

DEFINITIONS: LRE AND SPECIAL EDUCATION SERVICES



LEAST RESTRICTIVE
ENVIRONMENT

COALITION

PARTICIPATING ORGANIZATIONS: Advocates for Children of New York Inc., Association for the Help of Retarded Children, Bronx Legal Services, Citizens' Committee for Children of New York Inc., The Cooke Center for Learning and Development, The Learning Disabilities Association of New York City, The Legal Aid Society Juvenile Rights Division, Legal Services for Children, MFY Legal Services Special Education Law Project, New Alternatives for Children Inc., New York Lawyers for the Public Interest, New York Legal Assistance Group, Partnership for the Homeless, Queens Legal Services Corp., Resources for Children with Special Needs Inc., Sinergia Inc., South Brooklyn Legal Services.

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NOTES

Special education: Special education is defined by the IDEA as “specially designed instruction, at no cost to parents, [designed] to meet the unique needs of a child with a disability, including (A) instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and (B) instruction in physical education.”

Supplementary aids and services: These are the aids, services and various supports given to children receiving special education services and being educated in regular education classes, and designed to enable those children to be educated to the maximum extent appropriate in the LRE. Examples of supplementary aids and services include assistive technology, one-to-one paraprofessionals, and consultant teachers.

Team teaching: This is a teaching model where general education students and students receiving special education services are taught side by side in the same classroom by a general education and a special education teacher. Sometimes you’ll hear this referred to as the “Plus” model.

Accessible or barrier free: The question of accessibility in this context refers to the question of whether or not a facility is truly accessible to people with physical disabilities. Is there direct access for people who use wheelchairs? Are ramps sloped gradually enough so that people who use wheelchairs can get up or down them without help? Are the bathrooms large enough so a person who uses a wheelchair can use them and allow for enough room to close a door? Are the doors to all classrooms, offices, lunchrooms, auditoriums, therapy rooms and other spaces wide enough to fit a wheelchair through with ease? Is each floor of the building accessible? Are telephones placed in places where a person using a wheelchair can get to them?

Americans with Disabilities Act (ADA): This is the federal statute that prohibits discrimination against people with physical or mental disabilities in all entities of state and local government buildings, including public schools.

Consultant Teacher/Methods and Resources Teacher: These are full-time special education teachers who provide support to students with disabilities and their general education teachers when the students are placed in general education classrooms. By spending some time in each class each day or each week, this full time special education teacher is able to be responsible for a group of students, spread out among several different general education classes and to maintain ratios of teachers to students providing

either direct services to the students or indirect services to the regular education teachers. This teacher works to help introduce strategies for including students with disabilities into the general education classroom such as curriculum adaptation, coordination of student schedules and services, and direction of paraprofessionals.

Committee on Special Education (CSE): The team that is ultimately responsible for conducting evaluations and recommending placement of children in special education programs is the CSE. The members of the CSE should include under law the child’s parent, a parent member, a district representative, a general education teacher, a special education teacher, someone who can read and expound upon each of the social, psychological, and academic reports submitted, and a New York State licensed psychologist. The student, when appropriate, should also be a part of CSE meetings.

Disability: Under the IDEA a child with a disability is a child “with mental retardation, hearing impairments, speech or language impairments, visual impairments, serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and ... who, by reason thereof, needs special education and related services.” In other words, not all children with the impairments listed above will necessarily require special education services.

Section 504 of the Rehabilitation Act of 1973: Like the ADA, Section 504 prohibits discrimination against students with physical and mental disabilities who attend public school. It protects students whose physical or mental impairments substantially limit one or more “major life activities,” such as caring for themselves, seeing, breathing, walking and learning. Like the ADA, the statute protects children with physical and mental disabilities who are not, and should not be receiving special education services, and children receiving special education services. Section 504 differs from the ADA in that it applies only to programs of the federal government and programs that receive federal funds. The New York City Board of Education receives federal funds and is covered by Section 504. Section 504 requires school districts: develop and implement standards and procedures for identifying, assessing and assuring appropriate placement of eligible students; ensure provision of necessary individualized services and support; and train teachers and support staff to perform services or make accommodations in the classrooms. Section 504 can require administration of medication, monitoring students’ physical well-being, provision of accessible facilities, use of equipment like tape recorders and calculators, counseling, and test modifications or accommodations.

to other LRE placements, mainstreaming does not require supplementary aids and services.

Pre-referral services: Pre-referral services are those services provided by a school to try to avoid the need to refer a child for special education services. Examples of pre-referral services include Title I services for reading and math, Educationally Related Support Services (ERSS), and counseling services.

Related Services: Related services are additional services provided to help children with disabilities benefit from special education. They include transportation, speech-language therapy, audiology, psychological services, recreation, social work and counseling services, physical and occupational therapy, and vision therapy.

School Based Support Team (SBST): The SBST is the team of professionals that do the basic evaluations for children referred for special education services and children already receiving special education services. It is usually composed of a psychologist, a social worker and an educational evaluator. The SBST is also responsible for pre-referral services intended to help maintain a child in general education and avoid the need to refer a child for special education services.

Free and Appropriate Public Education (FAPE): Under the IDEA all children who receive special education services are entitled to an appropriate education, at no cost, as directed by their individualized education program. Under the laws and court decisions FAPE requires that an “educational benefit” be conferred on the child. Educational benefit is measured through both academic and social progress.

Functional Behavior Assessment (FBA): An FBA is an assessment and behavioral plan required under the IDEA for students in regular and special education with persistent problem behaviors.

Individuals with Disabilities Education Act (IDEA): IDEA is the federal law governing the education of children with disabilities.

Inclusion: Inclusion is a term often used to describe an LRE method of educating children in need of special education in a general education classroom in the school they would have attended if not disabled, with age appropriate peers, and with appropriate supports and services.

Individualized Education Program (IEP): An IEP is a plan developed for each child receiving special education services. An IEP must include an evaluation of the child's academic performance and learning characteristics, social and emotional performance, health and physical development, annual goals, short term objectives to meet those goals, school environment and service recommendations, a detailing of the extent to which the student will participate in other school activities, any related service recommendations and a detailing of the extent to which the student will participate in state and citywide assessments, either with or without modifications. IEPs can be reviewed at any time upon request from any of the interested parties, and must be reviewed at least once a year.

Integration: Integration is educating children with disabilities and children without disabilities together. The number of children with disabilities in an "integrated" class can range from one student to half of the class.

Itinerant teacher: Like a consultant teacher, an itinerant teacher is a special education teacher who works with several students spread out among several general education classes within one or more schools or districts.

Least restrictive environment (LRE): Under the IDEA all children who require special education services must be educated in the least restrictive setting appropriate to their individual needs. The statute states that "each public agency shall ensure – (1) That to the maximum extent appropriate children with disabilities ... are educated with children who are nondisabled; and (2) That 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." In other words, if a child can learn in a general education class with necessary supports and services, s/he must be allowed to do so. If that's impossible, then there must be a continuum of placements and services to allow for the individual needs of children receiving special education services to be met in the most integrated settings appropriate.

Mainstreaming: As defined by the Board of Education "mainstreaming is the placement of a special education student with a disability in the general education classroom with age appropriate peers for those areas of instruction in which the student's academic and behavioral performance is within the range of his or her non-disabled peers and is not impacted by his or her disability." Mainstreaming can occur in academic classes or during other times of day including, for example, lunch, gym, and shop. In contrast