

Federal Assurance Policy

Special Education Local Plan

FAP 5

LEAST RESTRICTIVE ENVIRONMENT

It shall be the policy of this LEA 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 a student with disabilities from the general educational environment, occurs only when the nature or severity of the disability of the student is such that education in general classes with the use of supplemental aids and services cannot be achieved satisfactorily.

Legal References:

EDUCATION CODE

56205(a)

56301

56206

56303

State Board Policy (10/10/1986)

FEDERAL REFERENCES

20 USC Section 1412(a)(5)

Federal Assurance Administrative Regulations

Special Education Local Plan

FAAR 5

LEAST RESTRICTIVE ENVIRONMENT (LRE)

Special education is an integral part of the total public education system and provides education in a manner that promotes maximum interaction between students with disabilities and students without disabilities, in a manner appropriate to the needs of both. To the maximum extent appropriate, students with disabilities will be educated with students who are not disabled. Special classes, separate schooling, or other removal of students with disabilities from the general education environment occurs only when the nature or severity of the disability of a child is such that education in general education classes with the use of supplementary aids and services cannot be satisfactorily achieved. To support this at an individual student level, the requirements of legally compliant individualized education program (IEP) meetings will be reviewed, including the responsibility to first consider the general education classroom for each student. The four-part full inclusion test (listed below), as outlined by the 9th Circuit Court of Appeals in *Holland vs. Sacramento Unified School District*, is the guiding principle to be used by LEAs and IEP teams.

- The educational benefits available to the student in a general classroom, supplemented with appropriate aids and services, as compared with the educational benefits of a special education classroom;
- The non-academic benefits of interaction with students who are not disabled;
- The effect of the student's presence on the teacher and other students in the classroom; and
- The cost of mainstreaming the student in a regular (general) educational classroom.

Special education programs, appropriate to student needs, are housed on regular school campuses and dispersed throughout the SELPA as equitably as possible to ensure that individuals with disabilities are served as close to home as possible.

It is the intent of federal and state statutes and regulations that students with disabilities have the opportunity, whenever possible, to attend the same public school as non-disabled students except as they are determined by the Individualized Education Program (IEP) team to require alternative programs to meet their educational and social needs as close to home as possible.

The Trinity County SELPA governing board believes that placement in an educational environment other than a regular class should be considered only when the IEP team determines that the regular environment, services, and/or curriculum cannot be modified effectively to meet the needs of the student as specified in his/her IEP.

LEAST RESTRICTIVE ENVIRONMENT (LRE) (continued)**FAAR 5(a)**

To ensure that a full continuum of program options are available, education agencies review their current delivery systems annually to determine that:

- Program options in regular education environments are available at local schools, whenever appropriate, inclusion programs at the student's home school or, within the district, as near to the home school as possible, are considered by the IEP team.
- Special education programs, appropriate to student needs, are housed on regular school campuses and dispersed throughout the SELPA as equitably as possible to ensure that students with disabilities are served as close to home as possible.
- The physical location of the program facilities shall provide for continuing social interaction with non-disabled students.
- Students with disabilities have equal access to regular education activities, programs, and facilities on the regular school site and participate in those activities as appropriate to their needs.
- Administrative policies and procedures encourage the close cooperation of all school personnel to facilitate opportunities for social interaction between students with disabilities and non-disabled students.
- Administrative policies and procedures allow students with disabilities maximum access to appropriate general education academic programs and school personnel are given necessary support to ensure student success.
- Long range plans and commitments for physical housing on regular school campuses are made in order to avoid frequent and disruptive program relocations.
- Through long-range commitments for physical housing on regular school campuses, students with disabilities are afforded opportunities to develop and maintain continuing relationships with non-disabled peers.

Consistent with the determination of an IEP team, students may be placed in residential schools or nonpublic schools and may be provided educational services in medical facilities. Administrators of those facilities and programs are encouraged to provide opportunities for participation with non-disabled students in both educational and social activities.

The IEP team determines the extent to which a student with disabilities participates in regular education with non-disabled students. The determination of appropriate program placement, related services needed, and curriculum options to be offered is made by the IEP team based on the unique educational needs of the disabled student.

LEAST RESTRICTIVE ENVIRONMENT (LRE) (continued)

FAAR 5(b)

The IEP form contains a statement of:

- Supplemental aids and services that the student needs to ensure participation in general education;
- A statement that students will participate in the general education environment with non-disabled peers unless the student's full time involvement and progress in general education curriculum is precluded by the nature and severity of the disability.

No student will be referred for special education unless the general education resources have been considered, utilized, and the documented accommodations and/or modifications have been made prior to referral for special education.

For the purposes of program offerings, special education is an integral part of the total public education system and provides education in a manner that promotes maximum interaction between students with disabilities and students who are not disabled, in a manner that is appropriate to the needs of both.