

Least Restrictive Environment (LRE)

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Federal regulations (34 C.F.R. §300.114) require that “to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are [to be] educated with children who are nondisabled.” Special classes, separate schooling, or other removal of children with disabilities from the general education environment may occur 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. The IEP must include a section explaining “the extent, if any, to which the child will not participate with nondisabled children in the regular class and in [extracurricular and other nonacademic] activities.” 34 C.F.R. § 300.320(a)(5).

| Questions | Answers |
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| <p>If LRE is so important, why are community-based providers being pulled from our schools?</p> | <p>The participation of community-based providers in schools are decided by administration and school staff in each MPS school. These partnerships are negotiated at the individual school level, not through the special education department.</p> |
| <p>With the changes to the ASD programming, how will bussing be handled? Many FS I/II kids may not be able to ride a mainstream bus without an aide. Won't that become more difficult and costly if students with ASD are attending all the community schools?</p> | <p>LRE extends into bussing as well. Transportation is part of the IEP and teams need to discuss bussing needs during the IEP meeting. The move to include more students in their community schools is not a cost savings measure, but rather aligns with regulations around IDEA.</p> |
| <p>What are the most important factors that parents look for when deciding where to send their child with autism to school?</p> | <p>The majority of parents enrolling students into MPS go through the placement center when determining where to send their students who receive special education services. If an IEP team determines that a student's need cannot be met at their neighborhood school, then decisions regarding which citywide program a student attends are made by the special education department.</p> <p>Some important factors to consider when picking a school:</p> <ol style="list-style-type: none"> 1. Some schools in MPS have a focus area (e.g., language, technology, science, arts) that might match an interest area of your student; and/or 2. Many of our schools have different start times that might influence your family's decision. <p>Attending the school choice fair and taking school tours are a good way to find out about each school's unique strengths.</p> |
| <p>What will happen to inclusion for FS III ASD students? Will they not now be more isolated and separated from having learning opportunities with</p> | <p>The Citywide Autism Program will still provide a continuum of services to students with autism as determined by IEP teams. All students in the</p> |

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| <p>their other ASD peers? Some FS III students cannot attend mainstream classes due to the anxiety/sensory issues, despite higher-level academics. In the Citywide Autism Program, this type of student can benefit from doing academics with FS I/II students in a smaller setting. How will this be handled if the ASD children are separated by FS?</p> | <p>citywide autism program will have inclusion opportunities based on the decisions of the IEP team. Inclusion opportunities do not have to be limited to full classroom experiences. Inclusion with other children with autism and /or with students who do not receive special education services can occur in small group settings as well. The citywide autism program continues to serve students in Federal Setting I-III. MPS has built capacity to serve the majority of Federal Setting I and II students in their community school.</p> |
| <p>Beginning in the spring of 2015, MPS Special Education leadership instructed Early Childhood Special Education (ECSE) teachers to change the way they did placements for incoming kindergarteners. These ECSE teachers were given clear instructions to NOT ENROLL Federal Setting 1 and 2 students in the Citywide Autism Program. They were told to enroll these Federal Setting 1 and 2 students in their neighborhood school instead. Additionally, these ECSE teachers were instructed to discourage and deflect requests from parents of autistic Federal Setting 1 and 2 students who wanted to enroll their child in the Citywide Autism Program. In effect, these instructions from MPS Special Education leaders restricted ECSE teachers from recommending the placement they thought was most appropriate for many of these autistic students. Isn't preventing a teacher/IEP team from recommending the placement they feel is most appropriate for an individual child contrary to IDEA law requirements?</p> | <p>The law states that to the greatest extent appropriate, students must receive their education with nondisabled peers in the school they would attend if they were not disabled. ECSE teachers were told that they need to follow the provisions of the law in regards to LRE during IEP meetings. We were able to share with ECSE teachers that we are committed to providing more intensive services in community schools, which has been a barrier in the past.</p> <p>We heard from many families that they were concerned that ECSE families did not have access to the information needed to make an informed decision. We are working to make information more accessible, starting with our mini-sessions for families at our MPS Special Education Resource Fair. In addition, ECSE to Kindergarten Transition meetings will be held throughout the district in collaboration with ECSE and elementary special education staff.</p> <p>Decisions regarding the types of services a child may need will continue to be made at Individual Education Planning Meetings.</p> |
| <p>Doesn't the district's decision to exclude Federal Setting 1 and 2 students from the Citywide Autism Program moving forward actually prevent those disabled students and their families from making an informed choice about their placement? Doesn't the judge's opinion in the Olmstead Act indicate that a disabled individual (or their guardian) should have the right to choose to participate in programs as they feel is individually appropriate? That the Act does not automatically preclude disabled individuals from participating in programs they feel are of value</p> | <p>The law clearly states that to the greatest extent appropriate, students receive their education with nondisabled peers in the school they would attend if they were not disabled. The Olmstead Act outlines that services should be provided in a person's community of origin. That being said, Federal Setting I and II students were not excluded from attending the Citywide Autism Program at the kindergarten or any grade level if the IEP team determined that the nature or severity of the disability of a child is such that education in regular classes with the use</p> |

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| <p>to them?</p> | <p>of supplementary aids and services cannot be achieved satisfactorily.</p> |
| <p>Does MPS leadership recognize that a disabled child's default neighborhood school does not automatically represent that child's Least Restrictive Environment? Do they recognize that many autistic students need the web of supports provided by the Citywide Autism Program in order to meet their social and/or sensory needs?</p> | <p>Decisions regarding special education support need to occur at the IEP team meeting. To the greatest extent appropriate, students should receive instruction with their nondisabled peers in the school they would attend if they were not disabled.</p> <p>We agree that a student's neighborhood school is not automatically a student's LRE. It is vitally important that MPS maintain a continuum of programming for all students with disabilities. By providing more support in community schools, we are able to meet social and sensory needs of more students within their neighborhood schools.</p> |
| <p>How will you ensure FS 3 students will not be more isolated in the new model?</p> | <p>Students who are in the Federal Setting III program have opportunities to be in general education classes and with their peers for up to 40% of their school day. The decision of how much time and when a student is included is determined by the student's IEP team.</p> |