

Merced County SELPA

Policy 1.05

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.

Prior to referring a student for special education, LEAs will document the resources of the general education program that have been considered and, when appropriate utilized and needed accommodations and modifications have been provided. Special classes, separate schooling or other removal of students with disabilities from the general education environment will occur only when the nature or severity of the disability of a child is such that education in general education classes with use of supplementary aides and services cannot be satisfactorily achieved. To support this at an individual student level, the requirement of legally compliant individualized education program (IEP) meeting will be received 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 education classroom, supplemented with appropriate aides and services, as compared within 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 regular (general) educational classroom.

When scarcity of population or other factors prevent a LEA from directly providing a required service for its student, the service may be provided by the county office, another school within the LEA of attendance, a school in another LEA, or by a provided as outlined in the SELPA Annual Service Plan.

In determining the appropriate LRE placement for students with disabilities, the IEP team shall:

1. Determine if the student can be served in a general education classroom setting at the student's neighborhood school with supplemental aides and services. The IEP shall specify any needed supplemental aides and services, program accommodations/modification and/or supports for school personnel that will enable the student to be educated and participate with non-disabled students.

2. Determine if the student can be served by the special education services provided at the student's neighborhood school campus. The IEP shall specify the extent to which the student will not be in the general education classroom setting and activities.
3. Determine if the student requires placement in a program other than the neighborhood school and document why such a placement cannot be achieved with supplementary aides and services at the neighborhood school.
4. Consider the possible harmful effect of placing the student in a special education program.

LEAs will locate facilities and programs designed to serve students with severe disabilities on general education campuses to the extent that the needs of students, as determined by the IEP team, can best be met with an instructional setting of general education campus.

Legal References:

State Education Code: 56205(a), 56031, 56201, 56206, 56303

Federal References: 20 USC Section 1412(a) (5) (A)

Adopted by BOD: 3/25/2003

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