

Ensuring the Least Restrictive Environment through a Decision Making Process



Kent ISD
Special Education



September, 2023



Legal Foundations: Educating Students in the Least Restrictive Environment

The Individuals with Disabilities Education Act (IDEA) and Michigan Administrative Rules for Special Education (MARSE) are the foundation of special education rules and regulations at the federal and state level. As subrecipients of IDEA, Kent ISD is required to verify and ensure the implementation of IDEA and inform and provide guidance on associated accountability requirements. As a result, the *Ensuring the LRE through a Decision Making Process* was created to guide teams through a comprehensive process to substantiate that IEP teams have exhausted their obligations to provide a Free and Appropriate Public Education (FAPE) when considering an alternate placement for a student with a disability.

The IDEA 300.114 requires each public agency to ensure the Least Restrictive Environment (LRE) through the following:

- (i) 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
- (ii) 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**.

The IDEA requires each IEP to include Supplementary Aids and Services which ensures that students with disabilities should receive their education alongside their peers without disabilities to the maximum extent appropriate and should NOT be removed from the general education classroom unless learning cannot be achieved even with the use of supplementary aids and services (§ 300.42). Pursuant to the Individuals with Disabilities Education Act (IDEA), the IEP Team is required to include a description of the supplementary aids and services, based on peer-reviewed research to the extent practicable, including accommodations, modifications, and supports for school personnel, necessary to enable the student to:

- Advance appropriately toward attaining the annual goals;
- Be involved in and make progress in the general curriculum;
- Participate in extracurricular and other nonacademic activities; and
- Be educated and participate with other students with disabilities and nondisabled students.

Additionally, when educating students in the Least Restrictive Environment, the LRE can be determined for each part of the student's day and may vary from subject to subject, depending on what is determined least restrictive by the IEP Team. However, the IDEA is very clear in 34 CFR § 300.116(e) that a student with a disability is not to be removed from education in age-appropriate regular classrooms solely because of modifications that are needed in the general education curriculum. Nonacademic and extracurricular activities must also be included in LRE considerations for each student. It is important that IEP Teams understand the LRE described in one IEP in no way predicts the LRE for future IEPs.

Furthermore, what the IDEA implies, case law makes explicit from Hamilton, 6th Circuit, 2018, which states that a child need not master the general education curriculum for inclusion to remain a viable option.... the appropriate yardstick is whether the child, with appropriate supplemental aids and services, can make progress toward their IEP goals in the regular education setting.”

In accordance with the Individuals with Disabilities Act and as a result of best practices and an abundance and decades of research, the Kent ISD and constituent Local District Agencies and Public School Academies recognize that educating students in the Least Restrictive Environment alongside their nondisabled peers to the maximum extent appropriate is a civil right. The discussion regarding a student's special education placement should begin first and foremost with the general education environment with individualized Supplementary Aids and Services. Any decision to move away from the general education environment and/or the student's community and neighborhood school should be carefully considered and determined based on the need for unique and more intensive Specially Designed Instruction outlined in the IEP.

Toward this end, we are committed to the following values and beliefs and this four step decision making process to ensure and verify our obligation to state and federal rules and regulations and most importantly in supporting students with disabilities reaching their maximum potential. It is important to note that in prioritizing LRE, teams may not need to go through all 4 steps of the process unless a more restrictive setting is being considered.

Kent Belief Statement



PRESUMING COMPETENCY

All students can learn with the appropriate support and specially designed instruction.

- Adults working with students with disabilities need to be **strong advocates for competency** and high levels of independence and achievement both academically and socially.
- Adults need to **advocate against ableism** which presumes incompetency and discriminates or devalues a student based on their disability.



PROVIDING HIGH QUALITY INSTRUCTION

Intensive and high-quality Specially Designed Instruction is provided at all levels of the continuum and is **research-based, targeted, and flexible** and based on data supporting the **student's identified strengths and skill deficits and/or barriers to learning** related to their eligibility area.

- Intensifying supplementary aids and services, curriculum modifications, and/or training for school staff including general education teachers/paraeducators, and increased program/services are documented within the IEP.
- Revisions are made to the IEP when a student is not on track to achieve IEP goals with corresponding data and documentation



COLLABORATION

Staff AND families are valued by **engaging them meaningfully in the IEP process** and specifically in the development of Supplementary Aids and Services supporting the training, advocacy, consultation, technology, communication, and behavioral supports needed for students to participate in the Least Restrictive Environment

- LRE continuum is considered at least annually and discussion is guided by the Specially Designed Instruction the student requires in their Least Restrictive environment and based upon the unique needs of the student.



DECISION MAKING

All placement decisions are **student-centered and based on the unique and individualized needs** of the student which is based on the development of a **high-quality IEP** which includes **specific and objective data collected and analyzed over time**.

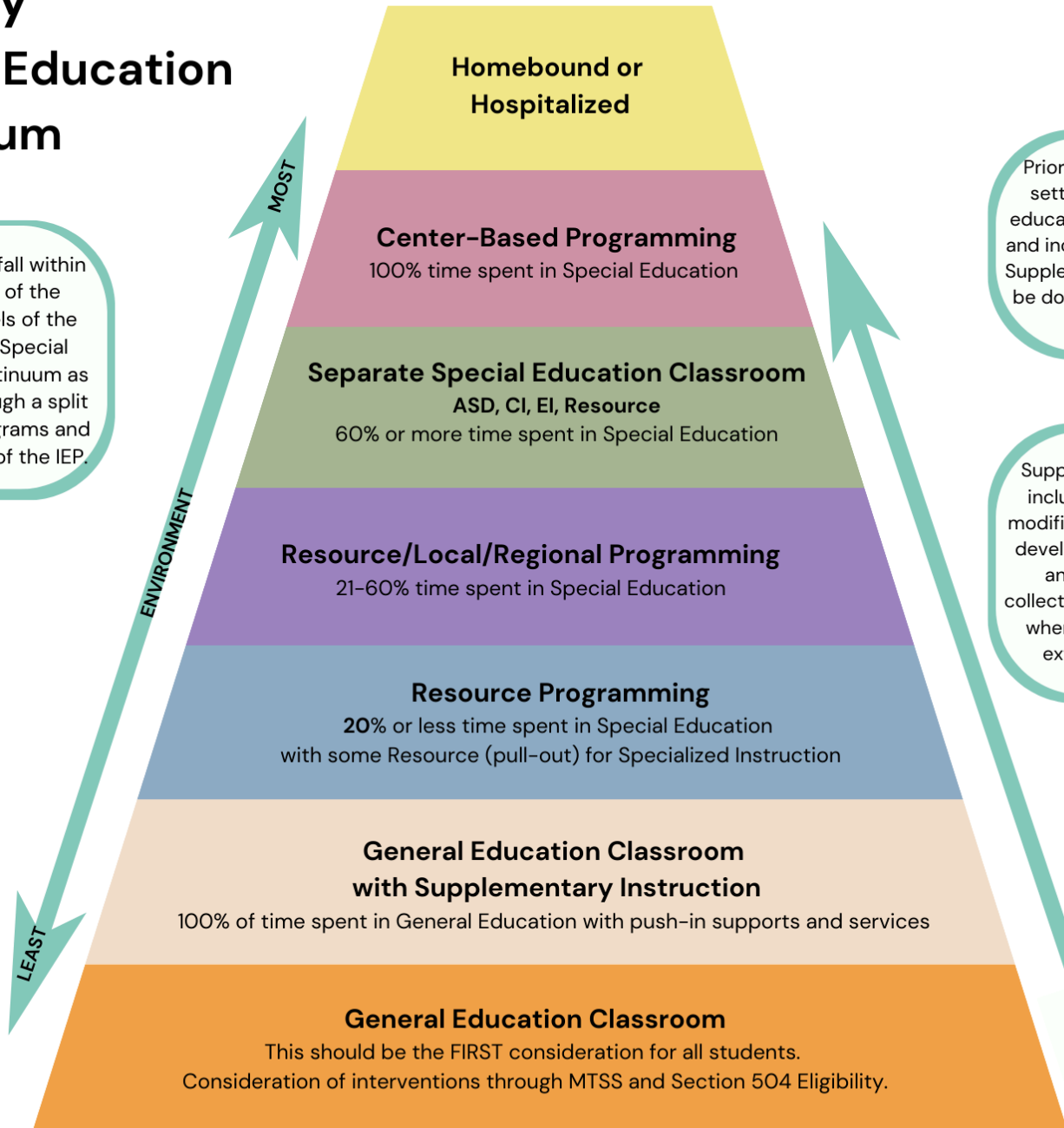
- Data-based decision making is evident and based on the student's skill deficit and/or barriers to learning through the development of PLAAFP and IEP Goals and Objectives and data reporting from IEP Progress Reports.

Kent County K-12 Special Education LRE Continuum

A student can fall within one or more of the identified levels of the Kent County Special Education Continuum as identified through a split FTE on the Programs and Services page of the IEP.

Day Treatment Programming

Alternative Education or Strict Discipline Academy



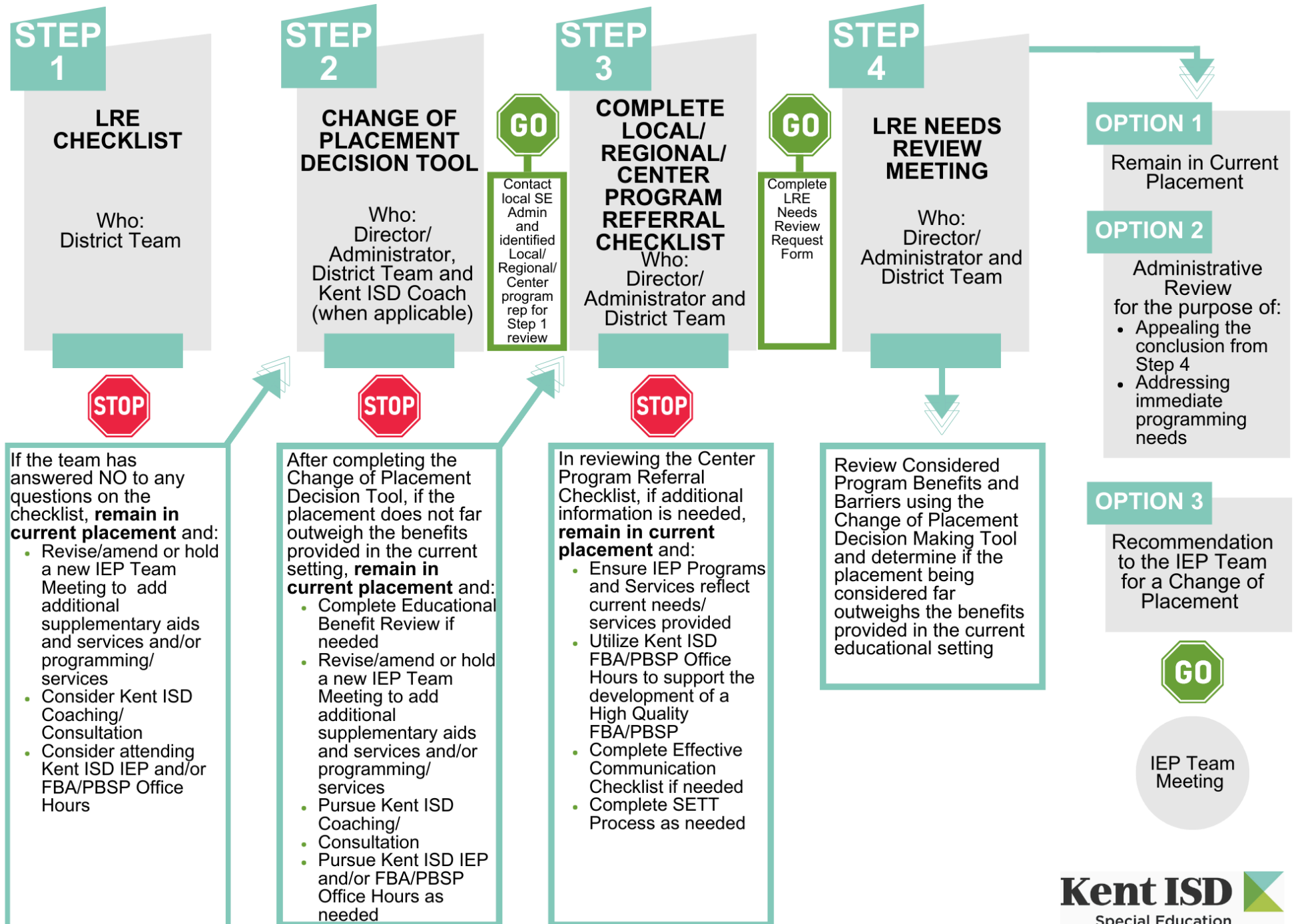
Prior to considering a more restrictive setting, increased minutes in special education programming/related services and increased supports provided through Supplementary Aids and Services* should be documented through multiple annual and/or IEP revisions

Supplementary Aids and Services may include accommodations, curriculum modifications, staff training/consultation, development and support for FBA/PBSP and related implementation/data collection, and/or adult supports provided when/where needed to the maximum extent appropriate with fidelity of implementation

Kent County Special Education Continuum Instructional and Environmental Supports

Programming	Instructional/Environmental Supports <i>Recommended Resources: High Quality Programming Guides</i>	IEP Supports
Homebound/ Hospitalized	Special education services provided at home or in a hospital setting.	Prior to considering a more restrictive setting, increased minutes in special education programming/ related services and increased supports provided through Supplementary Aids and Services* should be documented through multiple annual and/or IEP revisions *Supplementary Aids and Services may include accommodations, curriculum modifications, staff training/consultation, development and support for FBA/PBSP and related implementation/data collection, and/or adult supports provided when/where needed to the maximum extent appropriate with fidelity of implementation Specially Designed Instruction should have related data to support fidelity of implementation
Center-Based Programming 100% time spent in Special Education	Core Instruction using Alternate Curriculum Standards or Common Core State Standards (EI) by the special education teacher <ul style="list-style-type: none"> • Staffing decisions are data-based per the Kent ISD Adult Ratio Matrix • Specially Designed instruction addresses core skills such as communication, social-emotional/behavioral, skills of daily living, etc. • Focus on functional/ augmentative and alternative communication (AAC) • Smaller, secured, and controlled environment with fewer transitions • Disability-related barriers impede the student's ability to access general education peers, curriculum, and environment. 	
Separate Special Education Classroom (ASD, CI, EI, Resource) 60% or more time spent in Special Education	Core Instruction using Alternate Curriculum Standards or Common Core State Standards (EI) by the special education teacher (lowest percentage in general education) <ul style="list-style-type: none"> • Inclusion opportunities are intentional, focus on student strengths and promote participation with general education peers and the environment • Required staff-to-student ratios (MARSE/ISD Plan or District determined variation) • Specially Designed Instruction on disability-related barriers and learning behaviors • Focus on functional communication, instruction with various forms of AAC for self-advocacy • Structured environment with clear boundaries and supported transitions • Disability-related barriers limit the student's ability to access general education peers, curriculum, and environment 	
Resource/Local/Regional Programming 21-60% time spent in Special Education	Core Instruction provided mostly by special education teacher using Common Core State Standards or Alternate Curriculum Standards (lowest percentage in special education) <ul style="list-style-type: none"> • Specially Designed Instruction on disability-related barriers provided individually and/or in small groups to close the performance gap and provide opportunities for access and participation in the GE curriculum/environment <hr/> Core instruction is provided mostly by general education teacher (highest percentage in general education) <ul style="list-style-type: none"> • Specially Designed Instruction on disability-related barriers provided individually and/or in small groups to close the performance gap and provide opportunities for access and participation in the GE curriculum/environment 	
Resource Programming 20% or less time spent in Special Education	Core instruction provided by the general education teacher. <ul style="list-style-type: none"> • Specially Designed Instruction on disability-related barriers is supplemental to core instruction with research-based interventions provided individually and/or in small groups to close the performance gap to the GE peers 	
GE Classroom with Supplementary Instruction/ Services	Core instruction provided by the general education teacher with supplemental specially designed instruction provided by the special educator within the general education classroom.	
<p align="center">General Education Classroom - Common Core State Standards (CCSS) This should be the FIRST consideration for all students. Consideration of interventions through MTSS and Section 504 Eligibility.</p>		

Change of Placement Process



Least Restrictive Environment



Checklist for Change of Placement Decision Making

Per IDEA 300.114, consideration is made first and always to the general education setting with same grade/age peers to the maximum extent possible. The decision for a change of placement to a more restrictive setting may **NOT** be based on the following **exclusionary factors**:

- Need for a particular supplementary aid that may typically be part of a particular placement
- A need for modifications to general curriculum
- Based on a specific disability category

The following checklist should be completed when determining the need for a **more or less restrictive placement**. All questions should be answered by checking Yes or No and responding accordingly.

Student Name:

<p>1. Are the student's IEP goals/objectives appropriately developed and designed to address the student's skill deficit? If any of the following questions are answered "No," goals are not appropriately developed:</p> <ul style="list-style-type: none"> • Are areas of need and related IEP Goals/Objectives identified to address all qualifying criteria/core features of the disability? Do the goals address the question, "What about the student's disability prevents them from access to and progress within the general education curriculum/environment?" • If the student demonstrates interfering behavior, is there alignment between the PBSP (replacement behavior) and IEP Goals/Objectives prioritizing safety and dignity for the student? • When applicable, does the goal support self-advocacy and engagement with others? 	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>2. Per the most recent IEP Progress Report:</p> <p>a. When considering an alternate and more restrictive placement for a student with a disability, has the student demonstrated limited or no progress toward meeting IEP goals/objectives in the general education and/or current special education environment?</p> <p>b. When considering an alternate and less restrictive placement for a student with a disability, has the student demonstrated progress toward meeting IEP goals/objectives in the general education and/or current special education environment?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>3. Have increased programming and services been provided through the IEP or IEP amendments to support the student's identified skill deficits/barriers to learning?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>4. In reviewing current Supplementary Aids and Services, is there evidence to support, through data collection, that the student is receiving high-quality accommodation(s), modification(s), other aid(s)/service(s) specifically identified to support the student's skill deficit/barrier to learning? <i>e.g. Effective Communication Checklist, FBA/PBSP (using associated rubrics), SETT process, Universal Supports, etc. See Appendix for resources.</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>5. Has a full range of Supplementary Aids and Services been provided (with fidelity and data collection) and exhausted in the general education and/or current special education environment? <i>Supplementary Aids and Services may include accommodations, curriculum modifications, staff training/consultation, development and support for FBA/PBSP and related implementation/data collection, and/or adult supports provided when/where needed to the maximum extent appropriate with fidelity of implementation</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>6. What is the student potentially losing access to (e.g., more/less rigorous curriculum, communication/social consequences, access to grade/age level peer models) by moving to a more/less restrictive environment?</p>	<p>Result:</p>
<p>7. What is the student potentially gaining access to (e.g., more/less rigorous curriculum, communication/social opportunities, access to grade/age level peer models) by moving to a more/less restrictive environment?</p>	<p>Result:</p>

If the team has answered "No" to any of the above questions, do not proceed to Step 2 of the process and the student should remain in current placement. The team should revise/amend or hold a new IEP team meeting to add additional supplementary aids and services and/or programming/services. Additionally, consider Kent ISD Coaching/Consultation as needed and attendance at Kent ISD IEP and/or FBA/PBSP Office Hours. If the team has answered "Yes" to the questions on the checklist, upload the checklist as a File-Based Document in MiPSE and contact the local Special Education Administrator and identified Local/Regional/Center program representative for Step 1 review prior to proceeding to Step 2.

[Link to editable copy of Checklist](#)

Change of Placement Planning/Decision Making Tool

This tool provides an organized method and prompts collaboration in determining a student's individualized placement as the IEP team works through the process. This process supports individualized student needs and promotes services and supports in various settings throughout the day based on what is needed to achieve each annual goal. It also provides a reminder that a change of placement is a complex process and not based on a specific disability category.

How to Use the Tool

- ① Review the Least Restrictive Environments and Continuum of Alternative Placements and consider whether the current IEP is designed to ensure Meaningful Educational Benefit (MEB). MEB is determined by progress in the general education curriculum and/or progress/achievement of IEP goals & objectives. It must be demonstrated that the student cannot make progress on IEP goals/objectives in a less restrictive setting in order to consider a more restrictive setting.
- ② Seek Parent/Guardian Input
 - a. A parent/guardian interview should be provided prior to participation at the IEP to determine short and long term vision for the student.
- ③ Seek Student Input
 - a. A student interview should be considered when possible prior to an IEP to determine short and long term vision for the student.
- ④ Fill out where the student currently receives programming as well as the more/less restrictive placements being considered?
 - a. **Benefits and Barriers** of each program should be based on the following considerations:
 - What needs from the PLAAFP can and cannot be met in the current program or through the usage of supplementary aids and services?
 - **Current Placement:** What barriers exist that are preventing the student from making progress on IEP goals and objectives?
 - **Alternate Placement:** What about the more/less restrictive setting would enable the student to make progress on IEP goals and objectives?
 - What would the student be losing access to (e.g., more/less rigorous curriculum, communication/social consequences, access to grade/age level peer models) by moving to a more/less restrictive setting?
 - What would the student be gaining access to (e.g., more/less rigorous curriculum, communication/social opportunities, access to grade/age level peer models) by moving to a more/less restrictive setting?
- ⑤ After completing the Change of Placement Planning/Decision-Making Tool, does the placement being considered far outweigh the benefits provided in the current educational setting?

Change of Placement Decision Making Tool

General Ed (the Presumed LRE)	General Education 100% with Consultation/ Service Push In	General Education 80%+ Special Education Pull Out <20%	General Education 40-79%	General Education 40-79% OR General Education <40%	General Education <40%	Center Based Programming
<p>This should be the FIRST consideration for all students at each annual IEP.</p> <p>Section 504 Plan</p>	<p>Option 1 - Push-in specially designed instruction and/or consultation</p>	<p>Option 2 - Specially Designed Instruction provided by special educator is supplemental to core instruction</p>	<p>Option 3 -Increased time in resource programming</p>	<p>Option 4 - Programming in district/regional ASD/CI/EI/ Resource (level 3) OR shared time in resource and ASD/CI/EI/Resource (level 3) programming</p>	<p>Option 5- Increased programming in district/regional ASD/CI/EI/ Resource (level 3) OR shared time in district/regional ASD/CI/EI/ Resource and center-based classroom/program</p>	<p>Option 6 - Full time in Center Programming</p> <p>*Should be considered LAST in considering LRE and MEB</p>
Benefit	Benefit	Benefit	Benefit	Benefit	Benefit	Benefit
Barrier	Barrier	Barrier	Barrier	Barrier	Barrier	Barrier

After completing this tool, does the placement being considered far outweigh the benefits provided in the current educational setting?

Additional Considerations for Completing the Change of Placement Decision Making Tool

General Ed (the Presumed LRE)	General Education 100% with Consultation/ Service Push In	General Education 80%+ Special Education Pull Out <20%	General Education 40-79%	General Education <40%	Center Based Programming
IEPs must be designed to provide Meaningful Educational Benefit (MEB) . MEB is determined by progress in the general education curriculum and/or progress/achievement of IEP goals & objectives. It must be demonstrated that the student cannot make progress on IEP goals/objectives in a less restrictive setting in order to consider a more restrictive setting.					
<ul style="list-style-type: none"> • This should be the FIRST consideration for all students at each annual IEP • Through MTSS or Child Study, interventions within the general education classroom should be provided and data collected to determine efficacy and the need for a special education evaluation. *However, per Child Find, interventions cannot be used at any time to delay or deny an evaluation if a disability is suspected. • Section 504 Eligibility should be considered when a student needs accommodations and not specially designed instruction. 	<ul style="list-style-type: none"> • In addition to supplementary aids and services, the IEP team should FIRST consider push-in special education programs & related services • In addition to progress in the general education curriculum and achievement of IEP goals, other considerations for MEB include opportunities to participate with nondisabled peers and make progress in other broad domains of learning (e.g. social, communication, self-advocacy, independence) 	<ul style="list-style-type: none"> • If the IEP determines that there is no MEB in GE AND the student is not able to make progress on IEP goals/objectives with implementation fidelity of evidence based intervention aligned to area(s) of need AND with exhaustion of supplementary aids and services, AND special education programming and/or related services, the IEP team will need to consider what amount of time the student needs to be pulled out in order to achieve IEP goals/objectives 	<ul style="list-style-type: none"> • If the IEP determines that there is no MEB in GE AND the student is not able to make progress on IEP goals/objectives with implementation fidelity of evidence based intervention AND with exhaustion of supplementary aids and services, AND with pulling student out for SE and specially designed instruction, the IEP team will need to consider what amount of time the student needs to be pulled out in order to achieve MEB and IEP goals/objectives progress/achievement, peer participation and other broad domains (e.g. social, communication, self-advocacy, independence) 	<ul style="list-style-type: none"> • Evidence must exist that with the implementation fidelity of supplementary aids and services and push in/pull out programs/ services, the student cannot make progress on IEP goals/objectives. • Other considerations for MEB include opportunities to participate with nondisabled peers and make progress in other broad domains of learning (e.g. social, communication, self-advocacy, independence) within general education setting 	<ul style="list-style-type: none"> • Evidence must exist that with the implementation fidelity of supplementary aids and services and increased or full time in local/regional SE programs/services, the student cannot make progress on IEP goals/objectives in a less restrictive setting • Other considerations for MEB include opportunities to participate with nondisabled peers and make progress in other broad domains of learning (e.g. social, communication, self-advocacy, independence) within general education setting

Kent ISD Local/Regional/Center Program Referral Checklist

Referral: Change of Placement Process

- Ensure Step 1: Checklist for Change of Placement Decision Making is complete and upload to MiPSE as a File Based Document
- Ensure Step 2: Change of Placement Decision Making Tool is complete and bring to LRE Needs Review and upload into LRE Neds Review Request Form

Referral: IEP

- Ensure IEP programs and services reflect current services
- Ensure IEP Progress Reports are up-to-date
- Ensure IEP goals are aligned to the areas of need
- Ensure Supplementary Aids and Services are accurate

Referral: PBSP

- Daily data is graphed for 6+ weeks and attached or included in the PBSP review and is uploaded into LRE Needs Review Request Form (for Center Program referrals)

Referral: MIPSE

- Ensure documents are finalized
- Ensure Manifestation Determination Reviews, Seclusion/Restraint documentation, Pattern of Removals, and Emergency Intervention Plan are up-to-date
- Ensure a plan for addressing IEP/ re-eval timelines

Referral: Assumptions

- Review legal obligations for FAPE in the LRE
- Review [Center Program](#) Descriptions (when applicable)
- Consider tour of Local/Regional/Center Program for district and/or parent

[Link to editable copy of checklist](#)



Resources

IEP Support - Steps 1 and 2

- [Supplementary Aids and Services Manual](#)
- [Universal Supports Checklist](#)
- [Checklist for Effective Individual Student Communication](#)
- [FBA/PBSP Guidance Manual](#)
- [High-Quality Functional Behavior Assessment & Positive Behavior Support Plan Process](#)
 - [Kent ISD FBA Rubric](#)
 - [Kent ISD PBSP Rubric](#)
- [SETT Process](#)
- [Determining the Need for Adult Support](#)

Decision Making Process Resources

- [Parent Interview](#)
- [Student Interview](#)
- [Change of Placement Decision Making Tool \(11x17\)](#)
- [LRE Needs Review Request Form](#) - completed by Resident or Operating District
- [LRE Needs Review Meeting Agenda and Recommendation Options](#)

Continuum Resources

- [Kent County Programming for Students with Complex Behavioral Needs](#)

