



PUBLIC SCHOOLS OF NORTH CAROLINA

State Board of Education | Department of Public Instruction

Individualized Education Programs

Module #4d: Least Restrictive Environment

Extended School Year Eligibility

This module looks at...

- The history of LRE
- Definition of LRE
- Specially designed instruction
- Related services
- Continuum of educational placement
- Supplemental aids, services, accommodations and modifications
- Supports for school personnel
- State and district-wide testing
- Alternate assessment justification
- Progress reports
- Extended school year

- LRE has been a part of the federal special education law from its inception – beginning in 1975.
- LRE's basic statutory provision has remained intact for more than 40 years.

Defining LRE

Each LEA must ensure 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 nondisabled; *and*

Adapted from Center for Parent Information and Resources (CPIR) 2016

NC 1501-3.1

Defining LRE

Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs *only*...

...if the nature or severity of the disability is such that education in regular classes *with the use of supplementary aids and services* cannot be achieved satisfactorily.

Consider the Meaning of “Satisfactorily Educated”

There isn't a specific standard or level established within IDEA for determining what it means for the education of a child with a disability to be “achieved satisfactorily.”

Rather, *each child's IEP* is the measuring tool. The IEP team determines if a child's education is appropriate and if it is being achieved satisfactorily.

Consider the Meaning of “Satisfactorily Educated” (continued)

The IEP may be reviewed and revised, enabling the IEP team to respond to concerns that the child’s education in the regular educational environment “cannot be achieved satisfactorily” and to make necessary and appropriate adjustments or modifications, especially regarding the type of supplementary aids and services provided to support the child’s education in a regular classroom setting.

Produced by CPIR 2016

Placement decisions ...

must be based on a child's unique needs and IEP, *not* on administrative convenience, disability/program label, or allocation of funds.



Least Restrictive Environment (LRE)

What are the requirements for LRE?

Each LEA must ensure that a continuum of alternative placements meet the needs of students with disabilities for **special education and related services**.

NC 1501-3.2

Continuum of Alternative Placements

NC 1501-3.2 Continuum of Alternative Placements

Each LEA must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.

The continuum required in paragraph (a) of this section must--

- (1) Include instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions; and
- (2) Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

Continuum of Alternative Placements

NC 1501-3.2 Continuum of Alternative Placements

For preschool children, the continuum required in paragraph (a) of this section includes:

- (1) Regular early childhood program;
- (2) Special education program provided in a separate class, separate school, residential facility;
- (3) Service provider location; or
- (4) Home instruction.

Placement Decisions

NC 1501-3.3 Placement Decisions

In determining the educational placement of a child with a disability, including a preschool child with a disability, each LEA must ensure that—

(a) The placement decision--

- (1) Is made by the IEP Team, which includes the parents and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and
- (2) Conforms to LRE requirements;

(b) The child's placement on the continuum —

- (1) Is determined at least annually; and
- (2) Is based on the child's IEP;

Placement Decisions (continued)

(c) Unless the IEP of a child with a disability requires some other arrangement—

(1) The child is educated in the school that he or she would attend if nondisabled; and

(2) If the child cannot be educated in the school he or she would attend if nondisabled, the child is educated as close to the child's home as possible;



Placement Decisions (continued)



- In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs; and
- A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

NC 1501-3.3

Summarizing LRE

Special education is not just a place. It's a set of services and supports.



Where a child with a disability receives (special education and related services) “alongside peers without disabilities to the maximum extent appropriate.”

The first “where” to consider is the general education environment.



*Children with
disabilities
must always be
considered
general
education
students first.*

FAIR ISN'T
everybody getting the
same thing.....

FAIR IS
everybody getting
what they need
In order to be
SUCCESSFUL.

LRE in the
IEP

Specially Designed Instruction

Specially designed instruction means adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction—

- (i) To address the unique needs of the child that result from the child's disability; and
- (ii) To ensure access of the child to the general curriculum, so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children.

Individuals with Disabilities Education Improvement Act (IDEA) Part 300(A)300.39(b)(3); NC 1500-2.32(b)(3)

Elements of Specially Designed Instruction

- Specific area(s) of need

- Frequency

- Amount of time
(session length)

- Location

Specific Area(s) of Need – Specially Designed Instruction

The IEP Team must identify the specific area of need based on the student's present level of academic achievement and functioning and annual goals.

Specific Area(s) of Need – Specially Designed Instruction

- The IEP Team should determine services based on the student's needs addressed in the annual goals.
- The services must **not** be determined based on administrative convenience, providers' schedules, or the master schedule of the school.
- It must be based on the unique needs of the student.

Frequency – Specially Designed Related Services

- Frequency refers to the number of sessions in which services will be delivered.
- Typical frequency intervals are per day, *week*, or *reporting period*.
- The IEP Team should choose intervals that will sufficiently allow the student to make progress toward the annual goals.
- Frequency of sessions must ***not*** be assigned based on administrative convenience, providers' schedules, or the master schedule of the school.
- It must be based on the unique needs of the student.

Amount of Time – Specially Designed Instruction



- Refers to the amount of time per service session.
- Session length must be specific. “As needed” is not an acceptable session length.

Amount of Time – Specially Designed Instruction

- The IEP Team must determine the amount of time that will sufficiently allow the student to make progress toward the annual goals.
- The amount of time must not be assigned based on administrative convenience, providers' schedules, or the master schedule of the school.
- It must be based on the unique needs of the student.

Location – Specially Designed Instruction



- Location is the physical setting in which the service will be delivered.
- The discussion and determination of location by the IEP Team is critical as it ultimately determines the continuum of educational placement.
- The key to the location of services as it relates to continuum of education placement is the composition of the student group in that location.
- Location of services must not be assigned based on administrative convenience, providers' schedules, or the master schedule of the school.
- It must be based on the unique needs of the student.

Related Services

- Related services means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education.
- The list of related services is not exhaustive.
- Exception: services that apply to children with surgically implanted devices, including cochlear implants.
- Related services do not include a medical device that is surgically implanted, the optimization of device functioning (e.g. mapping), maintenance of the device, or the replacement of that device.
- Eligibility is not determined for related services. The decision that related services are necessary for a student to benefit from specially designed instruction must be based on relevant data.

Examples of Related Services

May include, but not limited to:

- Audiological
- Counseling
- Interpreting Services
- Occupational Therapy
- Physical Therapy
- Psychological
- Speech/Language Therapy
- Transportation

*Refer to NC 1500 -2.27 for more examples of Related Services.

Elements of Related Services

- Specific area(s) of need
 - Frequency
- Amount of time (session length)
 - Location

Specific Area(s) of Need – Related Services

- The IEP Team should determine related services based on the student's needs addressed in the present level of academic achievement and functioning and annual goals.
- The services must **not** be determined based on administrative convenience, providers' schedules, or the master schedule of the school.
- It must be based on the unique needs of the student.
- The IEP Team must identify the specific area of need based on the student's present level of academic achievement and functioning and annual goals.

Frequency – Related Services

- Frequency refers to the number of sessions in which services will be delivered.
- Typical frequency intervals are per *day, week or reporting period*.
- The IEP Team should choose intervals that will sufficiently allow the student to make progress toward the annual goals.
- Frequency of sessions must not be assigned based on administrative convenience, providers' schedules, or the master schedule of the school.
- It must be based on the unique needs of the student.

Amount of Time – Related Services

- The amount of time refers to the number of *minutes* the student will receive related services each session.
- The length of each session must be specific. “As needed” is not acceptable.
- The IEP Team must determine the amount of time that will sufficiently allow the student to make progress toward the annual goals.
- The amount of time must not be assigned based on administrative convenience, providers’ schedules, or the master schedule of the school.
- It must be based on the unique needs of the student.

Location – Related Services



The IEP Team's discussion and determination of location is critical as it ultimately determines the continuum of educational placement.

- Location is the physical setting in which the service will be delivered.
- The key to the location of services as it relates to continuum of education placement is the composition of the student group in that location.
- Location of services must not be assigned based on administrative convenience, providers' schedules, or the master schedule of the school.
- It must be based on the individual needs of the student.

Duration – Related Services

- Duration refers to the implementation date and the end date for each related service.
- It must not be assigned based on administrative convenience, providers' schedules, or the master schedule of the school.
- It must be based on the individual needs of the student.

Nonacademic Services and Activities



- If the student will not participate with nondisabled peers during nonacademic services and activities, these services and activities must be recorded on the IEP document.
- This time will be considered during the calculation of the educational placement.
- Nonacademic settings include but are not limited to lunch, recess, electives, and assemblies.

Service Type

For related services, the IEP Team must determine the type of related services the student will receive based on the specific area of need:

- Goal
- Supplemental Aids
- Services
- Accommodations
- Modifications

Continuum

The IEP Team determines the educational placement by calculating the amount of time the student is educated with nondisabled peers during the instructional school day. The percentage of the instructional day is calculated from bell to bell.

Continuum

For school-age students, the IEP Team must consider the following:

- Time in total school week
- Total time of removal per week from general the education setting
- Placement on the continuum

Continuum

For preschool-age students, the IEP Team must address the following:

- Participation in the regular early childhood program
- Time in a regular early childhood program per week
- Total time of removal per week from general education
- Placement on the continuum

LRE Justification Statement

- The LRE justification statement must be documented for each specific area of need if the student is removed from nondisabled peers.
- The LRE statement must answer the question “**why**” the student’s specially designed instruction and/or related services cannot be achieved in the regular education environment, even with supports and services.
- This statement should not restate the disability category or the setting, but focus on the educational needs of the student that require the removal from nondisabled peers.
- A justification statement is not required if the student will not be removed from nondisabled peers.

Supplemental Aids and Services Accommodations Modifications

Supplemental Aids and Services

Supplementary aids and services mean aids, 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 children.

Accommodations

- Do not change the construct of the assignment/assessment.
- Give student equal access to learning without “watering down” the content.
- Are not to be provided for score enhancement.
- Must be aligned or matched between classroom instruction, classroom assessments, district-wide and state-wide assessment.

Accommodations

Accommodations allow a student to complete the same assignment/test as the other students but with adjustments in time, format, setting, presentation and/or response.

Examples of Accommodations

- Modified Test Formats
- Braille/Braillewriter
- Large Print
- One Test Item Per Page
- AT Devices and Special Arrangements
- Dictation to Scribe
- Magnification Devices
- Interpreter/Transliterators
- Graphic Organizer
- Preferential Seating
- Student Marks in Book
- Student Reads Test Aloud to Self
- Test Administrator Reads Test Aloud
- Special Test Environments
- Extended Time
- Multiple Test Sessions
- Testing in Separate Room
- Audio Tapes
- Room Arrangement
- Study Guide

Modifications

Modifications are adjustments to the requirements of an assignment or test (changes in what a student is expected to learn and demonstrate, changes in the instructional level, changes in the number of key concepts mastered, and changes in content).

Modifications

Modifications change the construct
through altering language load, content
complexity, and/or cognitive complexity.

Examples of Modifications

- Modified Grading
 - 10 Point Grading scale or Pass/Fail
 - Rubric grading – specify details
 - Assign weights to daily work/tests – specify details
 - Retake tests and average/highest score
- Modified Assignments
- Alternative Materials
- Portfolio
- Simplified reading passages
- Reduced response choices

Supports for School Personnel

The SEA and each LEA must carry out activities to ensure that teachers and administrators in all public agencies:

- Are fully informed about their responsibilities for implementing LRE requirements.
- Are provided with technical assistance and training necessary to assist them in this effort.

NC 1501-3.6

Participation in Assessments

NC 1501-12.4

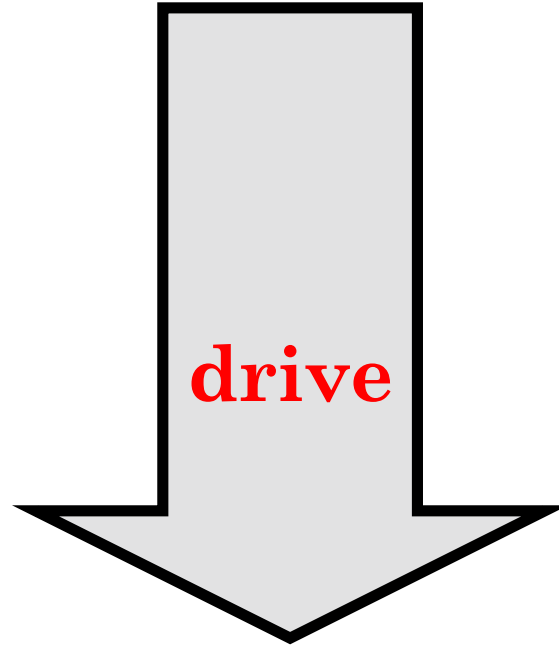
The State must ensure that all children with disabilities are included in all general State and district-wide assessment programs, with appropriate accommodations and alternate assessments, if necessary as indicated in their respective IEPs.

State and District-wide Testing

The IEP Team must determine how the student will participate in the North Carolina Testing Program and any district-wide assessment for each subject tested in the child's grade:

- The name of the statewide test
- The name of the district-wide assessment
- The testing method
- The accommodations the student will need
- Any specifications about the accommodations.

Instructional Accommodations



Testing Accommodations

Considerations for Team Decision-Making

- Base accommodations on the unique needs of the student.
- Refer to the list of state-approved testing accommodations.
- Understand the purpose of the accommodation and make sure it is relevant to the student's need and the demands of the test.
- Take into account other identifications a student may have (e.g., LEP), which may require specific accommodations based on area of need and/or content.
- Inform all relevant teachers of accommodations.

Considerations for Team Decision-Making

Students should be using accommodations
ROUTINELY during instruction and similar
classroom assessments – accommodations should not
be a surprise on test day!

Routine use = at least 30 days
prior to test date

Alternate Assessment

NC 1501 – 12.4 (c)

The State (or in the case of a district-wide assessment, an LEA) must develop and implement alternate assessments and guidelines for participation of children with disabilities in alternate assessments for those children who cannot participate in regular assessments, even with accommodations as indicated in their respective IEPs.

Alternate Assessment Justification Statement

If the student will participate in any alternate assessment(s), the IEP Team must explain “**why**” the regular testing program, with or without, accommodations, is not appropriate, and why the selected assessment is appropriate.

Reporting Progress Toward Measurable Annual Goals



Periodic reports on the child's progress toward meeting each annual goal will be provided concurrent with the issuance of report cards, or more frequent as determined by the IEP Team.

[NC 1503-4.1(3)(i)(ii)]

Extended School Year (ESY)

For some students with disabilities, the district is under a legal obligation to provide year-round services during the summer and school vacations or otherwise beyond the normal school year.

ESY

The IDEA requires the consideration of extended school year services for each student with a disability.

A student's IEP Team determines, on an individual basis, annually, if **ESY** services are necessary for the provision of FAPE.

ESY

The term "**extended school year** services" means special education and related services that --

(1) Are provided to a student with a disability--

- i. Beyond the traditional school year;
- ii. In accordance with the student's IEP; and
- iii. At no cost to the student's parents;

ESY

In NC Policy 1501-2.4 -

(1) Each public agency must ensure that **extended school year** services are available as necessary to provide a free, appropriate public education (FAPE).

(2) **Extended school year** services must be provided only if a student's IEP Team determines, on an individual basis, that the services are necessary for the provision of FAPE.

ESY

(3) In implementing the requirements for ESY, a public agency may not —

- (i) Limit **extended school year** services to certain categories of disability; or
- (ii) Unilaterally limit the type, amount, or duration of those services.

ESY services may be provided at any time during the calendar year other than the instructional day and may include summer vacation.

ESY

Upon consideration of relevant data, the student's IEP team determines eligibility for ESY. The IEP Team must consider the following components:

ESY



Extended School Year

- The student regresses or may regress during extended breaks from instruction and cannot relearn the lost skills in a reasonable time; or
- The benefits a student gains during the regular school year will be significantly jeopardized if he or she is not provided with an educational program during extended breaks from instruction; or
- The student is demonstrating emerging skill acquisition (“window of opportunity”) that will be lost without the provision of an educational program during extended breaks from instruction.

ESY

Based upon review of data, the IEP Team will determine one of the following considerations for ESY eligibility:

1. The student is eligible to receive Extended School Year services; or
2. The student is not eligible for ESY services; or
3. Eligibility is under consideration and will be determined at a date agreed upon by the IEP Team.

ESY

The IEP Team develops the ESY Program Description indicating the following:

- Type of service (special education and/or related service); and
- Sessions (number, length and location); and
- Start and end dates of the service; and
- Annual goals from the current IEP that will be addressed by attaching a copy to the ESY worksheet.

The IDEA requires all students with disabilities to be provided a Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE).

Thank you for your advocacy for children!

