

Technical Assistance for State Performance Plan (SPP) Indicator 5: Educational Environments

Resources for Educational Environments: Page 2

A list of resources including web sites and articles, resources in Michigan and speakers on co-teaching.

Legal Basis for Educational Environments: Page 4

The Federal regulations for Educational Environments.

For questions about the resources and legal basis for educational environments, please contact Jeanne Anderson Tippet, at 517-335-3086 or via email at andersontippetj@michigan.gov

For questions about data reporting for educational environments, please contact Diane Easterling at 517-241-1235 or via email at easterlingd@michigan.gov

Note: On the electronic version of this document, direct links are provided to the resources.

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**Michigan Department of Education
Office of Special Education**

Resources for Educational Environments

Web Sites and Articles

American Association of School Administrators: [The School Administrator September 2008 feature on Inclusion and Intervention](#) (5 articles):
(<http://www.aasa.org/SchoolAdministratorIssue.aspx?id=3728>)

CalSTAT: Technical Assistance and Training: [Implementation of Programs and Services for Students with Disabilities in the Least Restrictive Environment](#)
(<http://www.calstat.org/lremessages.html>)

CAST: [Transforming Education through Universal Design for Learning](#)
(<http://www.cast.org/>)

Council of Chief State School Officers: [Accommodations Manual: How to Select, Administer and Evaluate the Use of Accommodations for Instruction and Assessment of Students with Disabilities](#)
(http://www.ccsso.org/Resources/Publications/Accommodations_Manual_-_How_to_Select_Administer_and_Evaluate_Use_of_Accommodations_for_Instruction_and_Assessment_of_students_with_Disabilities.html)

Education World: [Special Education Inclusion](#)
(http://www.educationworld.com/a_curr/curr320.shtml)

Georgia Department of Education: [Processing Deficits, Specialized Instruction and Accommodations](#)
(http://www.gadoe.org/Curriculum-Instruction-and-Assessment/Special-Education-Services/Documents/Processing%20Deficits_Specialized%20Instruction%20and_Accommodations1-13-2012.pdf)

[National Technical Assistance Center on Positive Behavioral Interventions and Supports](#)
(<http://www.pbis.org/>)

New Mexico Public Education Department: [Placement in the Least Restrictive Environment: Understanding and making placement decisions](#)
(<http://www.ped.state.nm.us/SEB/technical/LRE%20Booklet.pdf>)

National Dissemination Center for Children with Disabilities: [Starter Set of Resources on LRE](#)
(<http://www.parentcenterhub.org/repository/lre-resources/>)

OSEP Ideas That Work: [Tool Kit on Universal Design for Learning](#)
<http://www.osepideasthatwork.org/UDL/index.asp>

Right IDEA: [School Age LRE](#)
(http://therightidea.tadnet.org/assets/browse_by_folder?folder=140&folder_name=5%3A+School+Age+LRE)

Support for Learning, Volume 23, Issue 2 Journal Article:

[Facts and fallacies: differentiation and the general education curriculum for students with special educational needs.](http://onlinelibrary.wiley.com/doi/10.1111/j.1467-9604.2008.00371.x/full)

(<http://onlinelibrary.wiley.com/doi/10.1111/j.1467-9604.2008.00371.x/full>)

[Urban Schools Consortium on Inclusive Practices](http://www.urbanschools.org/publications/consortium_inclusive.html)

(http://www.urbanschools.org/publications/consortium_inclusive.html)

[Urban Special Education Leadership Collaborative](http://www.urbancollaborative.org)

(<http://www.urbancollaborative.org>)

WestEd: [Using Technology to Support Diverse Learners](http://www.teshiaroby.com/articles/technology_for_diverse_learners.pdf)

(http://www.teshiaroby.com/articles/technology_for_diverse_learners.pdf)

Resources in Michigan

[Michigan's Integrated Behavior and Learning Support Initiative \(MiBLiSi\)](http://miblsi.cenmi.org/Home.aspx)

(<http://miblsi.cenmi.org/Home.aspx>)

[Michigan Department of Education – Low Incidence Outreach \(MDE- LIO\)](http://mde-lio.cenmi.org/)

(<http://mde-lio.cenmi.org/>)

[Michigan's Integrated Technology Supports \(MITS\)](http://mits.cenmi.org/Home.aspx)

(<http://mits.cenmi.org/Home.aspx>)

[Statewide Autism Resources and Training \(START\)](http://www.gvsu.edu/autismcenter/)

(<http://www.gvsu.edu/autismcenter/>)

Michigan Board of Education Policy: [Positive Behavior Support Policy](https://www.michigan.gov/documents/mde/Positivebehaviorsupportpolicy_172347_7.pdf)

(https://www.michigan.gov/documents/mde/Positivebehaviorsupportpolicy_172347_7.pdf)

Michigan Board of Education Policy: [Universal Education Vision & Principles](http://www.michigan.gov/documents/UnivEdBrochureFINAL_incl_152066_7._Glossary_03-02-06a.pdf)

(http://www.michigan.gov/documents/UnivEdBrochureFINAL_incl_152066_7._Glossary_03-02-06a.pdf)

Speaker on Co-Teaching

[Dr. Richard Villa](http://www.ravillabayridge.com/)

(<http://www.ravillabayridge.com/>)

Legal Basis for Educational Environments

The legal requirement to provide special education services in the least restrictive educational environment comes directly from the 2006 implementing regulations of IDEA 2004 which contain a strong presumption that students with disabilities will be educated in general education classes with appropriate aids and services, as needed, and that they will only be removed from general education if the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be satisfactorily achieved.

The Michigan Department of Education is required by these regulations to monitor local school districts (including public school academies) to ensure that these regulations are implemented, and if there is evidence that a local school district or public school academy makes placements that are inconsistent with the regulations, the Michigan Department of Education must-

- (1) Review the public agency's justification for its actions; and
- (2) Assist in planning and implementing any necessary corrective action.

From the 2006 implementing regulations of IDEA 2004:

Least Restrictive Environment (LRE) Sec. 300.114 LRE requirements.

(a) General. (1) Except as provided in Sec. 300.324(d)(2) (regarding children with disabilities in adult prisons), the State must have in effect policies and procedures to ensure that public agencies in the State meet the LRE requirements of this section and Sec. Sec. 300.115 through 300.120.

(2) Each public agency must ensure that--

(i) 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 nondisabled; and

(ii) Special classes, separate schooling, or other removal of children with disabilities from the regular educational 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.

(b) Additional requirement--State funding mechanism--(1) General.

(i) A State funding mechanism must not result in placements that violate the requirements of paragraph (a) of this section; and

(ii) A State must not use a funding mechanism by which the State distributes funds on the basis of the type of setting in which a child is served that will result in the failure to provide a child with a disability FAPE according to the unique needs of the child, as described in the child's IEP.

(2) Assurance. If the State does not have policies and procedures to ensure compliance with paragraph (b)(1) of this section, the State must provide the Secretary an assurance that the State will revise the funding

mechanism as soon as feasible to ensure that the mechanism does not result in placements that violate that paragraph.

(Approved by the Office of Management and Budget under control number 1820-0030)

(Authority: 20 U.S.C. 1412(a)(5))

Sec. 300.115 Continuum of alternative placements.

(a) Each public agency must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.

(b) The continuum required in paragraph (a) of this section must--

(1) Include the alternative placements listed in the definition of special education under Sec. 300.38 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and

(2) Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

(Approved by the Office of Management and Budget under control number 1820-0030)

(Authority: 20 U.S.C. 1412(a)(5))

Sec. 300.116 Placements.

In determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency must ensure that--

(a) The placement decision--

(1) Is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and

(2) Is made in conformity with the LRE provisions of this subpart, including Sec. Sec. 300.114 through 300.118;

(b) The child's placement--

(1) Is determined at least annually;

(2) Is based on the child's IEP; and

(3) Is as close as possible to the child's home;

(c) Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled;

(d) In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs; and

(e) A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

(Approved by the Office of Management and Budget under control number 1820-0030)

(Authority: 20 U.S.C. 1412(a)(5))

Sec. 300.117 Nonacademic settings.

In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth in Sec. 300.107, each public agency must ensure that each child with a disability participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of that child. The public agency must ensure that each child with a disability has the supplementary aids and services determined by the child's IEP Team to be appropriate and necessary for the child to participate in nonacademic settings.

(Approved by the Office of Management and Budget under control number 1820-0030)

(Authority: 20 U.S.C. 1412(a)(5))

Sec. 300.118 Children in public or private institutions.

Except as provided in Sec. 300.149(d) (regarding agency responsibility for general supervision for some individuals in adult prisons), an SEA must ensure that Sec. 300.114 is effectively implemented, including, if necessary, making arrangements with public and private institutions (such as a memorandum of agreement or special implementation procedures).

(Approved by the Office of Management and Budget under control number 1820-0030)

(Authority: 20 U.S.C. 1412(a)(5))

Sec. 300.119 Technical assistance and training activities.

Each SEA must carry out activities to ensure that teachers and administrators in all public agencies--

(a) Are fully informed about their responsibilities for implementing Sec. 300.114; and

(b) Are provided with technical assistance and training necessary to assist them in this effort.

(Approved by the Office of Management and Budget under control number 1820-0030)

(Authority: 20 U.S.C. 1412(a)(5))

Sec. 300.120 Monitoring activities.

(a) The SEA must carry out activities to ensure that Sec. 300.114 is implemented by each public agency.

(b) If there is evidence that a public agency makes placements that are inconsistent with Sec. 300.114, the SEA must--

(1) Review the public agency's justification for its actions; and

(2) Assist in planning and implementing any necessary corrective action.

(Approved by the Office of Management and Budget under control number 1820-0030)

(Authority: 20 U.S.C. 1412(a)(5))

Sec. 300.320 Definition of individualized education program.

- (a) General. As used in this part, the term individualized education program or IEP means a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with Sec. Sec. 300.320 through 300.324, and that must include—
- (4) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided to enable the child--
 - (i) To advance appropriately toward attaining the annual goals;
 - (ii) To be involved in and make progress in the general education curriculum in accordance with paragraph (a)(1) of this section, and to participate in extracurricular and other nonacademic activities; and
 - (iii) To be educated and participate with other children with disabilities and nondisabled children in the activities described in this section;
 - (5) An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in paragraph (a)(4) of this section;
 - (6)(i) A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and districtwide assessments consistent with section 612(a)(16) of the Act; and
 - (ii) If the IEP Team determines that the child must take an alternate assessment instead of a particular regular State or districtwide assessment of student achievement, a statement of why--
 - (A) The child cannot participate in the regular assessment; and
 - (B) The particular alternate assessment selected is appropriate for the child; and
 - (7) The projected date for the beginning of the services and modifications described in paragraph (a)(4) of this section, and the anticipated frequency, location, and duration of those services and modifications.
- (Authority: 20 U.S.C. 1414(d)(1)(A) and (d)(6))