

# Placement and Least Restrictive Environment

*Region 10 School District of Education*

Technical Assistance on Placement, LRE, and SECC Reporting of Federal Placement Codes  
August 2006

<b>Requirements</b>	<b>Procedures</b>
<p><b>Meeting</b></p> <p>Placement determination is made by a group of people including the parents. The team must include someone who is knowledgeable about the student, about evaluation data and about the placement options. The IEP team may serve as the placement team if the IEP team individuals with the required knowledge are present.</p> <p>OAR 581-015-0061</p>	<p>Invite required participants to meeting. ODE sample form: <i>Notice of Team Meeting</i></p> <p>Identify the placement team members on the placement determination page. This can be accomplished by obtaining signatures of participants or by listing the participants' names. ODE sample form: <i>Special Education Placement Determination</i></p> <p>The parent and district may agree to use alternative means of meeting participation, such as conference calls or video conferencing.</p>
<p><b>Consideration &amp; Determination</b></p> <ol style="list-style-type: none"> <li>1. Placement is determined at least annually by the placement team based on the individual needs of the student and the student's current IEP.</li> <li>2. The district must make a continuum of placement options available to the extent necessary to implement the IEP for each student with a disability. The continuum includes: instruction in regular classes; instruction in regular classes with resource room support; instruction in special classes; special schools, instruction in hospitals and institutions; and home instruction.</li> <li>3. To the maximum extent appropriate, students with disabilities must be educated with students who are not disabled. Special classes, separate schooling or other removal of students with disabilities from the regular educational environment may occur only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.</li> <li>4. Students with disabilities must be placed in the school the student would attend if not disabled unless unique circumstances prevent this placement. If placement at that school is not appropriate, placement should be as close to home as possible.</li> <li>5. A student with disabilities cannot be removed from education in age-</li> </ol>	<p>Students are placed in the least restrictive environment, using the following decision making process and in light of the <i>Holland</i> balancing test (see below):</p> <ol style="list-style-type: none"> <li>1. Review student's most current IEP;</li> <li>2. Determine which IEP services, including instruction, can be implemented in the regular class;</li> <li>3. If all IEP services cannot be provided in the regular class, identify those that must be provided outside the regular class; however, the district will not remove a student from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum;</li> <li>4. For those services that must be provided outside the regular class, identify where, on the continuum from least to most restrictive, the services can be provided;</li> <li>5. Placement is in the school the student would attend if not disabled, unless another arrangement is required for implementation of the IEP;</li> <li>6. In selecting the student's placement, the placement team</li> </ol>

<p>appropriate regular classrooms solely because of needed modifications in the general education curriculum.</p> <p>OAR 581-015-0059, 0060, 0061.</p>	<p>considers and documents:</p> <ul style="list-style-type: none"> <li>a. All placement options considered, including placement options requested by the parent;</li> <li>b. Potential benefits of placement options that are considered;</li> <li>c. Any potential harmful effects on the student or on the quality of services that he or she needs; and,</li> <li>d. Modifications and services considered to reduce harmful effects,</li> </ul> <p>ODE sample form: <i>Special Education Placement Determination</i></p> <p>Written parent consent is required for <i>initial</i> placement into special education; it is not required for subsequent annual placement determinations.</p> <p>ODE sample form: <i>Prior Written Notice and Consent for Initial Placement.</i></p> <p>Any changes in placement or refusals to change placement require prior written notice.</p> <p>ODE sample form: <i>Prior Written Notice of Special Education Action.</i></p>
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In Oregon, *Sacramento City School District v. Holland*, a 1994 9<sup>th</sup> circuit case, establishes the framework to evaluate whether school districts have made a placement determination in the least restrictive environment. That framework consists of a four part balancing test. Each prong of the balancing test is set out below, with suggested considerations for team decision-making.<sup>1</sup>

<p><b>Holland balancing test (9<sup>th</sup> circuit)(1994)</b></p> <p><b>(1) Academic benefit:</b> The educational benefits available to the student in the regular classroom, supplemented with appropriate aids and services, as compared with educational benefits of a special classroom placement;</p>	<p><b>Considerations:</b></p> <ul style="list-style-type: none"> <li>• Academic benefit to student from being in regular classroom</li> <li>• Academic benefit to student from being in instructional setting outside regular classroom.</li> <li>• Progress on academic IEP goals and objectives in regular classroom.</li> <li>• Degree to which student would be able to participate in general curriculum in regular classroom, with or without modifications.</li> <li>• Extent to which district has considered or tried appropriate supplementary aids and</li> </ul>
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<sup>1</sup>See Hicks, Graham, *Making Appropriate Least Restrictive Environment (LRE) Decisions*, 2003 Special Education and the Law Conference (School Law Division, College of Education, University of Washington). These recommended considerations are provided for informational purposes only and do not constitute legal advice.  
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	<p>services to support instruction in regular classroom.</p> <ul style="list-style-type: none"> <li>• Student's need for intensive instruction in special setting for a period of time to benefit from instruction in regular classroom in the future.</li> </ul>
<p><b>(2) Nonacademic benefit:</b> The nonacademic benefits of placement in a regular classroom;</p>	<ul style="list-style-type: none"> <li>• Other educational benefits the student has or would receive from placement in the regular classroom in areas such as language, social skills, behavior, self-esteem.</li> <li>• Progress student has or would make on nonacademic goals in the regular classroom/.</li> <li>• Nonacademic benefit student would have or receive in specialized classroom/.</li> <li>• The degree to which the student interacts with other students in the regular classroom.</li> <li>• The degree to which the student acquires appropriate communication and social skills modeled by nondisabled students.</li> <li>• The extent to which the district has considered or tried appropriate supplementary aids and services to support placement in regular classroom.</li> </ul>
<p><b>(3) Disruptive effect:</b> The effect of the student's presence on the teacher and other students in the regular classroom</p>	<ul style="list-style-type: none"> <li>• The degree to which the student would disturb or distract other students in the regular classroom or otherwise disrupt the learning environment.</li> <li>• History of unruly, aggressive, or assaultive behavior; injuries to others resulting from student's behavior.</li> <li>• Threats to other students or staff.</li> <li>• Sexual harassment of students or staff; inappropriate sexual conduct.</li> <li>• Efforts made by the district, including the consideration or use of appropriate supplementary aids and services, to control the disruption, danger, or other detrimental impact on the regular classroom, and the results of those efforts.</li> <li>• Amount of time the regular classroom teacher would be required to devote to the child with disabilities.</li> </ul>
<p><b>(4) The cost of "mainstreaming" the student in a regular classroom.</b></p>	<ul style="list-style-type: none"> <li>• Additional cost of providing services in a regular classroom vs. prorated cost of providing services to student in special classroom, as it related to the total school district budget.</li> <li>• Impact of additional cost on district's ability to meet the needs of other children with disabilities.</li> <li>• Rarely, if ever, basis for decision-making and may never be the sole factor in decision-making.</li> </ul>