

160-4-7-.07 LEAST RESTRICTIVE ENVIRONMENT (LRE).

(1) LRE REQUIREMENTS.

(a) Each LEA shall have policies and procedures to ensure that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities in Georgia shall be educated with children who are not disabled. [34 C.F.R. § 300.114(a)(2)(i)]

(b) Special classes, separate schooling or other removal of children with disabilities from the regular class environment shall occur only when 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. [34 C.F.R. § 300.114(a)(2)(ii)]

(2) DETERMINING EDUCATIONAL PLACEMENTS.

(a) In determining the educational placement of a child with a disability, including a preschool child with a disability, each LEA must ensure that 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 contained in this rule. [34 C.F.R. § 300.116(a)(1) – (2)]

(b) The child's placement is determined at least annually, is based on the child's IEP and is as close as possible to the child's home; [34 C.F.R. § 300.116(b)(1) – (3)]

(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; [34 C.F.R. § 300.116(c)]

(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 [34 C.F.R. § 300.116(d)]

(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. [34 C.F.R. § 300.116(e)]

(3) CONTINUUM OF ALTERNATIVE PLACEMENTS.

(a) Each LEA must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services. [34 C.F.R. § 300.115(a)]

(b) The above continuum must -

1. Include the alternative placements listed in the definition of special education (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. [34 C.F.R. § 300.115(b)(1) – (2)]

(c) Preschool placements include:

1. A regular education early childhood program in the public school or community such as Head Start, Bright from the Start Pre-Kindergarten, public or private daycare, and preschool programs;

2. A separate special education program housed in the public school or in a community-based setting, in a separate school or residential school or facility;

3. A program provided at home as a natural environment;

4. A program provided through service providers in their offices; or

5. Any combination of the above based on the child's IEP.

(d) School age placements:

1. General education classroom with age-appropriate non-disabled peers, if required by the IEP:

(i) Additional supportive services. The child remains in regular classroom with supplementary aids and services provided to the teacher and/or child to implement the IEP. The services provided may be from personnel such as paraprofessionals, interpreters, or others.

(ii) Direct services. The child remains in the regular classroom with direct services from special education personnel on a consultative, collaborative, or co-teaching basis.

2. Instruction outside the general classroom for individuals or small groups.

3. Separate day school or program.

4. Home instruction may be used as a short-term placement option on occasions when the parent and LEA agree at an IEP meeting and a FAPE is provided.

5. Residential placement in-state or out-of-state.

6. Hospital/homebound instruction program (H/H) is used for students with disabilities who are enrolled in a special education program and have a medically diagnosed condition that will significantly interfere with their education and requires them to be restricted to their home or a hospital for a period of time. The LEA shall provide hospital/homebound instruction to students with disabilities, who meet the following requirements:

(i) Receipt by the LEA of a completed medical referral form signed by a physician, as defined in State law and licensed by the appropriate State agency or board, stating that it is anticipated the student who is able to participate in educational instruction will be absent a minimum of 10 consecutive school days or that the student has a chronic health condition causing him or her to be absent for intermittent periods of time.

(ii) The IEP Team shall convene to review the IEP and consider the medical referral information to make necessary changes to the IEP including placement in the hospital/homebound setting as appropriate. The medical referral is a medical opinion regarding the medical treatment that a patient should receive. The IEP Team must consider the information as part of the process of determining educational services and settings for the student. The IEP Team makes any final determination of services, setting and method for delivering services.

(iii) If the IEP Team places the student in the hospital/homebound setting, the IEP should contain a plan for reintegration to the school setting.

(iv) All other requirements for providing hospital/homebound instruction are the same as found in rule 160-4-2-.31 Hospital Homebound Instruction.

(v) The responsibility for students hospitalized in facilities outside the LEA lies with the LEA where the student is a resident.

(vi) The LEA shall be authorized to make arrangements or contract for hospital-based instruction with the hospital directly, with the school system in which the hospital is located or with appropriately certified teachers in that geographic area. [See 34 C.F.R. § 300.39; § 300.115]

(4) NONACADEMIC SETTINGS.

(a) In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities described in 34 C.F.R. § 300.107, each LEA shall 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 LEA 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. [34 C.F.R. § 300.117]

(5) CHILDREN IN PUBLIC OR PRIVATE INSTITUTIONS.

(a) The LEA shall assure that no child with a disability placed by the LEA in a public or private institution is denied access to an education in the LRE, except for those students in adult prisons as described in 160-4-7-.02 FREE AND APPROPRIATE PUBLIC EDUCATION. [34 C.F.R. § 300.118]

(b) The LEA responsible for the education of a child with a disability who is enrolled in a separate facility shall ensure that the child receives appropriate physical education services. [34 C.F.R. § 300.108(d)]

(6) TECHNICAL ASSISTANCE AND TRAINING ACTIVITIES.

(a) Each LEA must carry out activities to ensure that all teachers and administrators are fully informed about their responsibilities for implementing LRE; and

(b) Are provided with technical assistance and training necessary to assist them in this effort. [34 C.F.R. § 300.119(a) – (b)]

(7) This rule shall become effective July 1, 2007.

Authority O.C.G.A. § 20-2-152; 20-2-240.

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