

OKALOOSA COUNTY SCHOOL DISTRICT

LEAST RESTRICTIVE ENVIRONMENT (LRE) PROCEDURAL CHECKLIST

Student Name:	Grade:
Student Number:	School:
LRE Team Meeting Date:	Proposed Setting:

Note: This form is to be completed by the LRE TEAM only after all other IEP components have been fully addressed. Please refer to LRE case law in the references section for more information on each question.

I. Section A: LRE Screener (This section must be completed based on proposed setting.)	Yes	No
1. All of the child’s classes are in the regular educational environment.		
2. The child has the opportunity to participate in nonacademic and extracurricular services and activities (including meals, recess periods, and services and activities such as counseling services, athletics, transportation, health services, recreational activities, and special interest groups or clubs sponsored by the child’s LEA) to the same extent as peers who do not have disabilities.		
3. The child is educated in the school that he or she would attend if nondisabled.		

II. Section B: LRE Factors and Considerations (Complete only if “NO” has been checked for one or more of the items in Section A. Respond to all items unless otherwise indicated.)	Evidence provided to LRE Team (See Legend below)	Yes	No
1. The LRE TEAM based the educational placement of the child upon the child’s IEP/eligibility.			
2. The LRE TEAM has ensured that the child is educated to the maximum extent appropriate with children who are nondisabled.			
3. The LRE TEAM ensured that the child participates in nonacademic and extracurricular services and activities			

with nondisabled children to the maximum extent appropriate to the needs of the child.			
4. The LRE TEAM considered the use of supplementary aids and services (such as resource room, itinerant instruction, assistive technology devices or assistive technology services) in conjunction with regular class placement.			
5. The LRE TEAM determined that the nature and severity of the child's disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.			
6. The LRE TEAM selected the placement within the continuum of alternative placements which is required to implement the child's IEP.			
7. The LRE TEAM considered any potential harmful effect of the placement on the child.			
8. The LRE TEAM considered any potential harmful effect of the placement on the quality of the services that the child needs.			
9. The LRE TEAM considered any potential harmful effect of the placement on the education of other children.			
10. The LRE TEAM considered whether services could be provided in the general education setting and/or at the zoned school.			
11. The LRE TEAM reviewed data that indicates a failure to progress in a less restrictive setting.			
12. The LRE TEAM considered the non-academic benefits of interaction with non-disabled peers when determining the need for the more specialized setting.			
13. The LRE TEAM determined that the benefits of the increased intensity and frequency of available services in the specialized/intensive setting would outweigh the benefits of remaining in the general education setting.			

Comments/Additional Information:

LRE Recommendation/Rationale:

Signatures

LRE Team Member/Role

Date

Legend			
D = Discipline Referrals	E = Evaluations	F = FBA/PBIP	I = Intervention Data
M = Medical Information	O = Observations	P = Parent Input	__ = _____

References

Legal Case: Roncker Vs. Walter (1983) This case involved the disagreement between the parents and school district of a boy with disabilities. The school determined that due to the boy's moderate mental retardation he would be placed in a special education classroom as his LRE. The parents believed that the boy would benefit more in a regular education classroom, where he could have greater integration and contact with his regular educated peers. The court ruled that the school district made the correct choice of placement, as the student made no significant progress being educated with his general educated peers. This case led to the creation of the **Roncker Portability Test**. In a case where a segregated facility is considered superior, for instance a special education classroom, the court should determine whether the services which make that placement feasible can be transferred into a nonsegregated setting. If that is the case, this modification is required.

Legal Case: Daniel R.R. v. State Board of Education (1989) This case involved the determination of a young boy to be educated in a regular prekindergarten session versus a special education setting. For a short time, the student was placed half day in a regular education setting and the other half in a special education setting. The parents went to court after it was confirmed by the school district that the student was not benefiting from the mainstreaming of education from a regular education prekindergarten class and would spend his entire day in a special education environment. To help determine a more accurate depiction on the benefits appropriate education over the idea of mainstreaming they created a test known as the **Daniel Two Part Test**. First, the court must determine if education in a general education classroom with the use of aides and services could be achieved. By doing this the court will look at if the student is provided with modified curriculum, whether the peers in the classroom are being negatively effected by the student's placement, and if the student is benefiting from the integration of a regular education setting. If the school passes the first part of the test, they move to part two. Part two examines if the school has mainstreamed the student to the maximum possibility. In this case, the school district passed both sections of the test. Although all of these opportunities were provided for the boy, he was moved to a special education environment due to the attention needed from the teacher that was negatively impacting the other peers academic learning in the classroom. This school was now protected under the LRE requirements according to IDEA to make the decision to choose the environment for the young boy.

Legal Cases: Sacramento City Unified School District Board of Education v. Rachel H. (1994) & Clyde K. v. Puyallup School District (1994) Both of these cases were similar in regards to the parents' noncompliance with the moving of their child to a regular education classroom with supports into a special education setting. To help establish the ruling of these cases, both court systems used the **Rachel H. Four-Factor Test** to help prove the decisions behind the right placement for their children. The Rachel H. Four Factor Test addresses these 4 issues:

1. the educational benefits of the general education classroom with aids and services as compared with a special ed. classroom
2. the non-academic benefits of interaction with students without disabilities
3. the effect of the student's presence on the teacher and the other students in the classroom
4. the cost of mainstreaming

After both school districts applied the four factors to their individual case, they found that their decisions for the LRE for the students with disabilities were correct according to the LRE mandate according to the IDEA.

Legal Case: Hartmann v. Loudoun County Board of Education (1997) This case involved the moving of an 11 year old boy from a general education classroom to a special education classroom due to the severity of his handicap and the effect it had on other students in the classroom. In this case, 5 families had asked to remove their own children from the regular education classroom that this boy was in due to the aggression he was showing toward these students. After the boy was removed from his general education setting, the parents believed that this new placement was violating the mainstreaming provision of the IDEA and soon afterwards a due process hearing occurred. **The Hartmann Three-Part Test** was developed to help support the school district in this case and remediate the idea behind mainstreaming in a regular education setting. This test contained three factors where mainstreaming is not required:

1. when a student with a disability would not receive educational benefit from mainstreaming in a general education class
2. any benefit from mainstreaming would be significantly outweighed by benefits that can be obtained only in a separate instructional setting
3. the student is a disruptive force in the general education classroom

Although there have been numerous cases that have been heard by US courts, these four tests mentioned above are the main determinants for the placement of students with disabilities in the least restrictive environment. These tests are important as they provide guidance on how to rule case by case and they also indicate the relevant factors that courts will examine in LRE cases. This can be helpful for school districts as it provides them with more knowledge to help determine if the placement of students in regards to the LRE is the most beneficial for that particular student.