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Graduate Studies

LEAST RESTRICTIVE ENVIRONMENT FOR
STUDENTS WITH DISABILITIES

A Chapter Style Seminar Paper Submitted for Project Completion Requirements for the Degree
of Master of Science in Education: Special Education

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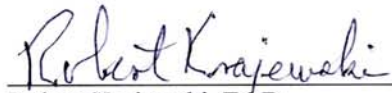
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By Tanya M. Kulig

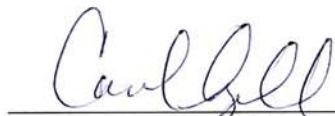
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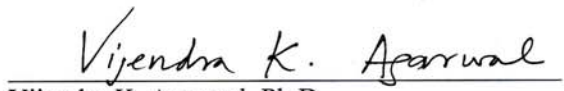
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ABSTRACT

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When assisting young people with disabilities, a collaborative approach involving student, parents, educators, and local and state service agencies is required in the development of services and supports. The educational placement of a student with disabilities continues to be an issue with parents, teachers, and student. An Individual Education Planning team comprised of teachers, parents, student and local and state service agencies decide where and how a student with disabilities will be educated to obtain the best educational practices in the least restrictive environment. Each student with an IEP should be looked at uniquely and individually as their needs and interests should be met when finding the most appropriate and effective educational setting. The educational environment should benefit the student with a disability as well as his or her peers in that setting.

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CHAPTER 1

INTRODUCTION

Introduction

The educational environment is very important in insuring the most appropriate and beneficial setting to educate a child with a disability to become a successful member of society. When a child qualifies for special educational services, one of the sections on an Individual Education Plan (IEP) is titled “Least Restrictive Environment”. In this section, the IEP team needs to decide how much time the child with the disability will be fully participating with his or her peers in regular education classes. If a child with the disability does not participate academically with their non-disabled peers, the IEP team must explain why full-time participation is not appropriate. A child with a disability has the right to be educated full-time in the general education setting, using the general curriculum with or without modifications. If the general educational setting and/or curriculum is not appropriate or beneficial for a child with a disability or interferes with other students in the classroom, then an alternative setting and/or curriculum may be implemented.

At an Individual Educational Planning meeting, the team members need to agree as to what kind of instructional services are needed, the amount of time, how often, the duration, and the location to where a child with a disability will be serviced. Members on an IEP team use a continuum from

least restrictive to separated educational settings when considering the placement of a child with a disability. Every member on the IEP team must consider the most appropriate setting for child with a disability in the least restrictive environment. The least restrictive environment for a child with a disability means that he or she should have the opportunity to be educated with non disabled peers to the greatest extent possible. They should have access to everything their non-disable peers have access to, such as the general education curriculum, extracurricular activities, and any other programs. A student with a disability should be provided supplementary aids and services when necessary to help him achieve educational goals in the general educational setting. If the nature or severity of a child's disability is preventing other students from achieving their goals in the regular educational setting, then the student needs to be placed in a more restrictive environment.

To determine what the most appropriate and beneficial setting is for a student with a disability, the IEP team needs to evaluate the student's needs and interests. There are many different types of educational settings, such as special classroom or a hospital program. Like all children, children with disabilities have different needs and interests. There is no one specific environment for every child with a disability to be placed in and considered the least restrictive environment. The IEP team needs to treat every child with a disability individually when considering the placement of their educational environment.

Need for Research

The purpose of this study is to look at where a child with a disability should be serviced for their education based on their needs and interests. When a child with a disability qualifies to receive services under IDEA, a common question by the Individual Education Planning team is where the most appropriate and beneficial setting is in order to successfully educate this child. A child with a disability can be educated in the regular education classroom with his or her peers or educated out of the regular education classroom in a resource room without his or her peers. The conflict occurs at the Individual Education Planning team meetings when the teaching staff and parent(s) disagree as to where the least restrictive environment is for that student to be educated. Least restrictive environment means “a student who has a disability should have the opportunity to be educated with non-disabled peers, to the greatest extent possible.” This definition was taken from the Wikipedia site off the Internet. I read many different articles, journals, statistics, and news reports that expressed different points of view about where the most appropriate and best educational place is to teach a child with a disability

When a young child is tested and becomes eligible for special education and related services, IDEA requires that the child be provided a free and appropriate public education in the least restrictive environment. Children with disabilities are often placed in pull-out, inclusion, or a combination of both when deciding where the most successful place is to educate them. I found articles that advocated that separate and individualized programs are better and more

appropriate when educating a child with disabilities and other articles that contradict pull-out programs and advocated for all inclusion programs for children with disabilities. To successfully educate a child with disabilities, the educational setting needs to be in the least restrictive environment and appropriate goals and objectives for that child to obtain must be set.

The kind of disability of a child may need be considered when deciding where he or she should be serviced. The vast range of academic and social disabilities is wide and varies from case to case. The academic and social placement of a child with a disability needs to be appropriate and beneficial when deciding where to education him or her. According to a study done by Susan Etscheidt (2006), she found that despite the clear intentions of the Individuals with Disabilities Education Improvement Act and LRE, parents of young children with disabilities often disagree with programs proposed by state agencies and school districts. A school district may propose an alternative Reading program that they feel is more appropriate and beneficial for a child with a disability and want to service him or her in the resource room out of the regular educational classroom. The conflict occurs when the parent(s) doesn't agree and feels that the most appropriate and beneficial reading program is the one being taught in the regular education classroom.

According to a report from the U. S Department of Education (2007), the total number of children and youth with disabilities increased from 5,486,630 in 1998 to 5,912,586 in 2007. In the state of Wisconsin, the children who range in age from six through twenty-one that are being served under IDEA in the public

school system are 108,188. Of that number, 59,795 (55%) spend more than 80% in the regular classroom and 35,851 (33%) spend between 40-79% in the regular classroom and only 12,542 (12%) spend less than 40% in the regular classroom (U. S. Department of Education, 2007). That means that 88% of children who have a disability and are being serviced under IDEA are in the regular classroom at least 40% of the time, and the majority of them are in the regular classroom more than 80% of the time. The increase of children with disabilities has us questioning more and more the educational setting of a child with a disability. The least restrictive environment should provide children with disabilities the most appropriate and beneficial setting possible so they and their peers show academic and social benefits. Because of new laws and research studies, the inclusion of children with special needs into the general classroom has increased.

Our government and court systems have had a big impact on how the Special Education laws are carried out. In the case *Geer v. Rome*, 950 F.2d 688 (11th Cir. 1991), the courts found that the school failed to consider any less restrictive setting prior to making the decision for a self-contained environment for a little girl entering kindergarten. From this case, the concept of the “continuum of placement options” was developed. The IEP team must consider, discuss, and justify not placing a student in the regular classroom before moving a child to a more restrictive placement. In another case, *Hudson v. Bloomfield Hills*, 108 F.3d 112 (6th Cir. 1997), the court upheld the school’s decision, rather than parents, to place their 14-year-old girl in special education for “life skills.” The

court stated that the girl was not receiving those skills in the regular classroom and needed life skills in order to function independently in society.

The severity of the disability may have an effect as to where a child should be educated to ensure beneficial academic and social success. A child's learning, cognitive, and/or behavioral disability can differ greatly from one child to the next. The educational instruction and curriculum of how a child learns successfully should be individually based. Because of individual needs and interests, we cannot say that one way of teaching or one environment is better than the other. Through journal articles, reports, statistics, and court cases, I am going to find information and data on where the most appropriate and beneficial place is to educate children with disabilities in the least restrictive environment. I believe that the nature of the child's disability has a factor in the placement of his or her educational setting.

CHAPTER 2

DEFINITIONS AND KEY AUTHORS

Definitions

Least Restrictive Environment for students with special needs is a broad and complex topic. In this chapter I will define terms used and describe several key authors in relationship to least restrictive environment.

Americans with Disabilities Act (ADA): A federal law that prohibits discrimination against individuals who have a disability. A post-secondary school may not discriminate on the basis of disability. See Section 504 of the Rehabilitation Act for more information (Wisconsin Department of Public Instruction, 2007, p. 16).

Assessment/evaluation: Activities encompassing functions in the testing and diagnostic process leading up to a development of an appropriate, individualized educational program and placement for a handicapped child (Web site. (2009). Summary of Important Terms).

Assistive Technology: Any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities (Palmer, B. et al, 2001, p. 71).

Attention Deficit Hyperactivity Disorder (ADHD): Many children experience difficulties in paying attention, concentrating on their schoolwork, or remaining physically still as a normal part of growing up. Children diagnosed with ADHD may need specialized educational plans (either an IEP through special education or a 504 Plan) to help them learn more effectively, or may improve with only slightly different methods from those used with their classmates (Wisconsin Department of Public Instruction, Special Education Topics, 2009).

Autism: A developmental disability significantly affecting verbal and nonverbal communication and social interaction; generally evident before age 3, this 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 (U. S. Department of Education, 2006).

Behavioral Intervention Plan (BIP): An Individualized Educational

Planning team can make a positive Behavioral Intervention Plan using the information from a Functional Behavior Assessment. A positive behavioral intervention plan does not excuse a behavior. It provides the school with a carefully thought out action plan so that when the behavior does occur, teachers and others will know how to act to decrease the behavior and teach a better alternative behavior (Wisconsin Department of Public Instruction, Special Education Topics, 2009).

Cross-Categorical Programs: A program that permits students with

different areas of disability to be combined for delivery of services. Pursuant to the IEP, it may be appropriate for a special education teacher who is not licensed in the child's areas of disability to provide particular services or instruction to a particular child. All services and placements are based on the IEP, and the IEP represents a legally binding commitment of services (Wisconsin Department of Public Instruction, 2007).

Deaf-Blindness: Concomitant hearing and visual impairments, the

combination of which causes such severe communication and other developmental and educational problems that the student cannot be accommodated in special education programs solely for children with

deafness or children with blindness (U. S. Department of Education, 2006).

Developmental Delay: This term may apply to children ages three through nine who are experiencing developmental delays in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development, and who therefore need special education and related services. It is optional for states to adopt and use this term to describe any child within its jurisdiction. A local education agency (LEA) may use the term if its state has adopted it for use, but it must conform its use of the term to that of the state (U. S. Department of Education, 2006).

Educational Placement: Where a child with a disability is educated: (1) the educational services set out in the student's IEP; (2) the educational environment in which the IEP services will be implemented, e.g., regular classroom, resource room, or separate classroom. This information is included in the services section of the IEP as the "location" of the service; (3) the site, i.e., the school or facility, selected to implement the IEP. This information is included in the placement notice (Wisconsin Department of Public Instruction, 2007).

Emotional Behavioral Disability (EBD): According to Wisconsin

Department of Education, “effective as of July 1, 2001, in order for a student to be identified as EBD there are four key concepts to be addressed: (1) the student exhibits social, emotional or behavioral functioning that so departs from generally accepted, age appropriate ethnic or cultural norms that it adversely affects a child's academic progress, social relationships, personal adjustment, classroom adjustment, self-care or vocational skills; (2) the behaviors are severe, chronic, and frequent, occur at school and at least one other setting, and the student exhibits at least one of eight characteristics or patterns of behavior indicative of EBD; (3) the IEP team used a variety of sources of information including observations and has reviewed prior documented interventions; (4) the IEP team did not identify or refuse to identify a student as EBD solely on the basis of another disability, social maladjustment, adjudicated delinquency, dropout, chemically dependency, cultural deprivation, familial instability, suspected child abuse, socio-economic circumstances, or medical or psychiatric diagnostic statements” (Wisconsin Department of Public Instruction – s. PI 11.36(7)).

Free Appropriate Public Education (FAPE): Local Educational Agencies

(LEA) are required to make Free and Appropriate Public Education available for all children enrolled in Special Education in that district.

Special Education and related services are provided at public expense and under public supervision and direction; meet the Department of Public Instruction Standards; include an appropriate preschool, elementary or secondary school education; and are provided in conformity with an individualized education program (Wisconsin Department of Public Instruction, 2007).

Functional Behavioral Assessment: This evaluation will try to look at each behavior problem of a student and try to figure out when, where, and why it is occurring. The person or people doing the Functional Behavioral Assessment will probably want to observe the child, interview parents and teachers, and investigate all the places and times when the child's behavior occurs. When a district uses an FBA to take a closer look at the child's behavior, they will be trying to find an answer to the question, "What function does this behavior have for this child?" Experts say there are only two answers to that question. Inappropriate behaviors want something (attention, sensory stimulation, status, rewards, power) or escape or avoid something (pain, boredom, anxiety, fear, someone not liked). A good FBA will look beyond what the behavior IS to what the behavior DOES for the child. A good FBA will look at the places or situations where the behavior happens; look at the events that happen just before it; and just after it, look at how the child is feeling (angry, tired, thirsty, anxious,

including side-effects of medication); and try to find out what events, times, or situations predict the behavior and will tell what happens after the behavior occurs. A good FBA will lead to answers to two important questions: “What causes the behavior to happen?” and “What will cause the behavior to NOT happen?” (Wisconsin Department of Public Instruction, 2007, Special Education in Plain English, part 4).

Goals and objectives, IEP: This refers to the step by step plan built into the IEP which sets out specific skills the team believes the student should attain and the strategic steps to attaining those goals (Web site. (2009). Summary of Important Terms).

Individualized Education Program (IEP): A written program designed to help a child with disabilities achieves specific educational goals. The IEP is developed cooperatively with the student, parent(s), Special Education teachers, regular education teachers, an administrator, and any other individuals involved in the child’s education or health care. It would identify the disability; describe the child’s strengths and areas of need; list goals that the child should reach in a year’s time; include short-term instructional objectives which represent a series of skills to be mastered or major accomplishments to be gained that will lead toward reaching the annual goals; and identify the types of programs

and services, including regular education, that the child will receive.

A new IEP is developed each year. From age fourteen to age twenty-one, the IEP will also address transition needs and services (Palmer, B. et al, 2001, p. 74).

Individual Education Program Team (IEP Team): The IEP team is a group of school staff members, parents, and others that either the school staff or parents choose to include. The IEP team must include the parents, Special Education teacher, LEA representative – a principal or school psychologist, a regular education teacher, the student, and school nurse or outside agencies when appropriate and requested (National Dissemination Center for Children with Disabilities).

Individuals with Disabilities Education Act (IDEA): The Individuals with Disabilities Education Act (IDEA) of 1997 is the federal law that secures Special Education services for children with disabilities from the time they are born until they graduate from high school or reach the age of 21. The law was reauthorized by Congress in 2004 (Wright & Wright, 2006).

Individuals with Disabilities Education Improvement Act 2004 (IDEIA):

The new law of IDEA was reauthorized by Congress in 2004.

Children with disabilities and their families experienced changes in the concentration of the IEP process, due process for parents and educators, and the discipline provisions that were previously outlined in IDEA. Most of the changes were implemented effective as of July 1, 2005. IDEIA 2004 will not provide mandatory full funding.

Although the annual amounts currently authorized to be spent on IDEA would achieve full funding in six years and explains why mandatory funding of IDEA is so important. Even though Congress claimed full funding, it appropriated significant less funding for Special Education (Wisconsin Department of Public Instruction, 2007).

Informal assessment: Assessment procedures such as classroom observations, interviewing, or teacher-made tests which have not usually been tried out with large groups of people, and which do not necessarily have a standard set of instructions for their use and interpretation (Web site. (2009). Summary of Important Terms).

Integrated Program: This refers to participation by students in a general education classroom for specified amounts of time during the school day. Also known as "mainstreaming" (Web site. (2009). Summary of Important Terms).

Language Disability: A disability 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 to do mathematical calculations. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing, or motor disabilities; of mental retardation; of emotional disturbance; or of environmental, cultural, or economic disadvantages (National Dissemination Center for Children with Disabilities, 2008).

Least Restrictive Environment (LRE): The intent of the Least Restrictive Environment (LRE) provision is to ensure to the greatest extent possible that children with disabilities are educated with non-disabled peers. Students with disabilities are to be educated in the regular education setting, with non-disabled peers, whenever feasible and possible. Special classes, separate schooling, or other removal from

the regular education environment occurs only if the nature of the disability is such that the education in the regular education classes with the use of supplementary aids and services cannot be achieved satisfactorily. Least Restrictive Environment also provides equal access to facilities, ensuring students with disabilities have same opportunities as their non-disabled peers (Individuals with Disabilities Education Improvement Act 300.114(a)(2)(i-ii),2004).

Local Education Agency (LEA): The local school district including primary and secondary public and private schools. A single, unaffiliated school can be considered an LEA. The LEA representative on the IEP team is the person who represents the interests of the school district, such as the principal, assistant principal, school psychologist, guidance counselor, or those designated by the school administration. The LEA representative is the individual responsible for all decisions regarding funding in relationship to a student’s IEP (Wisconsin Department of Public Instruction, 2007).

Multiple Disabilities: Persons with multiple disabilities “have a combination of two or more serious disabilities (e.g., cognitive, movement, sensory), such as mental retardation with cerebral palsy. Multiple disabilities have interactional, rather than additive effects, making instruction and learning complex” (Snell & Brown, 2000).

Public Law 94-142 (Education of All Handicapped Children Act):

Congress enacted into law on November 19, 1975, Public Law 94-142 was called the Education for All Handicapped Children Act of 1975. By passing Public Law 94-142, Congress intended that all handicapped children would have the right to be educated in the public school setting. The State and local educational agencies would be held accountable for providing educational services for all handicapped children. The law was reauthorized in 1990, it was renamed the Individuals with Disabilities Education Act (IDEA) (U.S.C.C.A. N. 1975 p. 1427). The Individuals with Disabilities Education Act is the United States Code, Volume 20 U.S.C. * 1400. The regulations are in the Code of Federal Regulations, Volume 34, and beginning at Part 300 (Wright & Wright, 2004, p. 10).

Related Services: Any development, corrective, and other supplemental services that a child may need to benefit from his or her education. Examples include transportation, rehabilitation counseling, physical and occupational therapy, speech-language pathology and audiology services, recreation, counseling, social work services, psychological services, orientation and mobility services, health-related services, and assistive technology (Wisconsin Department of Public Instruction, 2007).

School psychologist: a person trained to give psychological tests, interpret results, and suggest appropriate educational approaches to students with learning or behavioral problems (Web site. (2009). Summary of Important Terms).

Section 504 of the Rehabilitation Act of 1973: Section 504 was enacted to “level the playing field” and eliminate impediments to full participation by persons with disabilities. The statute was intended to prevent intentional or unintentional discrimination against persons with disabilities, persons believed to have disabilities, or family members of persons with disabilities. Section 504 protects qualified individuals with disabilities. A post-secondary school may not discriminate on the basis of disability; it must insure that the programs it offers, including extracurricular activities, are accessible to students with disabilities (Wisconsin Department of Public Instruction, 2007)

Self-advocacy: The area of speaking up for yourself and your needs and being able to explain a disability clearly and concisely. Once people understand the disability, they may need to know what kinds of actions or things can help overcome a disability. The combination of skills of being able to explain your disability and to speak in favor of the ways

of overcoming the barriers brought on by that disability (Wisconsin Department of Public Instruction, 2007).

Self-determination: A process in which the individual's preferences, interests, abilities, and wishes are the focus of planning and implementing activities. Self-determination can be described as a person's free choice of one's own acts without external compulsion. Self-determination means having the freedom to be in charge of your own life, choosing where you live, whom you spend time with, and what you do. It means having the resources you need to create a good life and to make responsible decisions. It also means choosing where, when, and how you get help for any problems you might have (Palmer, B. et, al 2001, p. 78).

Severe Disability: Persons with severe disabilities are "individuals of all ages who require extensive ongoing support in more than on major life activity in order to participate in integrated community settings and to enjoys a quality of life that is available to citizens with fewer or no disabilities" (TASH, p. 19).

Special Education Program: Specially designed instruction for students with similar needs and more intensive educational needs than students in the Resource Specialist Program. A special education program most

commonly serves students who are severely disabled, or communicatively disabled. Students are placed in this program by the IEP team for more than 50% of their day (Web site. (2009). Summary of Important Terms).

Special Education Teacher: A credentialed teacher with advanced training in special education. The resource specialist can do the following: provide educational assessment of students, do individual and small group instruction, develop instructional materials and teaching techniques for the classroom teacher, assess pupil progress, and coordinate recommendations in the student's IEP with parents and teachers (Web site. (2009). Summary of Important Terms).

Specific Learning Disability: 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 to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage (U. S. Department of Education, 2006).

Speech or Language Impairments: A communication disorder such as stuttering, impaired articulation, a language impairment, or a voice impairment that adversely affects a child's educational performance (U. S. Department of Education, 2006).

Supplementary Aids and Services: The term 'supplementary aids and services' means, aids, 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 section 612(a)(5). (U. S. Department of Education, 2006).

Transition: Preparing or moving ahead from high school to the adult world. Transition includes recognizing the need for students with disabilities to engage in effective planning for after high school. The Individuals with Disabilities Education Act (IDEA) requires that transition planning to part of the Individual Education Program (IEP). Beginning no later than the first IEP developed when the eligible student is fourteen years old, the IEP team considers the student's need for transition services and documents this discussion. If appropriate, the IEP includes a statement of needed transition services. The school district understands that it must maintain documentation of a full discussion of the student's transition needs, whether or not such discussion identifies needed transition services for the IEP. Students

must be invited to all educational meetings and allowed to participate actively when transition planning is discussed (Wisconsin Department of Public Instruction, 2007, p. 20).

Traumatic Brain Injury: An acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. The term applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma (U. S. Department of Education, 2006).

Visual Impairment: Impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness (U. S. Department of Education, 2006).

Key Authors

Dr. Andrew R. Brulle: Dr. Andrew Brulle is currently a professor of education at the Wheaton College of Wheaton, Illinois. His professional and personnel interests would include the policy development in teacher education, interventions for children with disabilities and teacher perspectives on inclusive education for children with special needs. He has written numerous published papers and is active at the state level for teacher education. I read one of his articles titled, “Evaluating Least Restrictive Environment Decisions through Social Comparison.” He used observational data to help assess when to move a child with special needs into the next continuum of placements, beginning at full inclusion to a separate educational setting.

Dr. Susan Etscheidt: Susan K. Etscheidt, Ph.D. is a Professor of Special Education at the University of Northern Iowa. Her areas of specialization include behavioral disorders, inclusion, advocacy, and cognitive-behavioral interventions. She has co-written a book with Sandra Alper, Patrick J. Schloss, and Christine A. Macfarlane entitled *Inclusion: Are We Abandoning or Helping Students?* In 1991, Susan Etscheidt did a case study on some Emotional/Behavioral Disorder students to find out if specific cognitive-behavioral interventions could decrease their aggressive behaviors compared to those who did not

receive any cognitive-behavioral interventions. The results indicated that the group that received the cognitive-behavioral interventions demonstrated less aggressive behaviors and more self-control than those who did not receive the training. She is a strong advocate for IDEIA and continues to publish journal articles about legal aspects on children with special needs and their educational rights. She also wrote an article entitled, “Least Restrictive and Natural Environments for Young Children with Disabilities,” which discussed how schools need to provide appropriate programs, differentiated instruction, and behavioral supports for children with special needs to benefit in inclusive settings.

Dr. Lorna Idol: Lorna Idol, Ph.D, received her Ph. D. in Curriculum & Instruction: Special Education/Learning Reading Disabilities degree at the University of New Mexico. She is currently employed as the Education Consultant at Peaceful Solutions for Living and Learning in Austin, Texas. As an Education Consultant, Lorna helps service professional development for educators, evaluates programs, mediation for conflict resolutions, and assists with professional writing and editing. She implemented a district-wide Reading Success Program: A Specialized Literacy Program for Learners with Challenging Reading Needs to three schools in the Austin area. She advocates for schools to implement the Response to Intervention

Model and the development of inclusion and special education programs.

Dr. Robert Rueda: Dr. Robert Rueda is currently a Professor of Psychology in the Rossier School of Education at the University of Southern California. He earned his Ph. D. at the University of California, Los Angeles, California, with a major in Educational Psychology and a specialization in Special Education in 1997. After that, he did his post-doctoral research fellow on Laboratory of Comparative Human Cognition at the University of California, San Diego. Dr. Robert Rueda has co-written a book titled, *Handbook of Research on Literacy Instruction: Issues of Diversity, Policy, and Equity*, and co-written and written himself many articles about the learning and instruction of reading and literacy in English learners, students at-risk, students with learning disabilities, and literacy assessments in public schools. The article I read was titled, “The Least Restrictive Environment, A Place or a Context?” It was informative on how the sociocultural theory is applied to special populations.

Dr. Ellen Skilton-Sylvester: Dr. Ellen Skilton-Sylvester is the Associate Professor of Education, Coordinator of ELS Programs, and Director of Global Connections at the Arcadia University at Glenside, Pennsylvania. She is an advocate for the inclusion of immigration children and students with disabilities into the general education

setting. Some of her most recent publications are: *Academic biliteracies, Adult biliteracy in the United States: Sociocultural and programmatic responses* (2007) and *Educational inclusion, disability and the civil covenant: Theory meets practice, Perspectives on Urban Education* (2009). Her research has focused mainly on how the United States educational system educates and includes English Language Learners and students with disabilities.

Dr. Stanley E. Wigle: Dr. Stanley Wigle is the Dean of Education at Indiana University Northwest. He graduated with a Ph. D. in Educational Psychology from Kansas State University in 1999 and then joined the faculty at Indiana University Northwest. Before he became the Dean of Education, he taught secondary social sciences in the public schools, was a special education teacher (K-12), a K-12 Coordinator of Special Education, and taught and served as an administrator at various universities and colleges. His research focuses on issues that deal with inclusion, alternative assessments, and restructuring teacher preparation programs. I reviewed one of his articles titled “Inclusion.” This article listed five criteria that need to be implemented in order to establish a successful least restrictive environment for students with disabilities.

Dr. Mitchell Yell: Dr. Mitchell Yell is currently employed at the University of South Carolina as a professor in the special education program. He directs the teacher-training program in emotional and behavioral disorders. He is also involved in the development on evaluating the quality of Individualized Education Plans (IEP). His research interests are in legal issues in special education, research-based practices in the classrooms, and progress-monitoring and positive behavior support with children who have emotional and behavioral disorders. Some of professor Yell's most popular publications are *The Law and Special Education, No Child Left Behind: A Guide for Practitioners*, and *Educating Students with Emotional and Behavioral Disorders: Using Evidence-based Practices in General and Special Education Classrooms*. Overall, he has 75 publications in journals and twelve book chapters.

CHAPTER 3

LITERATURE REVIEW

Inclusion in Special Education

Inclusion is defined as a term that expresses commitment to educate children to the maximum extent appropriate in educational settings. It involves bringing support services to the child rather than moving them to the services. Inclusion requires that children should benefit from being in educational settings with their peers and should not be required to keep up academically with their peers.

Mainstreaming is another term used to educate a student with a disability in the regular classroom. It has been used to refer to Special Education students and the selective placement in one or more regular educational settings. The mainstreaming proponents widely assume that a student must earn their opportunity to be placed in regular classes through demonstrating their ability to 'keep up' with the assigned work by the regular classroom teacher. Full inclusion differs from mainstreaming by placing demands on support services to be brought into the regular educational setting for that student rather than removing that student to a separate setting.

Mainstreaming supporters often believe that a child with disabilities should be integrated with nondisabled children during nonacademic periods for a portion of the day. During academic periods, children with disabilities should receive services in a segregated setting. Full inclusion supporters "believe that children with disabilities

always should begin in the regular environment and be removed only when appropriate services cannot be provided in the regular classroom” (Huston, 2007).

Over the years, guidelines have been established by federal court decisions to help school districts determine what is expected of them in determining the right placement of a child with disabilities. For example, in the case of *Geer vs. Rome City School District* (11th Circuit Court, 1992), the parents advocated for inclusion and did not want their child with disabilities removed from the regular educational setting and be serviced in a pull-out program. The court ruled in favor of the parents because the school district only considered three options of placement: the regular educational classroom with no supplementary aids and services, the regular educational classroom with some speech therapy and the self-contained Special Education classroom. The school district did not consider if the student would benefit if provided educational aids and services in the regular classroom. A school district must consider using supplemental aids and services in the regular educational setting before moving the child to them. If the child demonstrates satisfactory education with the implementation of supplemental aids and services, they should remain in the regular educational setting for their academics.

Another case that challenged the least restrictive environment placement of a child with disabilities involved the *Sacramento City Unified District vs. Holland* (8th Circuit Court, 1994). The parents of a child with disabilities wanted their child taught full-time in the regular education classroom and the school district wanted the child to be taught half-time in the Special Education classroom and half-time in the regular education classroom. In this case the court established some factors for a school

district to consider when determining the least restrictive environment for a child with disabilities. Specifically they asked: (1) will there be educational and non-academic benefits of such a placement in a full-time regular educational program, (2) what effect will the child's presence have on the teacher and other students in the regular classroom, (3) what costs are associated with this placement. By applying these factors to this case, the court ruled in favor of having the child educated full-time in the regular educational setting.

Today all schools are expected to hold high expectations for all students by showing high attendances, everyone reading at grade level, and students successfully completing all grade levels to graduate from high school. Inclusion of all students, with or without a disability, has increased the challenges educators have to face every day. From public expectation and the law, children with disabilities have been given the right to be included in the regular educational setting with their peers.

To help make inclusion successful in public schools, some studies have found several common factors that need to be implemented to ensure a successful education for all students with or without a disability. An article written by Sullivan, J. F. entitled, "Meeting the Individual Needs of All Learners in the Inclusive Classroom," had a summary table that compared how full inclusion was successfully implemented in a public school structure in comparison to a traditional school structure. Full inclusion of students with disabilities has proven to be beneficial for all students, disabled and non-disabled. Supplemental aids and services need to be utilized in the implementation of full inclusion for students with disabilities.

Table 1. Summary Table Comparing Restructured and Non-restructured Schools

Summary table of Bart, 1990 is an inclusion model.

Restructured/Inclusion Public School	Traditional Public School
Visionary Leadership	Leaders maintain status quo
Belief that all can learn	Low expectations for some
Teachers are model learners: high level expertise, frequently discuss craft	Teachers no learning, act as technicians, discuss personal issues
Collaborative Teams; includes parents	Teachers work in isolation; parents viewed as outsiders.
Collegiality	Hierarchical Structure
Caring community	Adversaries within the schoolhouse

(Barth, 1990)

This summary table establishes the new way our education system has to change from the traditional way of teaching in order for teachers to meet the needs of all individual learners in an inclusive educational setting. Instructional strategies and classroom supports are necessary for full inclusion to be implemented successfully.

A national study done by the National Center on Educational Restructuring and Inclusion found that since 1994 school districts are reporting significantly more inclusive education programs and the resulting outcomes for students in inclusive education programs are positive for both regular and Special Education students. This study was done in 1995 at a national level by contacting chief state education officers for state-level information and then contacting local school district superintendents who conduct inclusive education programs.

Some other positive findings from this study include:

- teachers reported positive professional outcomes for themselves,
- more students with varying disabilities increased, and
- positive school restructuring.

In inclusive educational settings, children with disabilities learn to be productive with children who do not have a learning or behavioral disability. Since 1973, when Public Law 94-142 was mandated, public school districts have been training, encouraging, and preparing for the inclusion of children with disabilities into regular education classrooms. We need to develop effective schools for all children by varying teaching strategies, implementing supplemental aids and services into classrooms and the collaboration of school staff. For example, a regular education teacher who has some students with disabilities in the regular education setting would incorporate some co-teaching strategies with the Special Education teacher, implement a layered curriculum approach and utilize any supplemental aids and services when needed.

The educational environment should be a safe and nurturing place for all children to learn and socialize with their peers. When the principal and staff work as a collaborative team and where students find success and not failure, is when you can create a caring environment. Pupil behavior has always been, and still is, a challenging task facing all public schools. Resolving issues and pupil management are tasks teachers and staff deal with daily in order to create a caring and safe environment for all. “Teachers need a high level of knowledge of control theory, self-knowledge, and expertise in communication skills and conflict resolutions” in

order for a caring community to be established in an educational setting (Sullivan, J. F., 1998). One aspect of caring and meeting individual needs is to encourage students to set individual goals and classroom goals so they feel empowered and in-control of their own future. Individual differences in an inclusive setting can be met by establishing a child-centered learning environment. Full inclusion is how students without challenges learn to feel comfortable living with students with disabilities and learn that everyone in the learning community shares responsibility for helping each other live independently

The educational environment should encourage positive learning and increase student learning outcomes. Inclusion of children with disabilities into the regular educational setting has proven by researchers' studies to be positive and successful for students irrespective of disability or not having a disability. Growth in social cognition and warm and caring friendships increase among students in Special Education and regular education where inclusion practices are implemented. Successful inclusion practices for students include certain elements that must exist in the general education environment in order so students can learn to the best of their ability. According to Wigle and Wilcox, (1996), certain elements have to exist within a learning environment to better provide educational programming for students with disabilities in ways that are compatible with the functional concept of least restrictive environment. Therefore, the five criteria listed here have been derived from empirical research to help evaluate any particular service delivery model for educators. By facilitating education programs, educators can better focus on the learning and achievement of each student. The five criteria that Wigle and Wilcox (1996), believe

to be important in establishing least restrictive environment within inclusive general education classrooms are:

FIVE CRITERIA

1. SUBSTANTIVE STUDENT-TEACHER INTERACTION. Research has demonstrated a strong link between student-teacher interaction and student achievement (Brophy, 1979; Cruickshank, 1985; Snyder et al., 1991). Student involvement through such interactions with teachers as being asked questions, responding to teacher monitoring during learning activities, and receiving teacher feedback is clearly associated with student achievement (Brophy & Evertson, 1976; Brophy & Good, 1986; Duffy, Rochler, Meloth, & Vavrus, 1985).
2. OPPORTUNITY TO RESPOND. If all students in a classroom are not called on as equally as possible, the result will be lower achievement on the part of students who are seldom called on to respond (Kerman, 1979). Nonresponding becomes a pattern, nonresponders become inattentive, and active processing fails to occur. As a result, achievement suffers (Anderson, Evertson, & Brophy, 1979).
3. ACADEMIC ENGAGED TIME. The correlation between instructional time and learning is modest. However, there is a strong relationship between learning and academic engaged time in which students are actually involved in learning activities (Nystrand & Gamoran, 1989). Comparisons of high- and low-achieving students underscore this relationship. For example, Evertson (1980) found that high-achieving students were engaged in learning activities

85% of the time, but low achievers had only a 40% involvement rate. In a similar study of secondary classrooms, high achievers were engaged 75% of the time, but low achievers were on task only 51% of the time (Frederick, 1977).

4. RELEVANT CURRICULUM. Any curricular program must be appropriate for the individual student for whom it is intended (Vergason, 1983). The most common approach to special education curricula has been and continues to be the remedial, basic academic skills orientation (Alley & Deshler, 1979; McBride & Forgnone, 1985). However, as students move through the age-grade continuum, instruction for those not bound for postsecondary education must shift to a more practical, applied orientation involving such diverse areas of concern as life skills, social skills, and vocational skills (Brolin, 1992; Halpern & Benz, 1987).
5. MAXIMIZATION OF STUDENT SUCCESS. A key variable in the achievement of students is success (Anderson, Brubaker, Alleman-Brooks, & Duffy, 1985). When work is often beyond the ability of students, they become frustrated, give up, and go off-task (Fisher et al., 1980). Research tends to indicate that success rates should be relatively high in the classroom. In general, those studying basic skill topics need to be about 80% successful in question-and-answer sessions (McGreal, 1985); for seatwork and homework assignments, where possibilities for confusion and frustration increase, success rates need to approximate 90% (Berliner, 1984; Brophy, 1979).

Inclusion of students with disabilities into the regular educational classroom impacts on how educational approaches are set up in the classroom and throughout the school district. Teachers know that not all students in a classroom will be working at the same academic level irrespective of classroom, whether there are students with disabilities or not, and that they must address the usual range of student levels by using multilayered lessons. Multilayered teaching lessons and differentiated curricula should be implemented to help teach the learning range of different student achievement levels. Including Special Education students in the general education classroom has made teachers even more aware of individual learning differences amongst all children. Teachers need to use different teaching strategies and lessons that accommodate students to help better educate all students in an inclusion setting. Restructured schools that encourage flexible learning environments, curriculums and instructional strategies enhance successful inclusion practices. In a perfect world all students would work toward the same educational outcomes. “What differs is the level at which these outcomes are achieved, the additional support that is needed by some students, and the degree of emphasis placed on various outcomes” (Guess and Thompson, 1998).

Collaborative teaching programs are necessary when supporting regular education teachers who teach students with disabilities in the general classroom. Special Education and regular education teachers need to work collaboratively and demonstrate for all students how to cooperate and work together by cooperative teaching, consulting teaching services, supportive resource programs and instructional assistants. Different teaching strategies allow a variety of learning styles to met f or

students with disabilities and non-disabled students. Early intervention programs can also help decrease the number of students needing Special Educational services.

Another study done by Madhabi Banerji and Ronald Dailey found the level of book difficulty increased from the first quarter to the fourth quarter for fifth grade students with specific learning disabilities. Inclusion was positive for the students involved in this study and the teachers thought more professional development on inclusion would be helpful for them to learn better inclusion practices.

The Wisconsin Department of Public Instruction did a study on the experience and impact of students with disabilities in general education classrooms. Teachers from six elementary schools, one middle school and one high school were asked about their teaching efficacy and beliefs about inclusion. Table 2 and Table 3 indicate the results that emerged from the survey data, which are:

Table 2. Teacher Efficacy

Several questions in the survey focus on efficacy of teaching – whether teachers feel they have the skills, are prepared, and are confident. A score of “1” indicates strong disagreement, while “5” means strong agreement. Average (mean) scores were as follows:

I am prepared to modify my curriculum and methods of instruction to fit the needs of individual children in my class.	4.307
I feel confident in my ability to meet the diverse learning needs of the students in my classroom.	4.022
I feel confident in my ability to modify my curriculum to meet the needs of students with disabilities.	4.064

Students with Disabilities in General Education Classrooms: Their Experiences and Impact. Part V: Assignment of students with disabilities to regular education classrooms at the elementary level. dpi.wi.gov/SPED/doc/inclus5.doc

Table 3. Beliefs About Inclusion

When asked about their beliefs about inclusion of students with disabilities in regular education settings, staff members were generally supportive:

Students with disabilities should be educated in special classrooms rather than in regular education classrooms.	2.821
It is the teacher’s responsibility to ensure that all children succeed in his/her classroom.	3.608
Teachers should not have to modify their curriculum or instructional methods to meet the needs of those students who do not achieve.	1.945
It is unrealistic to think that teachers will take the time necessary to modify their curriculum and instructional methods to meet the needs of diverse learners.	2.186

Students with Disabilities in General Education Classrooms: Their Experiences and Impact. Part II: Staff beliefs and attitudes related to the education of students with disabilities. dpi.wi.gov/SPED/doc/inclus2.doc

From this survey, teachers felt they were prepared and confident in modifying and meeting the diverse learning needs of students in the regular educational classroom. Their beliefs about inclusion varied, because there was no strong indicator on whether or not students with disabilities should be educated in special classrooms rather than in the regular educational classrooms. Overall, the data showed that Special Education and younger teachers are more willing to make modifications for students with disabilities and regular education teacher who previously had students with disabilities assigned to their classrooms were more confident about the ability to make the necessary modifications.

Cindy Praisner’s survey found that elementary school principal attitudes and awareness of including students with disabilities has a direct effect on the development of inclusion practices. The survey included 408 schools and had elementary school

principals fill out a survey on how they felt toward the inclusion of students with disabilities. The findings proved that 29.6% supported full-time inclusion into the regular educational setting, six percent supported special education services outside the regular educational setting and the majority, or 56.9%, supported full-time inclusion with support for most of the day or with resource room assistance. Only quality inclusion programs should be implemented, not those that were used for dumping grounds for students with disabilities into the regular educational setting. The collaboration of regular and special education instructors is important in the development of an inclusion environment where supplemental aides and services are used.

Overall, many strategies have concluded that including students with disabilities into the regular educational settings has been positive in their educational progress, self-esteem, and involvement with students without disabilities. To help ensure a successful inclusive school environment, the school district needs to physically reorganize, reallocate staff, and demonstrate practices that have been research-based to increase positive student outcomes for all students. Students with varying cognitive abilities can learn and understand each other better if taught in the same environment.

Pull-out in Special Education

Pull-out programs involve a student's leaving his regular classroom for private instruction involving one-on-one teaching, small group teaching and modified curriculum designed for specific learning needs that cannot be met in the regular education setting. In pull-outs, a child is placed a small group setting with two to five students for 30 to 60 minutes sessions, one to five times a week. Jenkins and Heinen surveyed 686 Special Education and regular education students in grades 2, 4, and 5, on their perspective on students that used pull-out, in-class, or an integrated model for their specialized instruction. The grade level and service delivery model affected the children's preferences for in-class or pull-out services. Older students selected the pull-out over in-class services because of the embarrassment of having someone assist them in the classroom and felt they would receive more help outside the regular educational classroom.

Pull-out programs have advantages for educating a child with a disability:

- a student receives direct instruction to their ability level
- teachers are able to drill on particular skills that a student is having difficulty learning
- there is less collaboration and time spent amongst the teachers during the school day and after school,
- pull-out programs have been used in our education system for years, and
- teachers are very familiar and comfortable with pull-outs.

Pull-out programs can be looked at as a more specialized and direct way of teaching a child with a disability.

Some students feel embarrassed and stigmatized of having someone assist them in the classroom. Short pull-out times would be preferred by some students so non-disabled peers would not see their skill deficit and/or specific learning disability. A student with a disability doesn't want to draw attention to their skill deficits by having a specialist come into the classroom. Pull-out programs can be viewed as services for students with special needs when the regular education teacher needs to be greatly modify the curriculum from that used with non-disabled peers. Students have preferences about who teaches them and where they are taught. Experiences, grade level, and a complex set of factors set preferences about peer judgments. Teachers need to know students' instructional needs, have the ability to help, and arrange the educational environment to benefit their educational success.

Some court cases have decided that the least restrictive environment to educate a child with disabilities is in a pull-out program or an alternative place. In the case of *School District of Wisconsin Dells vs. Z.S.* (7th Circuit Court, 2002), the court found in favor of the District's decision to provide a home bound education program for an autistic student and that it did not violate IDEA. The child's parents wanted their child as full-time in the regular education classroom, but the school district argued that the full-time regular education setting did not benefit the student or the other students in the classroom. The autistic student's behavior proved that he could not function successfully in a regular classroom setting because of a history of unmanageable and violent behaviors.

Over the years, court case findings have helped define the least restrictive environment placement for students with disabilities. Some court cases have concluded that inclusion should not be an absolute right or be considered the best placement of students with disabilities.

In the case of *CLYDE K. V. PUYALLUP* 35 F.3D 1396 (9TH CIR. 1997), the court found that the student was not benefiting academically in the general education classroom and was regressing academically. The school district provided appropriate aids and services which isolated the student socially so nonacademic benefits were minimal. The court acknowledged that the inclusion of this student in the classroom had negative effects on the teacher and other students in the classroom. The court's decision included the statement, "Disruptive behavior that significantly impairs the education of others strongly suggests a mainstream placement is no longer appropriate" (Douvanis and Hulsey, 2002).

Another court case of *HUDSON V. BLOOMFIELD HILLS*, 108 F.3D 112 (6TH CIR. 1997), the court agreed with the school's decision to place a fourteen-year-old girl in Special Education with an emphasis on "life skills" rather than the parent's preference for a general education placement. The court emphasized that the most appropriate purpose of her education was to give her the skills she needed to "function as an independent woman in society." The court ruled that the student was not receiving those skills in her current general educational placement. She needed direct instruction in a separate setting or resource room, out of the general education setting, that could benefit her to become more socially independent. When a child

has a disability to such an extreme, a pull-out program is more beneficial and appropriate when considering the least restrictive environment.

The information listed below in table 6 shows the different kinds of disabilities and time a child with a disability spends outside the classroom.

Table 4. 1997 Wisconsin Data Accountability Center for Child Counts and Environments in the State of Wisconsin.

<u>YEAR</u>	<u>STATE</u>	<u>ENVIRONMENT</u>	<u>DISABILITY</u>	<u>AGE 6 TO 11</u>	<u>AGE 12 TO 17</u>
1997	Wisconsin	OUTSIDE REGULAR CLASS < 21%	MENTAL RETARDATION	539	363
1997	Wisconsin	OUTSIDE REGULAR CLASS < 21%	HEARING IMPAIRMENTS	279	305
1997	Wisconsin	OUTSIDE REGULAR CLASS < 21%	SPEECH OR LANGUAGE IMPAIRMENTS	13764	1914
1997	Wisconsin	OUTSIDE REGULAR CLASS < 21%	VISUAL IMPAIRMENTS	109	120
1997	Wisconsin	OUTSIDE REGULAR CLASS < 21%	EMOTIONAL DISTURBANCE	1469	2481
1997	Wisconsin	OUTSIDE REGULAR CLASS < 21%	ORTHOPEDIC IMPAIRMENTS	371	238
1997	Wisconsin	OUTSIDE REGULAR CLASS < 21%	OTHER HEALTH IMPAIRMENTS	582	573
1997	Wisconsin	OUTSIDE REGULAR CLASS < 21%	SPECIFIC LEARNING DISABILITIES	5717	8573
1997	Wisconsin	OUTSIDE REGULAR CLASS < 21%	DEAF-BLINDNESS	0	0
1997	Wisconsin	OUTSIDE REGULAR CLASS < 21%	MULTIPLE DISABILITIES	.	.
1997	Wisconsin	OUTSIDE REGULAR CLASS < 21%	AUTISM	116	25
1997	Wisconsin	OUTSIDE REGULAR CLASS < 21%	TRAUMATIC BRAIN INJURY	33	39
1997	Wisconsin	OUTSIDE REGULAR CLASS < 21%	ALL DISABILITIES	22979	14631
1997	Wisconsin	OUTSIDE REGULAR CLASS 21% - 60% OF SCHOOL DAY	MENTAL RETARDATION	1808	1904
1997	Wisconsin	OUTSIDE REGULAR CLASS 21% - 60% OF SCHOOL DAY	HEARING IMPAIRMENTS	95	81
1997	Wisconsin	OUTSIDE REGULAR CLASS 21% - 60% OF SCHOOL DAY	SPEECH OR LANGUAGE IMPAIRMENTS	453	116

1997	Wisconsin	OUTSIDE REGULAR CLASS 21% - 60% OF SCHOOL DAY	VISUAL IMPAIRMENTS	29	21
1997	Wisconsin	OUTSIDE REGULAR CLASS 21% - 60% OF SCHOOL DAY	EMOTIONAL DISTURBANCE	2175	4416
1997	Wisconsin	OUTSIDE REGULAR CLASS 21% - 60% OF SCHOOL DAY	ORTHOPEDIC IMPAIRMENTS	183	132
1997	Wisconsin	OUTSIDE REGULAR CLASS 21% - 60% OF SCHOOL DAY	OTHER HEALTH IMPAIRMENTS	577	487
1997	Wisconsin	OUTSIDE REGULAR CLASS 21% - 60% OF SCHOOL DAY OUTSIDE REGULAR CLASS 21% - 60% OF SCHOOL	SPECIFIC LEARNING DISABILITIES	11912	14886
1997	Wisconsin	OUTSIDE REGULAR CLASS	DEAF-BLINDNESS	0	0
1997	Wisconsin	OUTSIDE REGULAR CLASS 21% - 60% OF SCHOOL DAY	MULTIPLE DISABILITIES	.	.
1997	Wisconsin	OUTSIDE REGULAR CLASS 21% - 60% OF SCHOOL DAY	AUTISM	102	60
1997	Wisconsin	OUTSIDE REGULAR CLASS 21% - 60% OF SCHOOL DAY	TRAUMATIC BRAIN INJURY	41	50
1997	Wisconsin	OUTSIDE REGULAR CLASS 21% - 60% OF SCHOOL DAY	ALL DISABILITIES	17375	22153
1997	Wisconsin	OUTSIDE REGULAR CLASS > 60% OF SCHOOL DAY	MENTAL RETARDATION	2881	3510
1997	Wisconsin	OUTSIDE REGULAR CLASS > 60% OF SCHOOL DAY	HEARING IMPAIRMENTS	194	159
1997	Wisconsin	OUTSIDE REGULAR CLASS > 60% OF SCHOOL DAY	SPEECH OR LANGUAGE IMPAIRMENTS	797	46
1997	Wisconsin	OUTSIDE REGULAR CLASS > 60% OF SCHOOL DAY	VISUAL IMPAIRMENTS	26	16
1997	Wisconsin	OUTSIDE REGULAR CLASS > 60% OF SCHOOL DAY	EMOTIONAL DISTURBANCE	1463	2512
1997	Wisconsin	OUTSIDE REGULAR CLASS > 60% OF SCHOOL DAY	ORTHOPEDIC IMPAIRMENTS	298	167
1997	Wisconsin	OUTSIDE REGULAR CLASS > 60% OF SCHOOL DAY	OTHER HEALTH IMPAIRMENTS	308	180
1997	Wisconsin	OUTSIDE REGULAR CLASS > 60% OF SCHOOL DAY	SPECIFIC LEARNING DISABILITIES	1236	1801
1997	Wisconsin	OUTSIDE REGULAR CLASS > 60% OF SCHOOL DAY	DEAF-BLINDNESS	2	5
1997	Wisconsin	OUTSIDE REGULAR CLASS > 60% OF SCHOOL DAY	MULTIPLE DISABILITIES	.	.
1997	Wisconsin	OUTSIDE REGULAR CLASS > 60% OF SCHOOL DAY	AUTISM	318	148
1997	Wisconsin	OUTSIDE REGULAR CLASS	TRAUMATIC	28	36

		> 60% OF SCHOOL DAY	BRAIN INJURY		
1997	Wisconsin	> 60% OF SCHOOL DAY	ALL DISABILITIES	7551	8580

This 1997 Wisconsin data represents the number of students with disabilities ranging in age of six to twenty-one and the percentage of the school day they spent out of the regular educational classroom. According to this data, the number of students being serviced less than 21% of the school day out of the regular education setting in all disabilities is 39,090. The number of students with disabilities being serviced more than 21% and less than 60% of the school day out of the regular education setting in all disabilities is 41,510. The number of students with disabilities being serviced more than 60 % of the school day out of the regular education setting in all disabilities is 17,755. This indicates that pull-out programs are beneficial for some students and need to be considered when looking at a child's best placement for their education.

Least Restrictive Environment

Court decisions have provided school districts with factors and guidelines for them to follow when determining the most appropriate and least restrictive environment when considering where to educate a child with disabilities. Each child and their disability needs to be looked at and examined on an individual basis of what and where is the best way to educate this child. That is why the Individual Education Planning team needs to include a regular education teacher, special education teacher, other specialists when needed, the principal, the parents, and the child when deciding the best and most appropriate place to educate a child with disabilities. The courts examine these IEP team processes and makes sure all options have been discussed to ensure the child's successful education.

One of the very first court cases that fueled the way for parents to have their children with disabilities educated in regular schools was *Brown vs. Board of Education*, 1954. This case allowed students with disabilities to have "equal access" to public schools instead of being kept at home. At that point in time, these children could enroll into the public school systems but needed to be educated in separate classrooms with teachers who were specially trained to teach them. It was not until 1974 under Public Law 94-142 that allowed all handicapped children to have the right to be educated in the public school setting.

Schools must offer a variety of services in a variety of settings under the provisions of the current law. This would include general education classrooms, resource rooms, separate classes, separate school facilities, and homebound settings.

The school district must place a student with a disability in an appropriate and least restrictive environment. The environment should be based on the student’s individual educational needs.

Below is a table describing where students with disabilities were being educated from ages six to twenty-one. It shows the percentage of time they spent in a general education setting. From 1995 to 2005, students with disabilities increased by 6.8% in the area of spending 80 or more percent in the general education classroom and decreased by 4.1% in the area of spending less than 40 percent in the general education classroom.

Table 5. Percentage distribution of students ages 6–21 with disabilities served by the Individuals with Disabilities Education Act, by placement in educational environment: 1995–96 to 2004–05

School year	Percentage of day in a general education classroom			Not in a general school
	80 percent or more	79–40 percent	Less than 40 percent	
1995–96	45.3	28.7	21.6	4.4
1996–97	45.8	28.5	21.4	4.3
1997–98	46.4	29.0	20.4	4.1
1998–99	46.1	29.8	20.1	4.1
1999–2000	46.0	29.7	20.3	4.1
2000–01	46.5	29.8	19.5	4.2
2001–02	48.4	28.3	19.2	4.0
2002–03	48.2	28.7	19.0	4.0
2003–04	49.9	27.7	18.5	3.9
2004–05	52.1	26.3	17.5	4.0

NOTE: Students with disabilities are those students served under “Assistance for education of all children with disabilities”

SOURCE: U.S. Department of Education, Office of Special Education and Rehabilitative Services, *Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act, 1995–2004*, table 2-5, data from (IDEA) database. Retrieved on August 4, 2006, from https://www.ideadata.org/tables28th/ar_2-5.htm.

When an IEP team discusses where the placement of a student with a disability should be placed, they need to keep in the mind some key factors when determining the least restrictive environment. An IEP team meeting must occur annually and be scheduled close to the student's home, based on their disability. It is important to ensure that decisions are based upon an individual's deficits, needs, and strengths, specific to that student and are not based solely on the type of disability. The IEP team first needs to determine what kind of appropriate education plan the student needs. Then the IEP team should decide where the education will be taught. Educational programs need to fit a student's needs rather than trying to fit a student into a program. A continuum sequence from least restrictive to most restrictive environment needs to be followed.

The severity of a student's disability should be a factor when determining where their placement needs to be. LRE mandate requires the use of supplementary aids and services in the regular education classrooms and modifications to the curriculum content be contemplated before a more restrictive placement is suggested. In the regular educational classroom efforts need to be done to accommodate a student with a disability and to document planned outcomes. When a student with a disability is placed in an inclusive setting, possible significant and negative effects on the other students in the classroom need to be considered and monitored. The IEP team may choose a more specialized setting if the student with a disability:

- receives greater benefits from his education in a separate setting than in the general classroom

- is so disruptive that the education of other students in the classroom is significantly impaired
- the cost of implementing his IEP in the regular classroom will significantly affect other children in the general classroom.

If a student with a disability can benefit and the other students in the regular education classroom are not significantly or negatively affected, the special education teacher and regular education teacher need to collaborate on the curriculum and make any environment changes. Laura Idol did a program evaluation of eight schools, four elementary and four secondary schools, on the differences in the way special education services were offered. Supplement aids and services were also evaluated to see how students with disabilities were supported in the least restrictive environment. Classroom and Special Education teachers, instructional assistants, and principals were personally interviewed on their perceptions and attitudes about how and where to educate a student with a disability. On the next page is a table of one of the evaluations she conducted on elementary educators' attitudes toward inclusion. Of the four elementary schools evaluated, only two individuals thought that students with disabilities should be taught in a self-contained special education classroom, and no one thought that they should be educated in separate special education schools. From this study you could conclude that most teachers believe students who have disabilities should be educated at least some of the time, if not most of the time, in the regular educational setting with their peers.

Table 6. Elementary Educators' Choices on How and Where to Best Teach Students with Disabilities

	<u>School A</u>		<u>School B</u>		<u>School C</u>		<u>School D</u>		<u>Total</u>
<u>First choice</u>	<u>n</u>	<u>%</u>	<u>n</u>	<u>%</u>	<u>n</u>	<u>%</u>	<u>n</u>	<u>%</u>	
<u>%</u>									
<u>Item 1: In general, I believe students with special education needs are best educated in</u>									
grade-level classes	4	12	2	7	3	11	5	15	12
grade-level classes <i>with</i> a special education teacher or assistant in the classroom with them	11	33	9	33	8	30	19	58	39
grade-level classes <i>with</i> supportive resource services	11	33	4	15	6	22	5	15	22
mainstreamed classes <i>with</i> part-time instruction in special education classes	5	15	8	30	6	22	3	9	18
self-contained, special education classes	0	0	0	0	1	4	1	3	2
separate, special education schools	0	0	0	0	0	0	0	0	0
(could not select a single first choice)	2	6	4	15	3	11	0	0	0
Total	33		27		27		33		12

	<u>School A</u>		<u>School B</u>		<u>School C</u>		<u>School D</u>		<u>Total</u>
<u>First choice</u>	<u>n</u>	<u>%</u>	<u>n</u>	<u>%</u>	<u>n</u>	<u>%</u>	<u>n</u>	<u>%</u>	
<u>%</u>									
<u>Item 2: When students with special education needs are taught in their grade-level classes, they are best taught by</u>									
including them with all students and having all available adults work with any student needing assistance	24	75	22	82	22	82	26	81	80
having them work with a teacher assistant	5	16	3	4	1	4	1	3	9
having them work with the special educator	3	9	2	15	4	15	5	16	12
Total	32		27		27		32		118

Note. Percentage data were rounded to the nearest whole number. Two interviewees did not respond to Item 2.

REMEDIATION SPECIAL EDUCATION

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Table 6 indicates that teachers support inclusion more when supplementary aids and services are being provided in the classroom. Inclusion requires more time for the general education teacher to modify curriculum and collaborate with other staff members involved in the student's IEP.

The number of Special Education students serviced over the past few years has increased at a higher rate than the enrollment of general education students. Supplemental aids and services and teaching styles would have to increase in the general education settings. This increase of students in Special Education is requiring general and Special Education teachers to use multilayer lessons as well as learning to differentiate their teaching styles. Most public school systems, under the least restrictive environment mandate law, widely use the full-inclusion approach. Using a continuum of services in a variety of settings, a student with disabilities can be educated in the least restrictive environment.

Robert Rueda, Margaret Gallego, and Luis Moll did a study in 2000 to find out if social organization in a specific activity setting can be either facilitating or restrictive. Their findings proved that one way to promote successful socialization in an activity setting is to have objectives or outcomes that would focus on the diverse ways to achieve their goals through language and literacy instead of the fixed goals that the curriculum demands. Another finding proved that activities that are a mixture of play and education where participation is voluntary and not tied to grading can successfully promote socialization. How the learning environment is set up and structured is very important to the learning success of all children, not just those students who have disabilities. A student's educational setting should incorporate

differentiated instruction along with flexible times for individual learning. The least restrictive environment for students with disabilities should consist of academic benefits and be provided supplemental aids and services when needed. If academic benefits are not being achieved, even with appropriate supplemental aids and services, then the student's learning environment should be evaluated and move on a continuum from inclusive to more restrictive until academic and/or social benefits are seen. All children, with or without a disability, can progress academically with the right interventions and positive reinforcements.

From the University of the State of New York, Office of Vocational and Educational Services wrote an article about individuals with disabilities in Special Education and their services. This article provided some questions for teachers to ask themselves about the instructional environment and how the regular educational classroom supports students with disabilities. On the next page is a copy of the resource guide for Special Education instructors to use when evaluating the regular education classroom for inclusion practices.

Table 7. Structured, Predictable School and Classroom Environment

Component: Structured, predictable school and classroom environment		
Driving Question: Do school/classroom structures support student success or present a barrier to it?		
Quality Indicators	Look For	Comments/Evidence
The instructional environment is designed to support individual student needs	<ul style="list-style-type: none"> • Physical environment matches student need for visual, auditory and tactile stimulation • Classroom routines are evident and predictable • Cues, routines, schedules are designed to support individual student needs (e.g. color-coded, picture schedules) • Instructional materials are available in multiple formats • Assistive technology is used as necessary to support student learning 	

The New York State Education Department (NYSED), 2009

The least restrictive environment for a student with a disability should be very individually focused on providing that student with academic and social benefits. Their presence in the classroom should not encourage negative effects on the teacher or other students. In the court case of *Clyde K v. Puyallup* 35 F.3d 1396 (9th Cir. 1997) the court’s decision included the statement, “Disruptive behavior that significantly impairs the education of others strongly suggests a mainstream placement is no longer appropriate” (Douvanis & Hulsey, 2002). Over the years,

court rulings in the placement of students with disabilities have helped schools define what and where the least restrictive environment is for a child with special needs.

The continuum of alternative placements for a student with a disability should begin in the regular education classroom with weekly monitoring from a Special Education teacher. If the child is still making no academic progress, then the next step would be to continue placement in the regular education classroom, but with daily consultation from a Special Education teacher. If the child continues to make no academic progress from just consultation, he or she would continue being serviced in the regular education classroom but with Special Education services and supports that would be aligned with the general curriculum. Some strategies that could be used would be flexible groupings, a universal-designed curriculum, an overlapping curriculum, cooperative learning, peer tutoring, parallel or alternative instruction, and team teaching. If the student with the disability is still making no academic progress, even with the supports and supplemental aids, then he or she would need to have Special Education services provided for part of the day in a resource room or a Special Education classroom. If the student still continues to make no academic progress, the next steps in the continuum of alternative placements are as follows: in a self-contained Special Education classroom, then in a special day school, to a residential treatment facility, to a hospital, to a detention facility, and finally homebound. Students with disabilities must be educated in the regular education classroom to the maximum extent possible. The placement decision must clearly be articulated on the student's IEP and justifications as to where the least restrictive environment is for that student to be educated. The IEP should show a continuum of

placements that have been tried from least restrictive to more restrictive so that the IEP team follows the LRE mandate in the IDEA.

Students with disabilities must also be given the opportunities to participate in nonacademic and extracurricular activities and services with their peers in regular education. Adaptations and/or modifications, if possible, can be made in nonacademic and extracurricular services and activities. These adaptations and/or modifications should be written in the student's IEP and agreed upon by all the IEP team members. The law favors the education of students with disabilities to be educated with nondisabled peers. However, if the IEP team determines that the student's needs are not being met in the regular education classroom and have considered the placement in the regular education classroom to the maximum extent appropriate, then the IEP team will need to identify where and how this student will be serviced. The least restrictive environment is where a student with a disability displays academic benefits and/or social benefits in that environment.

CHAPTER 4

DISCUSSION

From this literature review, it is apparent that there is a concern amongst teachers and the parents of the student with a disability about the amount of time a child is pulled from his or her regular classroom for special education services. From what has been written about inclusion and pull-out programs, both seem to look at each case on an individual basis. From the legal section of this paper, most court cases seem to favor inclusion for children with disabilities that have supplemental aids and services brought into the regular education classroom. Inclusion must consider the needs of the child, his peers, and ability of the school system to meet those needs. School funding has a great influence on the amount of time and money a school district can spend on supplemental aids and services which can lead to all children being serviced better. With more help in the classroom, instruction delivery can be improved by allowing more opportunities for students to respond, more positive reinforcement and more instruction in small group settings.

Academically, as far as how much more or less a child with disabilities educationally succeeds from inclusion or pull-out programs is hard to measure. “There are no comparative data available on Special Education students’ academic gains, graduation rates, preparation for post-secondary schooling, work, or

involvement in community living based on their placement in inclusive vs. non-inclusive settings” (Huston, 2007).

One major finding from the literature is that there seems to be a lack in similarities between the special and regular educational systems. In order for inclusion to be successful, they would need to merge and develop flexible learning environments for all students to be successful learners and have high expectations for all students. Critical to any district or building considering more inclusive practices is the necessity to take the time to plan effectively. Attention to special education students and staff alone is but half the strategy. Planning must involve all stakeholders in discussing, examining and researching the entire educational program (Huston, 2007).

Our educational system needs to be examined and restructured for inclusive practices to be successful. Pull-out programs should only be incorporated in a child’s education plan if the inclusive setting decreases academic learning for a child with disabilities, including the academic learning of the other students in the classroom. More comprehensive research needs to be done about inclusion, restructuring school programs, and qualitative assessments of practices that prove successful for all students. Everyone on an IEP team should be working together to determine which specific strategies in the least restrictive environment would be to benefit the child academically and socially to the best of his or her ability. The final outcome of every child taught in the public school system is to educate them to the best of their abilities in order for them to become independent, happy, contributing citizens in society.

Recommendation

The least restrictive environment for students with disabilities is a significant part of the IEP for the parents and educators. The decision of where a student will be educated and what extracurricular activities the student will be involved in is crucial to them. Under the Free Appropriate Public Education Act, every child is entitled to a free and appropriate public education in the least restrictive environment possible. The least restrictive environment should provide benefits for a student with disabilities and other non-disabled children in the classroom. The Individuals with Disabilities Education Act and the Americans with Disabilities Act both state that each public agency should ensure that children with disabilities are educated with children who do not have disabilities. The removal of children with disabilities from the regular educational environment should only happen when no academic or social benefits are being shown, even with the use of supplementary aids and services.

In order to deliver an appropriate education service, the unique needs and interests of each child with a disability must be considered. Federal law has mandated that children with disabilities receive an equal opportunity to learn alongside children without disabilities. A continuum of alternative placements should be implemented in a school district when considering where the most beneficial place is to educate a child with a disability. The educational setting and the use of supplementary aids and services should be used to provide support for a student with a disability before removing them from the regular education setting. Documentation from the Special education teacher, with the use of supplementary

aids and services, should be done if the disabled student and non-disabled students are not benefiting academically. Specialized programs, or pull-out programs, should only be used when they clearly outweigh the benefits of placement within the regular education setting.

A student with a disability should be in an environment where their needs and abilities can meet their cognitive, social, physical, and communicative needs in full range. Educational goals and documentation of progress should be done for students with disabilities in order for their educational environment to be successful. Public school systems need to restructure their educational delivery system and use a differentiated teaching approach when teaching the curriculum. If properly implemented, differentiated instruction would maximize each student's growth and individual success by varying instructional approaches and adapting them to individual and diverse students in classrooms. Differentiated instruction involves a layered curriculum where a variety of teaching strategies are used to education students on a specific topic. The top four teaching strategies regular and Special Education teachers use are: direct instruction, inquiry-based learning, cooperative learning, and information processing models.

Students with disabilities are each uniquely characterized and their educational environment should be in the least restrictive place. The regular educational environment should be the starting place in order to find the most appropriate, beneficial and least restrictive environment setting and then follow a continuum until they have reached their full potential and success.

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APPENDIX A

Least Restrictive Environment Requirements.

The Least Restrictive Environment Requirements

Federal law provides that each local education agency must ensure that:

...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 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. [34 Code of Federal Regulations (C.F.R.) Sec. 300.550(b)(1) and (2); 20 U.S.C. Sec. 1412(a)(5)(A); California Education Code (Cal. Ed. Code) Sec. 56364.]

In addition to the requirement quoted above, Congress has recognized that a state's method of funding special education services can sometimes encourage school districts to place children in specialized settings because of the potential to receive more money. Because of this danger, Congress now requires states to develop policies and procedures to assure that their funding systems, if based on type of setting, do not violate the requirements of education in the least restrictive environment. [20 U.S.C. Sec. 1412(a)(5)(B).]

In its 1997 amendments to the federal special education laws, Congress has specifically recognized the importance and benefits of education of special education students in regular classes and environments. See 20 U.S.C. Sec. 1400(c)(5)(A) and (D). Beginning in July 1998, Congress required that IEPs include a statement describing how the child's disability affects his involvement and progress in the general curriculum and a statement of annual goals, including benchmarks or short-term objectives that are related to enabling the child to be involved and progress in the general curriculum. [20 U.S.C. Sec. 1414(d)(1)(A)(i) and (ii); 34 C.F.R. Sec. 300.347(a)(2).] The statement of services in the IEP must also include statements of:

- (1) (1) The supplemental aids and services to be provided for the child; and
- (2) (2) The program modifications and supports for school personnel to be provided for him to be involved, progress in the general curriculum, and participate in extracurricular and nonacademic activities. [20 U.S.C. Sec. 1414(d)(1)(A)(iii); 34 C.F.R. Sec. 300.347(a)(3).]

The U.S. Department of Education (USDOE) issued new regulations in March 1999 that further clarify the responsibility of schools to educate children with disabilities in the least restrictive environment. The USDOE also published its discussion and rationale for making certain changes to regulations governing the least restrictive environment, among other topics. For example, the USDOE stated:

Placement in the LRE requires an individual decision, based on each child's IEP, and based on the **strong presumption** of the IDEA that children with disabilities be educated in regular classes with appropriate aids and supports...The regulations have always required that placement decisions be based on the individual needs of each child with a disability and prohibited categorical decision-making. [64 Fed. Reg. 12637 (3/12/99) (emphasis added).]

While the Act and regulations recognize that IEP teams must make individualized decisions about the special education and related services, and supplementary aids and services, provided to each child with a disability, they are driven by IDEA's **strong preference** that, to the maximum extent appropriate, children with disabilities be educated in regular classes with their nondisabled peers with appropriate supplementary aids and services. [34 C.F.R. Part 300, Appendix A. I; 64 Fed. Reg. 12470 (3/12/99) (emphasis added).]

Even though IDEA does not mandate regular class placement for every disabled student, IDEA presumes that the first placement option considered for each disabled student by the student's placement team, which must include the parent, is the school the child would attend if not disabled, with appropriate aids and services to facilitate such placement. Thus, before a disabled child can be placed outside of the regular educational environment, the **full range** of supplementary aids and services that if provided would facilitate the student's placement in the regular classroom setting **must** be considered. [34 C.F.R. Part 300, Appendix A, Q. 1; 64 Fed. Reg. 12471 (3/12/99) (emphasis added).]

State law provides that:

Individuals with exceptional needs [shall be] offered special assistance programs that promote maximum interaction with the general school population in a manner which is appropriate to the needs of both. [Cal. Ed. Code Sec. 56001(g).]

Special classes that serve pupils with similar and more intensive educational needs shall be available. The special classes may enroll the pupils only when the nature or severity of the disability of the individual with exceptional needs is such that education in the regular classes with the use of supplementary aids and services, including curriculum modification and behavioral support, cannot be achieved satisfactorily. These requirements also apply to separate schooling, or other removal of individuals with exceptional needs from the regular education environment.

In providing or arranging for the provision of activities, each public agency shall ensure that each individual with exceptional needs participates in those activities with nondisabled pupils to the

maximum extent appropriate to the needs of the individual with exceptional needs, including nonacademic and extracurricular services and activities... [Cal. Ed. Code. Sec. 56364(a)(b).]

For students not yet receiving special education, but for whom special education eligibility is being considered, state law provides that:

A pupil shall be referred for special educational instruction and services only after the resources of the regular education program have been considered and, where appropriate, utilized. [Cal. Ed. Code Sec. 56303.]

The LRE regulations of federal law, Title 34, Code of Federal Regulations, Section 300.552(c) and (d) provide:

Unless the IEP [individualized education program] of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if non disabled; [and] [i]n selecting the least restrictive environment, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs.

Numerous federal courts have issued decisions on the issue of special education in the least restrictive environment. For the most part, these courts have encouraged integrated education and have established a solid trend in this direction.

APPENDIX B

Copy of the Least Restrictive Environment Form from an IEP

I-3 - IEP - Section VI.

Name of Child:	Date of Birth:	* Meeting Date:
Mitchel Yogurt	3/23/1995 (14)	9/21/09

VI. Least Restrictive Environment

1. The child will participate full-time with non-disabled peers in regular education classes or, for preschoolers, in age-appropriate settings. Yes No
If no, explain why full-time participation with non-disabled peers is not appropriate.
2. Will the child be able to participate in extracurricular and non-academic activities with non-disabled children? Yes No
If no, describe the extent to which the child will not be involved in extracurricular and non-academic activities with non-disabled children.
3. Will the student be involved full-time in the general curriculum at his/her age/grade appropriate level (for preschoolers, in age-appropriate activities)? Yes No