

Least Restrictive Environment

The school districts comprising the Tulare County/District Special Education Local Plan Area (SELPA) view special education as an integral part of the educational process and not a separate service model. Special education is a means of supporting the educational system to serve the needs of all students with exceptional needs.

To the maximum extent appropriate, individuals with exceptional needs, including children in public or private institutions or other care facilities, are educated with non-disabled children.

Special classes, separate schooling, or other removal of students with exceptional needs from the regular educational environment occurs only if the nature or severity of the disability is such that education in the regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

In determining what constitutes the least restrictive environment for a student the District must consider the following four factors (frequently referred to as the "Holland Factors" based on the *Sacramento City Unified School District, Board of Education v. Rachel H.* (9th Cir. 1994) 14 F.3d 1398, 1404. The factors are:

- (1) The educational benefits of placement in a regular class;
- (2) The non-academic benefits of such placement;
- (3) The effect the student has on the teacher and children in the regular class; and
- (4) The cost of mainstreaming the student.

Elements of Least Restrictive Environment

Least restrictive environment requirements (LRE) include the following:

- (1) The student's placement will be as close as possible to his/her home.

- (2) Unless the IEP requires some other arrangement, the student will be educated in the school that she or he would attend if not identified with exceptional needs.
- (3) In selecting the LRE, consideration will be given to any potential harmful effect on the student or on the quality of services he/she needs.
- (4) A student with exceptional needs will not be removed from education in age-appropriate general education classrooms solely because of needed modifications in the general curriculum.
- (5) In providing or arranging for the provision of nonacademic and extracurricular activities, the District will ensure that the student with the disability participates with typically developing peers in those services and activities to the maximum extent appropriate to the needs of that student. The District will ensure that each eligible student has the appropriate supplementary aids and services necessary for the student to participate in nonacademic settings.

Continuum of Placements and Services

The districts in the SELPA shall ensure that a continuum of program options is available to meet the needs of individuals with exceptional needs for special education and related services. The continuum of program options shall include, but not necessarily be limited to, all of the following or any combination of the following:

- (1) General education classroom.
- (2) General education classroom with supplementary aids and services.
- (3) General education classroom with resource specialist services.
- (4) General education classroom with services from a special day class teacher supports and services.
- (5) Special classes.
- (6) Nonpublic, nonsectarian school services.
- (7) State special schools.
- (8) Instruction in settings other than classrooms where specially designed instruction may occur.
- (9) Itinerant instruction in classrooms, resource rooms, and settings other than classrooms where specially designed instruction may occur to the extent required by federal law or regulation.

(10) Residential schools.

(11) Home/hospital.

Special education includes:

- Specially designed instruction ("SAI"), provided at no cost to parent/guardian, designed to meet the unique needs of the child, including:
 - o Instruction in the regular classroom;
 - o Instruction in a separate classroom;
 - o Instruction in the home;
 - o Instruction in hospitals;
 - o Instruction in other settings;
 - o Instruction in physical education;
 - o Speech and language services;
 - o Travel training; and
 - o Vocational training.

In determining the educational placement of a child, including preschool, the District shall ensure that the placement decision is made by a group of persons, including parent/guardian, and other persons knowledgeable about the child, the meaning of evaluation data, and the placement options available; and that the decisions are made in conformity with the least restrictive environment provisions.

A child's placement shall be determined at least annually.

Nonacademic Settings

In providing or arranging or the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and other nonacademic services and/or activities, the District must ensure that the child participates with nondisabled peers to the maximum extent appropriate to meet the needs of the child. The District must ensure that the child has the supplementary aids and supports appropriate and necessary, as determined by the IEP team for the environment in question.

References:

EC 56201; 56205(a) 56031;56206; 56360 – 56366; 56367
20 USC 1412 (a) (5)(A)
34 CFR 300.340-300.349; 300.550-300.556