



## Guidelines for Educating Students with Disabilities in the Least Restrictive Environment

February 2001

### Introduction

In accordance with an agreement between the New Bedford Public Schools and the New Bedford Educators Association (NBEA), a Task Force was established to develop guidelines for school personnel and others on the matter of educating students with disabilities in the least restrictive environment (LRE) as prescribed by Federal and Massachusetts law. The Task Force, comprised of representatives of school district leadership and of the NBEA, produced the following guidelines and presented them to the New Bedford School Committee on February 12, 2001. The School Committee adopted the guidelines as presented, encouraged their enthusiastic implementation by New Bedford School professionals, and regular progress reports.

### Statement of Belief

The New Bedford Public School believes that inclusive school communities are those in which all students are valued members of the educational environment and where all students have access to, and participate in, opportunities to grow and succeed within the school and community at large. Therefore, the New Bedford Public Schools adopts a standard of inclusiveness for all of its schools and classrooms.

### Definition of Special Education & Related Services

Federal and Massachusetts laws ensure that all children and youth with disabilities between the ages of 3 and 21 who have not received a high school diploma, received a GED or otherwise completed high school have the right to a free, appropriate public education in the least restrictive environment.

*Special education* is defined in federal law as “specially designed instruction . . . to meet the unique needs of a child with a disability”. Similarly, Massachusetts’ law defines special education as being “specially designed instruction to meet the unique needs of the eligible student or related services necessary to access the general curriculum”. Specially designed instruction means “adapting as appropriate to the needs of an eligible child . . . , the content, methodology or delivery of instruction to address the unique needs of the child that result from the child’s disability and to ensure access of the child to the general education curriculum, so that he or she can meet the educational standards . . . that apply to all children”. (Individuals with Disabilities Education Act)

Special education includes instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and instruction in physical education, speech-language pathology services, or any other related service. Travel training and vocational education are also included.

Students with disabilities who require special education – or, *specially-designed instruction* – must be provided an individualized educational program appropriate to meet their individual education, instructional, transitional and related services needs. The design of this individualized educational program must consider or balance the intended educational benefit with those provisions of law and regulation that require adherence to the principle of least restrictive environment.

*Related services* is defined as “transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes”. The term also includes school health services, social work services in schools, and parent counseling and training.” (Individuals with Disabilities Education Act)

**Massachusetts’ law defines special education as being “specially designed instruction to meet the unique needs of the eligible student or related services necessary to access the general curriculum”. Specially designed instruction means “adapting as appropriate to the needs of an eligible child..., the content, methodology or delivery of instruction to address the unique needs of the child that result from the child’s disability and to ensure access of the child to the general education curriculum, so that he or she can meet the educational standards...that apply to all children”.**

## Eligibility

Federal and State law and regulation, as well as New Bedford Public School procedures, define the process by which a child is determined eligible for special education services. These will not be repeated here. However, it is important to restate the mandated criteria by which eligibility is to be determined by the duly constituted Team of professionals, the child’s parent(s), and others who may be invited to participate. These criteria are:

A student is eligible for special education services if the student has one or more of the disabilities listed in the Appendix and if, as a result of the disability(ies), the student is unable to progress effectively in the general education program without the provision of special education (i.e., *specially designed instruction or related services*). Federal and Massachusetts regulations also require school districts to ensure that a student’s inability to meet the school discipline code, limited English proficiency, social maladjustment, or lack of instruction in reading or math not be the primary reason for a determination of eligibility for special education services. Further, once eligibility has been determined, the type of disability of the student shall *not* define the needs of the student and shall in no way limit the services, programs, or inclusion opportunities provided to the student.

## Least Restrictive Environment (LRE)

As stated above, the determination of how and where special education will be provided to an individual child must be balanced with the need and right of the child to be educated alongside his or her non-disabled siblings and peers; i.e., the least restrictive environment.

This particular provision of law and regulation is supported by an increasing amount of research that demonstrates that

students with disabilities are more likely to make progress in the curriculum, develop friendships, stay in school, graduate with a diploma, become independent, and have more opportunity for success in life if they are educated in inclusive educational environments.

The research is so compelling that the 1997 amendments to the Federal Individuals with Disabilities Education Act (IDEA) require that students with disabilities have access to and demonstrate progress in the general education curriculum regardless of educational setting. Additionally, Federal law requires that all students with disabilities participate in any state or district assessments (e.g., the MCAS), and that these students' scores on those assessments "count" in whatever accountability system the state or district adopts.

IDEA is so insistent upon the need to educate children and youth with disabilities in the least restrictive environment with appropriate accommodations and supports that it is instructive to quote what exactly the law says. It states:

"To the maximum extent appropriate, children with disabilities, including children in public and private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs 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.

"Supplementary aids and services" are defined as being "aids and services, and other supports that are provided in regular education classes or other education-related settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with [provision concerning least restrictive environment]." (Section 602(29); 300.28)

Massachusetts regulations simply repeat the mandate and hold school districts accountable to meet the above Federal standard. Massachusetts regulations go even further in requiring that school districts "shall provide facilities and classrooms for eligible students to maximize the inclusion of such students into the life of the school. Facilities and classrooms serving only students with disabilities shall be at least equal in all physical respects to the average standards of general education facilities and classrooms. Resource rooms and separate classrooms for students with disabilities shall be given the same priority as general education programs for access to and use of instructional and other space in public schools in order to minimize the separation or stigmatization of eligible students."

## New Bedford Public Schools Commitment

Laws and regulations, supported by research, are therefore very clear as to what the New Bedford Public Schools must promote and support with regard to the education of students with disabilities in the least restrictive environment. The New Bedford Public Schools, however, is committed to not only complying with laws and regulations. It is committed to doing what is best for children – *all children*. It is in that spirit that these guidelines have been developed and that the following vision for what our school system seeks to become is presented.

The New Bedford Public Schools seeks to reflect the following characteristics in its schools and classrooms:

- Students identify with the school community, feel a sense of belonging, and are valued for their diverse abilities.

- Parents have meaningful opportunities to participate in the education of their children at school and at home and are encouraged to provide input about their child’s strengths and needs during the educational planning process.
- The school/classroom presents a safe and welcoming environment, where diverse abilities are acknowledged, challenged, nurtured, and developed.
- School principals and staff have high expectations for students with disabilities and ensure their access to the general education curriculum.
- Special education, related services, aids and supports are provided in the general education classroom, as appropriate for the student.
- Students with identified disabilities have access to general education classes based upon their strengths, talents, and individual needs.
- An atmosphere of shared responsibility for and problem-solving around student learning and school improvement.
- Age appropriate general education classes contain students with mixed abilities.
- Classes are organized with consideration of natural proportions of students with disabilities and students without disabilities.
- Students attend the school they would attend if he/she did not have a disability.
- Special education teachers, general education teachers, related service providers and paraprofessionals, the student and his/her family collaborate with one another in order to facilitate the development and achievement of I.E.P. goals and improve outcomes.

For most students with disabilities, the New Bedford Public Schools maintains that the general education classroom *is* the least restrictive environment for the provision of special education services and supports. Expected outcomes are as described in the student’s I.E.P. and may be the same as, or different from, the expected outcomes for other students in the class.

A student with a disability may be provided with special education services and supports in a more restrictive setting, for part or all of the school day, only when:

- The student cannot achieve the goals on his/her I.E.P. in a more inclusive setting, or
- Providing the services in a more inclusive setting, even with all appropriate supports, substantially impairs the education of other students.

“Inclusion” is a plan for the flexible but outcomes-focused delivery of educational services and supports specified in an I.E.P. Inclusion does not mean:

- That every student spends all instructional time in general education classrooms.
- That a student never receives small group instruction.
- Isolating students with disabilities within the general education classroom.
- A low-level instructional track.

New Bedford Public Schools promotes the development of inclusive educational practices through use of instructional arrangements such as the following examples:

### **Example A:**

- Combines age-appropriate general and special education students in a general education classroom.
- Is instructed by two teachers (one general education and one special education).

### **Example B:**

- Is a special education class divided among several age appropriate general education classrooms.
- Is instructed by the general education teachers with the special education teacher in a collaborative teaching role dividing his/her time between the two to three classrooms.

### **Example C:**

- An individual student with a disability is placed in an age appropriate general education classroom(s).
- Instruction is provided by the general education teacher with support from special education and/or related services personnel primarily, if not solely in the general education classroom(s).

(The above examples are representative of the range of instructional arrangements which might be adopted to meet the educational needs of an individual child in what for him or her is the least restrictive environment. One or more of these examples might be employed in any one school to achieve desired results.)

The success of the New Bedford Public Schools' efforts to promote and support the principle of least restrictive environment and inclusive practices requires the need for:

- Clear communication between all parties.
- Meaningful participation by all parties.
- Participation in program planning and staff development deemed appropriate by the participants.
- Coordinated planning time for special and general education personnel.
- Support services for students with disabilities that are provided by appropriately certified/licensed professionals.
- Appropriate assistive/adaptive equipment of the type and intensity level needed as stated on the IEP.
- Consideration of the health issues that may impede learning.
- Continuous professional development opportunities for general education classroom teachers, special educators, support staff, and principals regarding issues surrounding the provision of services to students in more inclusive settings.
- Open communication with all parents.
- Leadership and commitment of school district and school-based administrators.

## **Implementing Our Common Commitment:**

Realizing the magnitude of the challenge to meet these needs but driven by a belief in the benefits to be obtained by all of New Bedford's children, the leadership and staff of the New Bedford Public Schools commit themselves to the following actions:

### **Central Administration will:**

- Provide ongoing, high quality, professional development for all personnel who work with students and disabilities.
- Provide technical assistance around service models, best practices, ongoing strategies and training opportunities.
- Provide training opportunities that may include but are not limited to the following: the administration, use and interpretation of formal and informal assessments, instructional strategies, modifications, accommodations, the general or alternative curriculum/standards, service delivery model, classroom management, disability awareness and/or an overview of legislation relating to individuals with disabilities.

- Allocate support, resources, and services to maintain quality educational programming for students based on their needs.
- Ensure that any single school is not unduly impacted by a disproportionate number of special programs.
- Assure individualized adaptations when determining, developing, or identifying District assessment, evaluation, standards, curriculum, and/or content proficiency measures.
- Depict the diversity evident within the New Bedford Public Schools student population (including students with disabilities) in district publications.

### **Principals, General and Special Education Teachers, Related Service Providers and Support Staff will:**

- Pursue opportunities for ongoing and proactive problem solving, mentorship, and training opportunities.
- Promote a climate that fosters a positive learning environment, high academic and social expectations.
- Promote opportunities for student involvement/participation in extracurricular activities.
- Collaboratively meet the needs of each student, as reflected in their Individualized Education Programs.
- Provide opportunities for related services, such as OT and PT, to be integrated into the general education curriculum in a consultative role as appropriate for the student.
- Identify a representative who will serve as liaison when it is anticipated that a student will move/transition from one school to another.
- Promote and support teacher-developed approaches to expanding inclusive practices within assigned schools and/or grade levels.
- Maintain responsibility for all educational assessment, materials and the Individual Education Program for students identified for homebound educational services.

With the presentation and adoption of these guidelines, the leadership of the New Bedford Public Schools and the New Bedford Educators Association demonstrate their commitment to working together to ensure a thoughtful but determined implementation of these guidelines. We encourage school principals and teachers to use these guidelines as a vehicle for reflection, planning, and action. We believe that by doing so we will improve the quality of education for all of New Bedford’s students.

### **LRE Guidelines Task Force**

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## Appendix

### Disabilities Recognized by Massachusetts State Law

#### **Autism**

A developmental disability significantly affecting verbal and nonverbal communication and social interaction generally evident before age 3, that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance, as defined below.

#### **Developmental Delay**

The learning capacity of a young child (3-9 years old) is significantly limited, impaired, or delayed and is exhibited by difficulties in one or more of the following areas: receptive and/or expressive language; cognitive abilities; physical functioning; social, emotional, or adaptive functioning; and/or self-help skills.

#### **Intellectual Impairment**

The permanent capacity for performing cognitive tasks, functions, or problem solving is significantly limited or impaired and is exhibited by more than one of the following: a slower rate of learning; disorganized patterns of learning; difficulty with adaptive behavior; and/or difficulty understanding abstract concepts. Such term includes students with mental retardation.

#### **Sensory Impairment**

The term includes the following:

*Hearing* – The capacity to hear, with amplification, is limited, impaired, or absent and results in one or more of the following: reduced performance in hearing acuity tasks; difficulty with oral communication; and/or difficulty in understanding auditorally-presented information in the education environment. The term includes students who are deaf and students who are hard-of-hearing.

*Vision* – The capacity to see, after correction, is limited, impaired, or absent and results in one or more of the following: reduced performance in visual acuity tasks; difficulty with written communication; and/or difficulty with understanding information presented visually in the education environment. The term includes students who are blind and students with limited vision.

*Deaf-Blind* – Concomitant hearing and visual impairments, the combination of which causes severe communication and other developmental and educational needs.

#### **Neurological Impairment**

The capacity of the nervous system is limited or impaired with difficulties exhibited in one or more of the following areas: the use of memory, the control and use of cognitive functioning, sensory and motor skills, speech, language, organizational skills, information processing, affect, social skills, or basic life functions. The term includes students who have received a traumatic brain injury.

## **Emotional Impairment**

The student exhibits one or more of the following characteristics over a long period of time and to a marked degree that adversely affects educational performance: an inability to learn that cannot be explained by intellectual, sensory, or health factors; an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; inappropriate types of behavior or feelings under normal circumstances; a general pervasive mood of unhappiness or depression; or a tendency to develop physical symptoms or fears associated with personal or school problems. The determination of disability shall not be made solely because the student's behavior violates the school's discipline code, because the student is involved with a state court or social service agency, or because the student is socially maladjusted, unless the Team determines that the student has a serious emotional disturbance.

## **Communication Impairment**

The capacity to use expressive and/or receptive language is significantly limited, impaired, or delayed and is exhibited by difficulties in one or more of the following areas: speech, such as articulation and/or voice; conveying, understanding, or using spoken, written, or symbolic language. The term may include a student with impaired articulation, stuttering, language impairment, or voice impairment if such impairment adversely affects the student's educational performance.

## **Physical Impairment**

The physical capacity to move, coordinate actions, or perform physical activities is significantly limited, impaired, or delayed and is exhibited by difficulties in one or more of the following areas: physical and motor tasks; independent movement; performing basic life functions. The term shall include severe orthopedic impairments or impairments caused by congenital anomaly, cerebral palsy, amputations, and fractures if such impairment adversely affects a student's educational performance.

## **Health Impairment**

A chronic or acute health problem such that the physiological capacity to function is significantly limited or impaired and results in one or more of the following: limited strength, vitality or alertness including a heightened alertness to environmental stimuli resulting in limited alertness with respect to the educational environment. The term shall include health impairments due to asthma, attention deficit disorder or attention deficit with hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia, if such health impairment adversely affects a student's educational performance.

## **Specific Learning Disability**

The term means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think speak, read, write, spell, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.