

Division of Special Education/Early Intervention Services

Placement Determination of *School Age Students with Disabilities, 6 – 21 years old,* in the Least Restrictive Environment (LRE)

Basic Requirements

1. What is placement determination?

The placement determination identifies the settings where a student's Individualized Education Program (IEP) will be implemented. Placement decisions must be made consistent with 34 CFR §300.552 that requires:

- The student's placement decision be made by the student's IEP team;
- The placement to be in the least restrictive environment (LRE) based on and consistent with the student's IEP; and
- That unless the student's IEP requires some other setting, the student is to be educated in the school the student would attend if not disabled, and as close as possible to his or her home.

[34 C.F.R. §300.552; COMAR 13A.05.01.10C(1)]

2. What is the Least Restrictive Environment (LRE) as defined by the Individuals with Disabilities Education Act (IDEA)?

The LRE is the educational settings where a student with a disability can receive a FAPE designed to meet the student's unique needs, while being educated with peers without disabilities in the general educational environment, to the maximum extent appropriate. The LRE mandate of the IDEA requires students with disabilities to receive their education in general education settings to the maximum extent appropriate. If such a setting is not appropriate, the student is to receive his or her education in a setting with the least amount of segregation from the student's nondisabled peers, as possible.

Each public agency shall ensure that, to the maximum extent appropriate, students with disabilities, including students in public or private institutions or other care facilities, are educated with students who are not disabled. Special classes, separate schooling, or other removal of students with disabilities from general educational settings occur only if the nature or severity of the disability is such that education in general education settings, with the use of supplementary aids and services, cannot be achieved satisfactorily.

In short, the LRE relates to the settings **WHERE** a student with a disability receives special education services, and how much **TIME** is spent in those settings, **NOT WHAT SERVICES** a student is to receive.

The determinations of whether placement is more or less restrictive is based on how often a student is able to receive access to, and instruction in the general curriculum and have meaningful interaction with his or her nondisabled peers. Thus, the more a student with a disability receives his or her specialized instruction in general education settings with nondisabled peers, the less restrictive the placement. Conversely, the more time a student with a disability is segregated from his or her nondisabled peers in general education settings, the more restrictive the placement.

The placement where the student receives services is to be as close as possible to the student's home. Unless the student's IEP requires another arrangement, the student is to be educated in the school the student would attend if not disabled. A student with a disability is not to be removed from age-appropriate general education classes solely because modifications are needed in the general curriculum. A student may receive instruction and participate in many settings throughout the day.

[20 U.S.C. §1412(a)(5); 34 C.F.R. §§300.550(b); 300.552; COMAR 13A.05.01.10A]

3. What constitutes the continuum of alternative placements?

Each public agency shall ensure that a continuum of alternative placements is available to meet the needs of students with disabilities for special education and related services. The continuum begins with the general education classroom. Placement in self-contained settings and public or nonpublic day or residential facilities should only be used when a student's IEP cannot be implemented in a less restrictive setting. The required continuum must include instruction in general education classes, special classes, special schools, home instruction, and instruction in hospitals and institutions, and make provision for supplementary services, such as itinerant instruction or resource room, to be provided in conjunction with general education class placement.

[20 U.S.C. §1412(a)(5); 34 C.F.R. §300.551; COMAR 13A.05.01.10B]

4. How frequently must the placement for a student with a disability be reviewed?

The placement of each student with a disability must be determined at least annually, based on the student's IEP. A student's parents, teacher, or other service provider may initiate a review of the student's IEP at any time. If the IEP is revised as a result of an IEP review meeting, the IEP team must review the student's placement to determine if a change in placement is needed to reflect the revised IEP.

[20 U.S.C. §1412(a)(5); 34 C.F.R. §300.552; COMAR 13A.05.01.08B(3) and .10C]

5. What are the relevant factors an IEP team needs to consider in determining a student's placement in the LRE?

In determining if a placement is appropriate, the following factors are relevant:

- The educational benefits to the student with a disability in a traditional classroom, supplemented with appropriate aids and services, in comparison to the educational benefits to the student with a disability from a separate special education classroom; and
- The non-academic benefits to the student with a disability from interacting with nondisabled students; and the degree of disruption of the education of other students, resulting in the inability to meet the unique needs of the student with a disability.

However, local school systems **MAY NOT** make placements solely based on factors such as the following:

- Category of disability;
- Significance of disability;
- Configuration of delivery system;
- Availability of educational or related services;
- Availability of space; or
- Administrative convenience.

[Appendix A to 34 C.F.R. Part 300, Notice of Interpretation, page 12471]

6. What is the relationship between the IEP and the determination of a student's placement in the LRE?

The relationship between the IEP process and the LRE requirements is critical. A student's IEP forms the basis for the IEP team's placement decision. All services and the placement that will reasonably promote educational success must be individually determined and be based on the student's unique abilities and needs. This requires an individualized exploration into the educational needs of each student with a disability to enable the IEP team to explore the full range of supplementary aids, services, and supports needed to facilitate specialized instruction in general education settings before a more restrictive placement is considered.

At the student's IEP team meeting, the extent that the student will be able to participate in general education classes, services, and activities is one of the most important matters to be addressed by the IEP team before the student's IEP is finalized. This process includes:

1. The review of the student's present level of performance that describes how the student's disability affects the student's involvement and progress in the general curriculum.
2. The development or review of a student's measurable annual goals and benchmarks or short-term objectives. These goals and benchmarks must be related to the student's needs resulting

from the disability, to enable the student to be involved in and progress in the general curriculum.

3. The consideration of the relationship between the student's identified present level of performance and the other components of the IEP, including:
 - Goals and benchmarks or short term objectives; and
 - Special education and related services to be provided to the student, including location, duration, and frequency of services.
4. The consideration of the supplementary aids, supports, services, and accommodations to be provided to facilitate the student's access and progress in the general curriculum; and to participate with nondisabled peers in general education and extracurricular and nonacademic activities.
5. The consideration of whether placement in general education settings will result in any potential harmful effect on the student or on the quality of services that the student needs.
6. The consideration of whether placement in general education, even with appropriate behavioral interventions, will significantly impair the learning of others.

The determination of a student's placement in the LRE is based on the student's IEP goals and objectives, and must be made after the goals and objectives on the IEP are developed. Goals and objectives should never be developed to "fit" the placement.

[20 U.S.C. §§1412(a)(5); 1414(d)(3) and (4)(B); 34 C.F.R. §§300.346; 300.347; 300.550 – 300.552; COMAR 13A.05.01.09A and .10C(1); Appendix A, to 34 C.F.R. Part 300, Notice of Interpretation, page 12471; question 39, page 12479]

7. What must be documented in a student's IEP concerning the IEP team's determination of a student's placement in the LRE?

IDEA requires that the IEP of each student with a disability must contain, among other components:

- A statement of the specific special education and related services to be provided to the student and the extent that the student will be able to participate in general education;
- A statement of the supplementary aids, services, supports, accommodations, to be provided for the student or on behalf of the student;
- A statement of the program modifications or supports for school personnel that will be provided for the student;
- An explanation of the extent to which the student **WILL NOT** participate with nondisabled peers in general education settings and, if appropriate, nonacademic and extracurricular activities and **WHY NOT**.

[34 C.F.R. §300.347(a)(2) - (4); COMAR 13A.05.01.09A]

8. How will a student with a disability be accommodated in a general education classroom?

A student's IEP is to describe the goals, benchmarks (or short-term objectives), special education, related services, supplementary aids and services, as appropriate, to facilitate the student's involvement and participation in general education. Identified supplementary aids and services are to be provided in general education settings to enable students with disabilities to be educated with students without disabilities. These aids and services may include, but are not limited to, accommodations, modifications of lessons, assistive technology, technology-based instructional products and devices, the use of note-takers, additional time for tests, and/or preferential seating, resource room. Other strategies include, but are not limited to, differentiated instructional practices, modified class materials, and the scheduling of instructional support.

[34 C.F.R. §300.347(a)(3); COMAR 13A.05.01.08A and .09A]

9. Do LRE requirements apply to nonacademic and extracurricular activities?

Yes. In accordance with 34 CFR §300.553, "in providing or arranging nonacademic and extracurricular services and activities, including meals, recess periods, and other services and activities, each local school system shall ensure that each student with a disability participates with nondisabled students in those services and activities to the maximum extent appropriate to the needs of the student."

[34 C.F.R. §300.553; COMAR 13A.05.01.09A(1)(e)]

Scheduling and Data Reporting

10. Does the IEP team need to consider the school schedule in determining where a student receives education in the LRE?

No. The manner or schedule in which schools provide the required hours of instruction is a local school system decision. The type of school schedule that is utilized should have no impact upon the IEP team determination of the special education and related services the student is to receive or where the student is to receive services.

All students are required to complete specific curricular content in order to meet State graduation requirements. Based upon IEP goals, the IEP team determines and documents the specialized instruction and related services needed to address the student's needs. This includes the frequency, time, and the provision of supplementary aids and services for, or on behalf of, the student. The location of services and how much time is spent in those settings that make up the student's program must also be determined. It is the student's schedule, not the school's schedule that determines the LRE.

11. Is there a relationship between how a school decides to schedule classes within the school and the placement of a student with a disability in the LRE?

No. Scheduling practices typically involve a daily, six-, seven-, or eight-period schedule or some types of block scheduling. Block scheduling may consist of three or four daily longer periods, an alternate-day schedule, the 4/4 semester plan, or a trimester plan. In the alternate-day schedule students and teachers meet every-other-day for extended time periods rather than meeting every day for shorter periods. In the 4/4 semester plan students complete four "yearlong" courses that meet for about 90 minutes every day during a 90-day semester. Students take two or three courses every 60 days in a trimester plan to earn six to nine credits per year. Many schools work with schedules that are variations or combinations of these plans. The manner in which a school schedules classes is based on policies of the local school system.

Regardless of a local school system's scheduling policies, the unique needs of a student identified as a student with a disability, and student's IEP needs to address, as appropriate, how services, modifications, accommodations, materials, equipment, and other services are provided in the LRE with nondisabled peers. The student's IEP needs to clearly document how the frequency, location and duration of services and supports will enable the student to access, participate, and progress in the general curriculum and master the IEP goals in one year. Since a student's disability does not "cease" to exist outside of core academic content courses, the student's IEP team needs to consider how the student's disability impacts his or her performance in other classes. Each time a student with a disability is segregated from his or her nondisabled peers, the IEP must provide an explanation of the extent to which the student **WILL NOT** participate with nondisabled peers in general education settings and, as appropriate, nonacademic and extracurricular activities and **WHY NOT**.

[34 C.F.R. §§300.346(a)(2); 300.347(a); COMAR 13A.05.01.09 and .10C(1)]

12. Is there a relationship between the model of scheduling classes used by a school and the reporting of LRE data on the Special Services Information System (SSIS)?

No. The LRE for each student with a disability is reported as the percentage of time a student is removed from general education settings with nondisabled peers. School systems are not to "average," "adjust," or "alter" the reporting of the LRE data for students. The goal is to increase the participation of students with disabilities in general education throughout a school year. Data is not to be manipulated in any way that would mask what actually occurs within schools.

13. How is the LRE calculated for reporting purposes?

Calculating the LRE is based on **SETTING** and **TIME**. The LRE is reported as a percentage of time within a school day that a student with a disability is **REMOVED** from general education settings or segregated from nondisabled peers. This amount of time removed is translated into a percentage of the school day. That percentage of time is then assigned an LRE categorical code.

To calculate the percentage of time outside the general education settings, divide the number of

hours the student is **REMOVED** from general education settings for the delivery of special education and related services by the total number of hours in the school day.

14. How is LRE data reported to the State?

LRE data is reported as an alpha code for each student with a disability's program as described by the IEP that represents the percentage of time outside of general education settings. Refer to the SSIS Manual of Instructions for a complete list of LRE setting codes. Please see attachment.

15. How often is LRE data reported to the State?

LRE data is reported through the SSIS as part of the annual child count and exit data reporting. The annual child count is a collection of information that represents single point in time data for all students with disabilities that receive special education and related services at the time of the data collection. The data collected is neither cumulative nor longitudinal. Beginning with the 2003-2004 school year the annual child count will occur on the last Friday of October.* The second data submission is Exit Data, which is reported on June 30, annually. Exit Data is a collection of data on all students with disabilities who exit special education service from July 1 of the previous year to June 30 of the current year. The annual child count and exit data are a collection of information that represents single point in time data. The data is neither cumulative nor longitudinal data. This data is reported to the federal Office of Special Education Programs annually.

[34 C.F.R. §§300.750 – 300.754]

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* Prior to the 2003-2004 school year, the required child count has been collected annually on December 1.

Delay also includes atypical development or a diagnosed condition.

LRE - Least Restrictive Environment (1 position alpha)

Description: The setting in which student, **age 3 - 21**, receives program.

Codes: CODES A THROUGH D MAY BE USED FOR STUDENTS AGES 6-21

A =OUTSIDE GENERAL EDUCATION SETTINGS LESS THAN 21% -includes student enrolled in a comprehensive school who receives special education and related services OUTSIDE GENERAL EDUCATION SETTING for less than 21% of the school day.

ELIGIBILITY 3 STUDENTS MUST BE LRE A.

B = OUTSIDE GENERAL EDUCATION SETTINGS BETWEEN 21 AND 60% - includes student enrolled in a comprehensive school who receives special education and related services OUTSIDE GENERAL EDUCATION SETTING for at least 21%, but no more than 60% of the school day.

C = OUTSIDE GENERAL EDUCATION SETTINGS MORE THAN 60% - includes student enrolled in a comprehensive school who receives special education and related services OUTSIDE GENERAL EDUCATION SETTING for more than 60% of the school day.

D = HOMEBOUND PLACEMENT - student who receives special education instruction at home.

CODES E THROUGH I MAY BE USED FOR STUDENTS AGES 3-21

E = HOSPITAL PLACEMENT - student who receives special education in a medical treatment facility on an in-patient basis.

F = PUBLIC SEPARATE DAY SCHOOL

STUDENTS AGES 3-5 - student who received ALL of their special education and related services in educational programs in public day schools specifically for children with disabilities.

STUDENTS AGES 6-21- student who receives special education and related services for greater than 50% of the school day in a public separate day facility that *does not house programs for students without disabilities.*

G =PRIVATE SEPARATE DAY SCHOOL

STUDENTS AGES 3-5 - student who received ALL of their special education and related services in educational programs in private day schools specifically for children with disabilities.

STUDENTS AGES 6-21- student who receives special education and related services for greater than 50% of the school day in a private separate day facility that *does not house programs for students without disabilities.*

H =PUBLIC RESIDENTIAL FACILITY

STUDENTS AGES 3-5- student who receives **ALL** of their special education and related services in a publicly operated residential facility or residential medical facility on an inpatient basis.

STUDENTS AGES 6-21- student who receives special education and related services for greater than *50%* of the school day in a public residential facility.

I = PRIVATE RESIDENTIAL FACILITY

STUDENTS AGES 3-5- student who receives **ALL** of their special education and related services in a privately operated residential facility or residential medical facility on an inpatient basis

STUDENTS AGES 6-21- student who receives special education and related services for greater than *50%* of the school day in a private residential facility.

CODES J THROUGH O MAY BE USED FOR STUDENTS AGES 3-5

J = HOME - 3 to 5 year old who received **ALL** of their special education and related services in the principal residence of the child's family or caregivers.

K =ITINERANT SETTING - 3 to 5 year old who receives all of their special education and related services at a school, hospital facility on an outpatient basis, or other location for a short period of time (i.e., no more than 3 hours per week). These services may be provided individually or to a small group of children. This may include, but is not limited to: speech instruction up to 3 hours per week in a school, hospital, or other community-based setting.

L = REVERSE MAINSTREAMING - includes 3 to 5 year old who receives special education in class designed for disabled student where over *50%* of the students are not disabled.

M =EARLY CHILDHOOD SETTING - includes 3 to 5 year old who receives all of their special education and related services in educational programs designed primarily for children **without** disabilities. **NOTE:** No education or related services are provided in separate special education settings. This may include, but is not limited to: regular kindergarten classes; public or private preschools; Head Start Centers; child care facilities; preschool classes offered to an eligible pre-kindergarten population by the public school system; home/early childhood combinations; home/Head Start combinations; and other combinations of early childhood settings.

N = EARLY CHILDHOOD SPECIAL EDUCATION SETTING - includes 3 to 5 year old who receives all of their education and related in educational programs designed primarily for children **with** disabilities housed in regular school buildings or other community-based settings. **NOTE:** No education or related services are provided in early childhood settings. This may include, but is not limited to: special education classrooms in regular school buildings; special education classrooms in child care facilities; hospital facilities on an outpatient basis, or other community-based settings; and special education classrooms in trailers or portables outside regular school buildings.

- O = PART-TIME EARLY CHILDHOOD/PART-TIME EARLY CHILDHOOD SPECIAL EDUCATION SETTING-** includes 3 to 5 year old who receives services in multiple settings, such that:
- (1) general and/or special education and related services provided at home or in educational programs designed primarily for children without disabilities, and
 - (2) special education and related services are provided in programs designed primarily for children with disabilities. NOTE: This may include, but is not limited to: home/early childhood special education combinations; Head Start, child care, nursery school facilities, hospital facilities on an outpatient basis, or other community-based settings with special education provided outside of the regular class; regular kindergarten classes with special education provided outside of the regular class; separate school/early childhood combinations; and residential facility/early childhood combinations.

ESY (1 position numeric)

Description: The individualized extension of specific special education and related services that are provided beyond the normal school year of the public agency, in accordance with the IEP, at no cost to the parents. Facilities which already provide year round services (DJJ facilities, adult correctional facilities, some residential programs) cannot provide ESY.

Codes: **1 = Yes**, service is provided during Extended School Year.
2 = No, service is not provided during Extended School Year.