

## **AAT Worksheet 4 (p. 66-104)**

Least Restrictive Environment- presumption in favor of inclusion.

The least restrictive environment (LRE) is not the same for each child. Least restrictive has to do with determining the place in which each child can most benefit from instruction AND spend the most time with typically developing peers. Research has not shown that students with disabilities do better because of being removed from the general education classroom. So, the presumption is that the general education classroom is the best spot for instruction for most children with disabilities unless there is a specific need that cannot be addressed there. So, a question that is often asked by teachers is, "Is my "regular" class always the LRE for students with disabilities? The clear answer is, "NO"! However, we must be able to justify (in writing) whenever we remove a student with disabilities from the general education class.

That brings us to another piece that needs to be understood clearly. IF there are accommodations or modifications identified on a student's IEP, they must be provided in every setting. For example, let's say that Mike's IEP specifies that he be given extra time when taking tests. No teacher, regardless of his/her feeling about the fairness of wisdom of providing a student with extra time, can neglect to provide that accommodation. That's the law. The time for a teacher to voice concerns or objections to potential accommodations is at the time the IEP is developed. That's another good reason for general educators to participate in the IEP meeting.

The law also requires that we link the assessment (evaluation process) to the IEP and LRE. So, the tests that are given, both informal and formal, must provide information that helps us make decisions about placement as well as goals and objectives. Just a reminder about assessment: No one person and no one instrument can decide that a student has a disability. The IEP team, as a team, based on multiple assessments, always makes the decisions.

Your text, at this point, reminds us that an IEP must include goals and objectives, a statement about the student's involvement in and progress in the general ed. curriculum, related services must be specified, and information about any accommodations that are needed for state testing.

The sixth principle has to do with due process. Due process is a protection for parents and students in the event that the school doesn't follow the law. It is also a protection for the schools in the event of the parents not complying with the law. It is much more common for parents to file a due process, stating the specifics about how the school has not met the law than it is for a school to use that avenue. The process begins with mediation, an opportunity for both the parents and school to come to an understanding about whatever is at issue. The intent of the law is to help to push the parents and school to talk and resolve the problem rather than going the more formal and expensive route of due process.

Parental Consent: The school must get parental permission before doing any evaluation. That does not include chapter tests and the kinds of every day testing that teachers do as a matter of course. Once a student has been evaluated with parental permission, the school can re-evaluate without permission, if there is documentation that the school tried to get permission but was unable to do so.

Just because the parents consent to testing does not mean that they have also consented to special education placement or to related services. Those are entirely different issues. On the other hand, if parents do not consent to placement, if the student is found eligible for services after testing, the school has no obligation to provide FAPE or to develop an IEP.

Please read (carefully) the piece about providing parents with notice and what kinds of information that must be included.

1. When do we provide notice?
2. Who can file a complaint?
3. What is the statute of limitations regarding complaints?
4. How much time does the school have to respond to a complaint? (Remember, you're reading about formal complaints, not a just being crabby kind of comment).
5. How soon must a hearing be held, if one is requested?

Discipline:

In general, students with disabilities have to abide by the same rules and consequences as their peers. However, if a student with disabilities breaks a major rule, or breaks any rule consistently, it may be necessary to determine if the behavior is caused by the disability. The meeting to discuss that issue is called a manifestation determination. Usually, the members of the IEP team are on the manifestation determination team, as well. During the time when the school is determining whether or not the behavior is caused by a student's disability AND/or when the parents have filed a due process, the student continues to receive the same services in the same placement until after the due process of manifestation determination is settled. (stay-put)

There are three exceptions to the same treatment rule:

1. we can't stop providing services to a student who qualifies for them. We can't just decide that the student is too challenging or too much trouble and kick him/her out of school or remove him/her from services.
2. If there is a significant behavior problem, we need to address it. The student is not getting a free appropriate public education if his/her needs are not being met.
3. If it is determined that the behavior is caused by the disability, the typical behavioral consequences of the school are not to be used.

Students with disabilities can be removed from school; suspended. There is, however, a 10 day limit to the suspension. In the past, it was quite clear that the 10 days were aggregate (combined- so 10 days total). Now, it is less clear if the rule is 10 days for one suspension and 10 days for the next suspension. In order to be cautious, it is recommended that the suspension(s) not exceed 10 days across the school year. If the student is removed from school for more than 10 days, that is considered a change in placement and it would be wise to re-do the IEP.

Parents must be part of the team that determines whether or not the behavior is a manifestation of the disability. In order to determine the manifestation, a functional behavioral analysis must be conducted, if it wasn't conducted already, the team must review and perhaps revise any behavior intervention plans that are part of the IEP, and the student "stays put" in the current educational placement until the team revises the IEP and/or the behavioral intervention plan.

There are exceptions. Weapons, drugs, and serious bodily injury change the rules. In the case of any of the three above, a student may be given a 45 school day interim placement without the manifestation determination. Typically, the interim placement would be a more restrictive setting such as an alternative school or perhaps tutoring at home. "School days" are defined as days when the school board office is open. So, Saturdays, Sundays, and holidays would not count as part of the 45 days interim placement.

Please note the information under "Preemptive Strike" in your text.

After reading the text and this document, can you answer the following questions"

1. What is a manifestation determination?
2. When would we go through that process?
3. What factors do we consider in making the determination?
4. What are the exceptions to the rules with regard to the need for a manifestation determination when a student with disabilities breaks a rule?
5. Who should be on the IEP team?
6. What evaluation can we do without parental permission?
7. What happens if parents refuse to let the child be evaluated?
8. What does Least Restrictive Environment mean?
9. What kinds of information must be in an IEP?
10. How often do we review IEPs?
11. How often do we re-evaluate the student?