configuration of classrooms and activities include both students with and without disabilities;
- Students with disabilities are held to high expectations for achievement;
- Special education and general education teachers intentionally plan teaching lessons to promote the participation and progress of students with disabilities in learning and social activities;
- Individualized accommodations, supports and specially-designed instruction are provided to students with disabilities to participate and progress in regular education classes and activities; and
- Evidence-based services and supports are used to foster the cognitive, communication, physical, behavioral and social-emotional development of students with disabilities.

Can my child receive services within a general education setting if she/he is not keeping up with the general education curriculum?

YES. A student can receive special education services within a general education classroom if she or he requires modifications to the general education curriculum.

Are there benefits to having my child placed in a class with typically developing peers?

Benefits of being educated alongside typical peers include; enhanced social and communication skills, higher performance in academic areas, increased expectations on the part of educators, increased access to the general education curriculum, increased parent participation, enhanced skill acquisition and generalization, and increased opportunities for inclusion within community settings.

Can my child receive supplementary aides and services and still have a placement alongside typical peers?

Yes, your child can receive supplementary aides and services which are defined as; services, and other supports that are provided in regular education classes, other education-related settings and in extracurricular and nonacademic settings to enable students with disabilities to be educated with nondisabled students to the maximum extent appropriate in accordance with the least restrictive environment (Part 200.1[bbb]). Supplementary aides and services are provided for the student:

1. to advance appropriately toward attaining annual goals;
2. to be involved and progress in the general education curriculum
3. to participate in extracurricular and other nonacademic activities; and
4. to be educated and participate with other students with disabilities and nondisabled students

Why might my child's CSE recommend a more restrictive placement?

Since special education's inception, school systems have varied how they provide services to students with disabilities. Some systems created completely separate schools, where most of the children with disabilities within their community received special education services. Other school systems provided services to students with disabilities within the general education classrooms. If a school system happens to be one that relied primarily on more restrictive placements (e.g., separate schools or separate classes), unless major change has occurred, it is likely that the CSE will continue to recommend more restrictive placements. The committee's members are likely recommending what they truly believe is the best for the child. Many professionals who work within systems where children with disabilities are separated from their typical peers have difficulty envisioning how supports can be successfully provided to students with disabilities alongside their typical peers.

What can I do to help ensure my child is recommended for a placement in the LRE?

We have found the following tips to be helpful to parents as they collaborate with other members of their child's CSE:

- It is never too early to start the conversation. Be sure to inform members of your child's team of your desire to have your child educated alongside his or her typically developing peers.
- Be sure to include yourself in taking a role in the process. For example, ask, "What can WE do to ensure my child has access to typical peers?" "What can WE do to prepare school personnel for this change in placement?"
- Be mindful of the "ingredients" of a positive collaborative relationship and do your best not to let emotions take over letting things move in a negative direction.
- Be prepared! Be sure to access the resources that will educate the other members of your child's CSE to the advantages of less restrictive placements as well as the types of supports that can be provided within those settings. These resources include your local technical assistance centers:
 - Long Island Parent Center (LIPC) <http://www.liparentcenterliu.org> 516-589-4562
 - Long Island Early Childhood Direction Center (LIECDC) <http://liearlychildhoodliu.org> 516-413-8229
 - Long Island Regional Special Education Technical Assistance Center (RSE TASC) <http://www.esboces.org/Page/89>
- NETWORK, NETWORK, NETWORK – build relationships with other parents, school board members, professionals, technical assistance center personnel, families and professionals from districts where less restrictive placements are readily available. These resources will be helpful to you and the other members of your CSE.

What can I do if the other members of my child's CSE are not in agreement with me?

In the majority of situations, members of the CSE are in agreement regarding a student's educational placement. Occasionally, there is disagreement. When there is disagreement, consider the following suggestions:

- Very often, CSE members make a recommendation, but when the parents are clearly *not* in agreement, that recommendation is changed. Sometimes, this will happen at a preliminary meeting, sometimes it will happen at the CSE meeting, and sometimes it will happen after the CSE meeting. It would make sense that members may try to influence you to agree with their recommendation. But, as a parent and member of the CSE, you can certainly disagree with the recommendations. Many parents are not aware of this, and thus, simply give in to the recommendations made by the committee, even if it is not what they feel is appropriate for their child.
- If you anticipate that you will be in disagreement, you can request that, your CSE meeting be facilitated by an IEP facilitator. This is a neutral third party who participates in the meeting. Forms to request this service are available on the New York State Education Department Website at <http://www.p12.nysed.gov/specialed/dueprocess/iep-facilitation/IEPFacilitation.html>
- If your school district agrees, you can participate in a mediation process with your school district. This entails parents and school representatives meeting with a mediator to work to reach an agreement.
- If the dispute remains unresolved, the parents and school representatives can participate in an impartial hearing.

Remember, all members of the CSE have the same goal; to see your child succeed and have the best outcome. Working collaboratively and respectfully leads to agreement. At the same time, information empowers you to influence others. The research related to Least Restrictive Environment is clear, the better it is understood the more it will be embraced.