

# Admission, Review, and Dismissal Committee

## LEAST RESTRICTIVE ENVIRONMENT

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Model operating procedures created by



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and

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## LEAST RESTRICTIVE ENVIRONMENT

### What is Required

District Special Education Personnel must educate a student with a disability in the least restrictive environment (LRE) which means that the student is educated with students who are not disabled to the maximum extent appropriate. For purposes here, this will be to the maximum extent reasonable and appropriate for an asynchronous online virtual setting. Students should only be placed in special classes or separate schooling, or otherwise be removed from regular education classes when the student cannot be appropriately educated in regular education classes with the use of supplementary aids and services. To the extent reasonable and applicable for an asynchronous virtual online learning setting, District Special Education Personnel must also use reasonable efforts to ensure that students with disabilities are able to participate with nondisabled students in extracurricular or nonacademic activities or services to the maximum extent appropriate to the needs of the student and to the extent reasonable and applicable for the asynchronous virtual online setting of District's program. It is important to note that in all environments, students must maintain the minimum attendance requirements outlined in policy.

### Continuum of Alternative Placements

District Special Education Personnel must make a continuum of alternative placements for special education and related services available to meet the needs of students with disabilities. Generally, the farther removed the student is from the general education classroom, the more restrictive the setting. However, for purposes of District's program, the only "classroom" setting offered is the asynchronous virtual online learning environment, as District has no physical campus and its student body is spread over a wide geographic area.

### Placement Decisions

Decisions regarding placement of students with disabilities must be made by the ARD Committee, including the parents, at least annually based on the student's IEP, in conformity with the least restrictive environment, and as reasonable and appropriate for the asynchronous virtual online setting of District's program. The student will be educated in the asynchronous virtual online learning setting in the same manner the student would be educated if nondisabled. The placement or instructional setting for a student with a disability must be specified in the student's IEP, though the placement and instructional setting will only be as reasonable and appropriate for the asynchronous virtual online learning setting. The IEP must also include an explanation of the extent, if any, to which



the student will not participate with nondisabled peers in the regular class and in extracurricular and other nonacademic activities. However, such participation will only be as reasonable and appropriate for an asynchronous virtual online classroom, as there is no “live” classroom with live interaction with other students in District’s program.

## **Career and Technical Education (“CTE”) Programs**

District Special Education Personnel may provide Career and Technical Education (“CTE”) services to a student with a disability in a separate program specifically designed to address the student’s individual occupational or training needs if a student is unable to receive a FAPE in a regular CTE classroom, which if offered will be conducted in an asynchronous virtual online setting, using supplementary aids and services as reasonable and appropriate for an asynchronous virtual online learning setting. When determining placement in a CTE classroom, the ARD Committee will consider the student’s graduation plan, the content of the IEP including transition services, and asynchronous virtual online setting supports.

## **Definitions**

“General education setting” includes general education setting, for District’s program – the asynchronous virtual online learning setting, in which students without disabilities participate.

“Inclusion” is a personalized special education program delivered to a student with a disability in conjunction with a regular education curriculum where support is provided to the student within the asynchronous virtual online learning setting.

“Mainstream” is an instructional arrangement/setting for providing special education and related services to a student in the regular classroom, in this case the asynchronous virtual online learning setting, in accordance with the student’s IEP and as reasonable and appropriate for an asynchronous virtual online learning setting. Qualified special education personnel must be involved in the implementation of the student’s IEP through the provision support services to the student, and/or the student’s course teacher(s) necessary to enable student success and as reasonable and appropriate for an asynchronous virtual online learning setting. The student’s IEP must specify the services that will be provided by qualified special education personnel to enable the student to appropriately progress in the general education curriculum in the asynchronous virtual online learning setting and/or appropriately advance in achieving the goals set out in the student’s IEP. Services provided in this instructional arrangement will be as reasonable and appropriate for an asynchronous virtual online learning setting for a District with no physical campus and a student body spread across a wide geographic area.

“Homebound” is an instructional arrangement/setting for providing special education and



related services to students who are served at home or hospital bedside.

- Students served on a homebound or hospital bedside basis are expected to be confined for a minimum of four consecutive weeks as documented by a physician licensed to practice in the United States. Homebound or hospital bedside instruction may also be provided to chronically ill students who are expected to be confined for any period of time totaling at least four weeks throughout the school year as documented by a physician licensed to practice in the United States. The student's ARD committee shall determine the amount of services to be provided to the student in this instructional arrangement/setting in accordance with federal and state laws, rules, and regulations. Such instruction will be delivered via the asynchronous virtual online learning setting, as with those who receive instruction on a non-homebound basis, while maintaining their attendance per policies. Such services will only be provided as reasonable and applicable for an asynchronous virtual online learning environment for a District with no physical campus and a student body spread across a wide geographic area. If the student needs traditional homebound in-person services, they may be referred to their local school district where they can receive free and appropriate education for traditional in-person homebound services.

“Hospital class” is an instructional arrangement/setting for providing special education instruction in a classroom, in a hospital facility, or a residential care and treatment facility not operated by the school district. Such arrangement, if offered, shall only be available to the extent reasonable and appropriate for an asynchronous virtual online learning setting. Such instruction will be delivered via the asynchronous virtual online learning setting, as with those who receive instruction on a non-homebound basis, while maintaining their attendance per policies. If the students residing in the facility are provided special education services outside the facility, they are considered to be served in the instructional arrangement in which they are placed and not considered in a hospital class.

“Speech therapy” is an instructional arrangement for providing speech therapy services whether in a regular education classroom or in a setting other than a regular education classroom – for purposes of District’s program, “classroom” refers to the asynchronous virtual online learning environment. Such arrangement, if offered, shall only be available to the extent reasonable and appropriate for an asynchronous virtual online learning setting for a District with no physical campus and a student body spread across a wide geographic area. When the only special education or related service provided to a student is speech therapy, then this instructional arrangement may not be combined with any other instructional arrangement.

“Resource room or services” is an instructional arrangement/setting for providing special education and related services to a student in a setting other than regular education – in



this case, the standard courses in the asynchronous virtual online learning setting – for less than 50% of the regular school day. Such services, if offered, shall only be available to the extent reasonable and appropriate for an asynchronous virtual online learning program with no physical campus and a student body spread across a wide geographic area.

### **Additional Procedures**

The student's ARD Committee and District Special Education Personnel will ensure that a student with a disability spends as much time as possible with peers who do not receive special education instruction. However, this statement is made with the understanding of the asynchronous virtual online learning setting of District's program – there is no "live" classroom where students and teacher interact with each other in real time. District Special Education Personnel will tailor the environment in which the special education and related services are provided to the student's individual needs and disabilities to the extent reasonable and appropriate for an asynchronous virtual online learning setting for a District with no physical campus and a student body spread across a wide geographic area.

The student's ARD Committee will only consider adjusting the student's instruction in the asynchronous virtual online learning setting from the standard method of instruction in the asynchronous virtual online learning setting where the ARD Committee determines that the District cannot provide a satisfactory education by means of the standard method of instruction in the asynchronous virtual online learning setting with supplementary aids and services. The ARD committee will determine if the online asynchronous virtual online learning setting is the most appropriate setting. In the event that the online asynchronous virtual online learning setting is not appropriate, the student may be referred to their local school to receive free and appropriate public education.

### **Continuum of Alternative Placements**

District and Special Education Personnel will provide a continuum of alternative placements and/or adjustments in the standard asynchronous virtual online learning setting. Where appropriate, District and Special Education Personnel will offer the opportunity for the student to receive supplementary services in conjunction with placement in the general education setting, this case the standard asynchronous virtual online learning setting and its means of instruction. Such adjustments, alternative placements, and supplementary services shall only be as reasonable and appropriate for an asynchronous virtual online learning setting for a District with no physical campus and a student body spread across a wide geographic area. In the event that the online asynchronous virtual online learning setting is not appropriate, the student may be referred to their local school to receive free and appropriate public education.



## Placement Decisions

The ARD Committee, including District Special Education Personnel, the student's parent or guardian, and other persons knowledgeable about the student, will hold an annual ARD meeting to determine the student's placement. The ARD Committee will first consider whether placement in the general education classroom – the standard means of instruction in the asynchronous virtual online learning setting – is possible by asking the following questions:

- Can the student be appropriately educated via standard instruction in the asynchronous virtual online learning environment?
- What efforts has the District made thus far to determine whether the student can be appropriately educated via standard instruction in the asynchronous virtual online learning environment and were those efforts successful?
- Has the whole range of aids, services, or additional supports (all of which are reasonable and appropriate for an asynchronous virtual online learning setting) necessary to allow the student to receive FAPE in the asynchronous virtual online learning environment been considered?
- Has the District made efforts to modify the regular program and method of instruction in the asynchronous virtual online learning environment to accommodate the student and were those efforts successful?
- Is the cost of integrated placement or adjustments, with appropriate supplementary aids and services, so great that it would significantly impact the education of the other students in the District?
- Is it possible to place the student in regular education (in the asynchronous virtual online setting) for some academic programs or courses?
- Is it possible to place the student in regular non-academic classes in the asynchronous virtual online learning environment?

The ARD Committee will make an individualized placement and/or adjustment determination(s) for each student, considering all relevant evaluation data and placement options as reasonable and appropriate for an asynchronous virtual online learning environment for a District with no physical campus and a student body spread across a wide geographic area. This will include balancing the student's overall educational experience in a regular education setting with the benefits the student would receive in a special education setting. The ARD Committee will also consider any potentially harmful effects on the student or the quality of services when selecting the placement. The ARD Committee should not place a student outside of the general education classroom solely because of needed modifications to the general education curriculum. However, a





student with a disability need not fail in the general education environment before the ARD Committee can consider or implement a placement in a more restrictive setting. Moreover, the ARD Committee can consider the student's past record of performance in a mainstream environment elsewhere in the District or even another school district.

Administrative convenience is never a legitimate consideration in determining LRE. The ARD Committee will not consider lack of personnel or resources as an excuse to relieve the District of the obligation to make FAPE available to students in the LRE. However, such considerations will only be as reasonable and appropriate for the asynchronous virtual online program District offers, as District has no physical campus and has a student body spread across a wide geographic area.

The ARD Committee will outline the placement and/or adjustment decision(s) in the student's IEP and explain the extent, if any, that the student will not participate with nondisabled peers in the general education setting and/or in extracurricular and other nonacademic activities, keeping in mind that such considerations will be subject to the reasonableness and appropriateness for an asynchronous virtual online learning program.

Following the placement decision, District Special Education Personnel will provide the student's parent or guardian with Prior Written Notice regarding the placement decision following the ARD meeting and wait the required 5 school days before implementing the student's new placement, unless the parent waives the 5-day notice.

### **Career and Technical Education ("CTE") Programs**

The ARD Committee will include a representative from the CTE program as a member of the student's ARD Committee when determining placement in a CTE program, which if offered, will be delivered via the asynchronous virtual online learning setting. The ARD Committee will also consider whether current enrollment numbers in the CTE virtual online learning setting could have a harmful effect on the student's ability to learn.

For a student with disabilities placed in the CTE program, District Special Education Personnel will communicate with the CTE teacher regarding planning for the student. District Special Education Personnel will monitor the instruction provided to the student in the CTE program to ensure that the instruction is consistent with the student's IEP. Where necessary and appropriate, District Special Education Personnel will provide supplementary aids and services, including, but not limited to, modified instruction and instructional aids and devices, in CTE programs. Such services, along with District obligations for monitoring, shall be subject to the reasonableness and appropriateness standards for an asynchronous virtual online learning setting for a District with no physical campus and a student body spread across a wide geographic area.





## **Evidence of Implementation**

- FIE
- ARD/IEP
- Continuum of Instructional Settings  
Documentation of Coordination Between District Special Education Personnel and CTE teacher
- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Least Restrictive Environment - Region 18](#)

[Least Restrictive Environment - Region 20](#)

[The Least Restrictive Environment \(LRE\): Question & Answer Document \(Jan. 4, 2016\) - Texas Education Agency and Region 20](#)

[SPEDTEX - Least Restrictive Environment \(TEA\)](#)

[Student Attendance Accounting Handbook \(TEA\)](#)

[OSERS Letter to Anderson \(Dec. 4, 2012\) – U.S. Department of Education](#)

[OSERS Letter to Anonymous \(Mar. 30, 2009\) – U.S. Department of Education](#)

[OSERS Letter to Wohle \(Feb. 1, 2008\) – U.S. Department of Education](#)

[OSERS Letter to Spitzer-Resnick \(June 22, 2012\) – U.S. Department of Education](#)

[OSERS Dear Colleague Letter on Children with Disabilities Residing in Nursing Homes \(Apr. 26, 2016\) – U.S. Department of Education](#)

## **CITATIONS**

Board Policy EHBA; Board Policy EHBA; Board Policy EHBAB; Board Policy EHBFB;  
Board Policy EHBH; 20 USC 1412(a)(5)(A); 34 CFR 300.101, 300.102(a)(1),



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300.114(a)(2), 300.115(a)-(b), 300.116, 300.117, 300.320; 19 TAC 75.1023, 89.63, 89.1050(a)(6), 89.1075(e), 89.1080