

Special Education - Participation in Regular Education Programs

1. Placement of the Student

- a. The placement decision for each eligible student is:
 - (1) Made by a group of persons, including the parents, and other persons knowledgeable about the student, the meaning of the evaluation data and the placement options;
 - (2) Made in conformity with the requirements of least restrictive environment;
 - (3) Determined at least annually;
 - (4) Based on the student's individualized education program (IEP); and
 - (5) The student is educated in the school that he/she would attend if nondisabled unless the child's IEP requires some other arrangement.

- b. The district ensures that:
 - (1) A continuum of placement options is available to meet the needs of students with disabilities for special education and related services and to the extent necessary to implement the individualized education program for each student with a disability;
 - (2) The continuum of placement options includes instruction in regular classes (with special education and related services and/or supplementary aids and services as identified on the IEP), special classes, special schools, home instruction and instruction in hospitals and institutions;
 - (3) Placement options, including instruction in regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions are available to the extent necessary to implement the IEP for each student with a disability.

- c. Placement decisions must be made in conformity with the least restrictive environment (LRE) provisions. These provisions direct that to the maximum extent appropriate, students with disabilities be educated with students who are nondisabled, and that special classes, separate schooling or other removal of students with disabilities from the regular education environment occurs 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. In selecting the least restrictive environment, consideration is given to any potential harmful effect on the child or on the quality of services which he or she needs. Placement must be made in the school that the student would attend if not disabled unless unique circumstances prevent this placement. A student with a disability cannot be removed from education in age-appropriate regular classrooms solely because of the needed modifications in the general education curriculum.

- d. The following process will also be used to determine and document placement:
- (1) Complete the IEP
 - (2) Document the names of each participant in the placement meeting. The parent of a child with a disability and the Local Education Agency (LEA) may agree to use alternative means of meeting participation, such as video conferencing and conference calls.
 - (3) The Placement Team reviews current evaluation information. Any evaluation information used in determining IEP placement should be identified.
 - (4) After reviewing the IEP and evaluation data:
 - (a) Identify each placement option considered. (If the Placement Team is documenting that a regular classroom placement is appropriate to implement the services identified on the IEP, the Team may, but is not required to consider additional placement options that would be considered more restrictive unless the parent requests a more restrictive placement.)
 - (b) For each of the placement options considered, describe:
 - A. The benefits of this placement;
 - B. The possible harmful effects on the child and/or on the services in this placement option;
 - C. The modifications/services that were considered to reduce the potential harmful effects.
 - (5) Document which placement option is selected.
 - (6) Document the names of the team members involved in the placement decision.
 - (7) Provide parents with a copy of the IEP and placement determination.
 - (8) Provide applicable prior written notice and consent.
 - (a) All initial placements require Prior Written Notice and Consent.
 - (b) Any subsequent changes in placement, made during the subsequent annual placement review, require Prior Written Notice. The team may provide this notice by using a Prior Notice of Special Education Action.
 - (c) The district must also provide prior written notice of refusal if the parent requests a placement that the team refuses.

2. Youth Incarcerated in Adult Correctional Facilities

For students otherwise entitled to FAPE, the placement team may modify the student's placement if the state has demonstrated a bona fide security or compelling penological interest that cannot be otherwise accommodated. The requirements related to least restrictive environments do not apply with respect to these modifications.

3. Nonacademic Settings

- a. The district takes steps to provide nonacademic and extracurricular services and activities in the manner necessary to afford students with disabilities an equal opportunity for participation in those services and activities.

- b. Nonacademic and extracurricular services and activities include all those available to nondisabled students and may include:
- (1) Counseling services;
 - (2) Athletics;
 - (3) Transportation;
 - (4) Health services;
 - (5) Recreational activities;
 - (6) Special interest groups or clubs;
 - (7) Referrals to agencies that provide assistance to individuals with disabilities; and
 - (8) Employment of students.