



Understanding Least Restrictive Environment and Inclusion: What Policy Says

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.

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.

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)).

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.

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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.



There has been considerable work done in the area of evidence-based practices related to inclusion. Reliable information on inclusion, in general, and how to make it work for individuals is readily available in an increasing number of places.

National Institute for Urban School Improvement - <http://www.edc.org/urban> resources and tool kits to support inclusion for teachers, students, families, and communities.

The Access Center: Enhancing Access to the General Education Curriculum for Students with Disabilities- www.k8accesscenter.org provides technical assistance that strengthens State and local capacity to help students with disabilities effectively learn in the general education curriculum.

Institute for Community Integration: www.ici.umn.edu database of information (many of which can be downloaded) on inclusion, and useful information from the University of Minnesota.

Circle of Inclusion: <http://www.circleofinclusion.org/> resources and information for early childhood.

Kids Together: <http://www.kidstogether.org/> designed by parents to promote inclusive school and community life.

Student-Led IEPs: A Guide for Student Involvement http://www.cec.sped.org/student-led_ieps.pdf, downloadable book from the Council for Exceptional Children, written by Marcy McGahee, Christine Mason, Teri Wallace, and Bonnie Jones.

National Center on Educational Outcomes: <http://education.umn.edu/nceo/> useful information to support high expectations and accountability for outcomes for students with disabilities. Site also includes an online accommodations bibliography to connect with research.

IMPACT: Feature issue on Revisiting Inclusive Education K-12
<http://ici.umn.edu/products/impact/161/161.pdf> newsletter of the Institute for Community Integration that reviews inclusion from the perspectives of people with disabilities, researchers, policy makers, educators and families.

Inclusive Education Website: <http://www.uni.edu/coe/inclusion/index.html> developed by a consortium of universities to provide technical assistance and promote better understanding of inclusion.

Inclusive Schools Database: http://www.newhorizons.org/spneeds_intr.html

Institute for Community Inclusion: <http://www.communityinclusion.org/index.html> is focused on inclusion in school, community, and work life for youth and adults with disabilities.

Disability is Natural: <http://www.disabilityisnatural.com/> Kathie Snow's website which supports the perspective that disability is a natural condition and people with disabilities are not problems that have to be fixed.

National Collaborative on Workforce and Disability for Youth: <http://www.ncwd-youth.info/> has information for youth preparing for community-integrated employment.



Norm Kunc website: <http://www.normemma.com> information, resources, and advocacy for inclusive practices and non-coercive practices.

TASH: <http://www.tash.org/> is an international association of people with disabilities, their family members, other advocates, and professionals fighting for a society in which inclusion of all people in all aspects of society is the norm. Site has specific information, resources and research related to inclusive education.

Paraeducator Support: <http://www.uvm.edu/~uapvt/parasupport/shared.html> Michael Giangreco's work and resources to promote paraeducators who are supporting inclusion.

National Center for Adapting the General Curriculum: <http://www.cast.org/publications/ncac/index.html> contains research-based information for parents and educators.