



LRE & Inclusion

A PEATC
Do You Know
Factsheet for Virginia's Parents



The Individuals with Disabilities Act (IDEA) references least restrictive environment and access to the general curriculum in several contexts.

The state education agency, or department of education, is responsible for ensuring that children in the state receive their education in the LRE.

IDEA directs the state to use several ways do this, including developing policies for districts and IEP teams to follow, funding, monitoring, and public reporting.



8003 Forbes Place, Ste 310

Springfield, VA 22151

800-869-6782 / 703-923-0010

www.peatc.org



Do You Know What the policy says about Least Restrictive Environment (LRE) and Inclusion?

Inclusion is a philosophical and educational approach to providing children with disabilities opportunities in the same settings as their nondisabled peers. Federal special education policy does not directly address “inclusion”, but does provide a framework for states, school districts and schools to increase inclusive opportunities through provisions requiring placement of students with disabilities in the least restrictive environment, or LRE. This fact sheet reviews the sections of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004) that speak to LRE and access to the general curriculum. It concludes with a list of online resources on the topics of LRE, access to the general curriculum and inclusion.

State Eligibility

For a state to be eligible to receive federal funds under IDEA, it must be sure 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 not disabled. Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily (Section 612(a)(5)).

In addition, how States fund local districts needs to meet the LRE requirement. States cannot allocate funds on the basis of the type of setting in which a child is served that would be considered to be a failure to provide a child with a disability a free appropriate public education according to the unique needs of the child as described in the child's IEP (Section 612(a)(5)(B)).

Individualized Education Program (IEP)

The child's individualized education program (IEP) should include a statement of the child's present levels of academic achievement and functional performance, including how the child's disability affects the child's involvement and progress in the general education curriculum. Specifically, the IEP must have measurable annual goals, including academic and functional goals, designed to meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum. The IEP includes a statement of the special education and related services and

supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child.

The IEP also must state the program modifications or supports for school personnel that will be provided for the child to advance appropriately toward attaining the annual goals, to be involved in and make progress in the general education curriculum, to participate in extracurricular and other nonacademic activities; and to be educated and participate with other children with disabilities and nondisabled children in activities. The IEP includes an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and other activities. The anticipated frequency, location, and duration of the services and modifications must also be specified in the IEP (Section 614(d)(1)(A)(i)).

Monitoring, Technical Assistance and Enforcement

IDEA makes clear that the US Department of Education is to monitor States and in turn, States are to monitor local school districts to enforce the law, and further specifies the areas in which such monitoring must occur. Specifically, related to LRE, monitoring must use quantifiable and qualitative indicators to adequately measure performance in the provision of a free appropriate public education in the least restrictive environment (Section 616 (a)(3)(A)).

Program Information/Data Reporting

Each state must report data annually to the public on the number and percentage of children with disabilities, by race, ethnicity, limited English proficiency status, gender, and disability category, who are participating in regular education; in separate classes, separate schools or facilities, or public or private residential facilities; and who are removed to an interim alternative educational setting for disciplinary reasons. In addition, states must report the number and percentage of children with disabilities who are removed to alternative educational settings or expelled as compared to children without disabilities who are removed to alternative educational settings or expelled (Section 618(a)(1)(A)).

In addition to the cited federal legislation, a substantial body of state, U.S. district and Supreme Court case law addresses issues of LRE and access to the general curriculum. Because specific circumstances may impact individual situations differently, PEATC can assist in identifying the most appropriate resources related to LRE or access to the general curriculum. Please contact PEATC at 1-800-869-6782 for assistance with specific cases or concerns.

Resources

As noted above, federal policy provides a framework for consideration of inclusive placements for children with disabilities in educational settings.

Inclusion is an educational approach and philosophy that provides all students (with and without disabilities) with:

- Community membership
- Greater opportunities for academic and social achievement
- Welcoming attitude
- Attention to and validation of unique needs and learning styles

How inclusion is applied to opportunities in the classroom may vary from school to school. In placing students, terms like “resource classrooms” or “special ed” classrooms could also refer to general education or inclusive classrooms that have a special education teacher co-teaching with the general education teacher. Other models include special education support professionals providing supports, accommodations and modifications that tailor the learning environment for the individualized needs of the student. “Self-contained” classrooms usually refer to classes where special education teachers assist special education students exclusively. Schools which exercise a broader, more flexible approach to inclusion are able to extend the reach of this valuable resource to serve a greater number of students -- those identified with special needs and those without an IEP or 504 plan who simply benefit from the extra support and nurturing inclusive environments offer.

