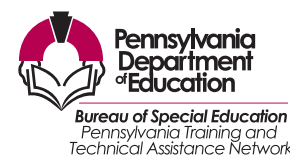


Settlement Agreement

Gaskin v. Pennsylvania



- Fact Sheet -

LRE Decisions – Examining the Placement Issues in Sequence

Adapted from: Champagne, J. (1993). Decisions in Sequence: How to make placements in the least restrictive environment. EDLAW, Inc. Vol II, Issues 9-10.

The “decision flow chart” shown on the opposite page structures the process consistent with IDEA. Here is what is intended by the chart: (1) the question of **what** will be provided for a child comes before question of **where** it will be provided; (2) each educational setting is examined not only “as is,” but also as it might be modified by providing supplementary aids and services; (3) each educational placement is examined one at a time **in a particular sequence** – along the order of the continuum from least restrictive to most restrictive; and (4) even after the primary placement is tentatively determined, additional opportunities for part-time integration, including integration during nonacademic periods, are considered. After those additional opportunities are considered, the result might be a “split placement” in which settings of different degrees of integration are prescribed for different parts of the day or week.

More specifically, here is how to apply the chart to a particular case:

- Step 1: Make the initial eligibility decision for the student.
- Step 2: Define and articulate what educational services the child needs, thus answering the question of what constitutes appropriate education for the child.
- Step 3: Ask whether whatever is articulated in Step 2 (that is, the services called for in the IEP) can be achieved in a regular classroom in its current form. If the answer is “yes,” that is the primary placement; if the answer is “no,” go to the next step.
- Step 4: Ask whether the services called for in the IEP can be achieved in a regular classroom if modified by providing supplementary aids and services. If the answer is “yes,” that is the primary placement; if the answer is “no,” go to the next step.
- Step 5: Move one step along the continuum to whatever setting your system defines as the slightly more restrictive or segregated setting, and ask whether the services called for in the IEP can be achieved there, in its current form. If the answer is “yes,” that is the primary placement; if the answer is “no,” go to the next step.
- Step 6: Ask whether the services called for in the IEP can be delivered in that slightly more restrictive setting if it is modified by providing supplementary aids and services. If the answer is “yes,” that is the primary placement; if the answer is “no,” repeat Step 5 for the place on the continuum that is yet a bit more segregated, and then (if necessary) Step 6 for that setting.

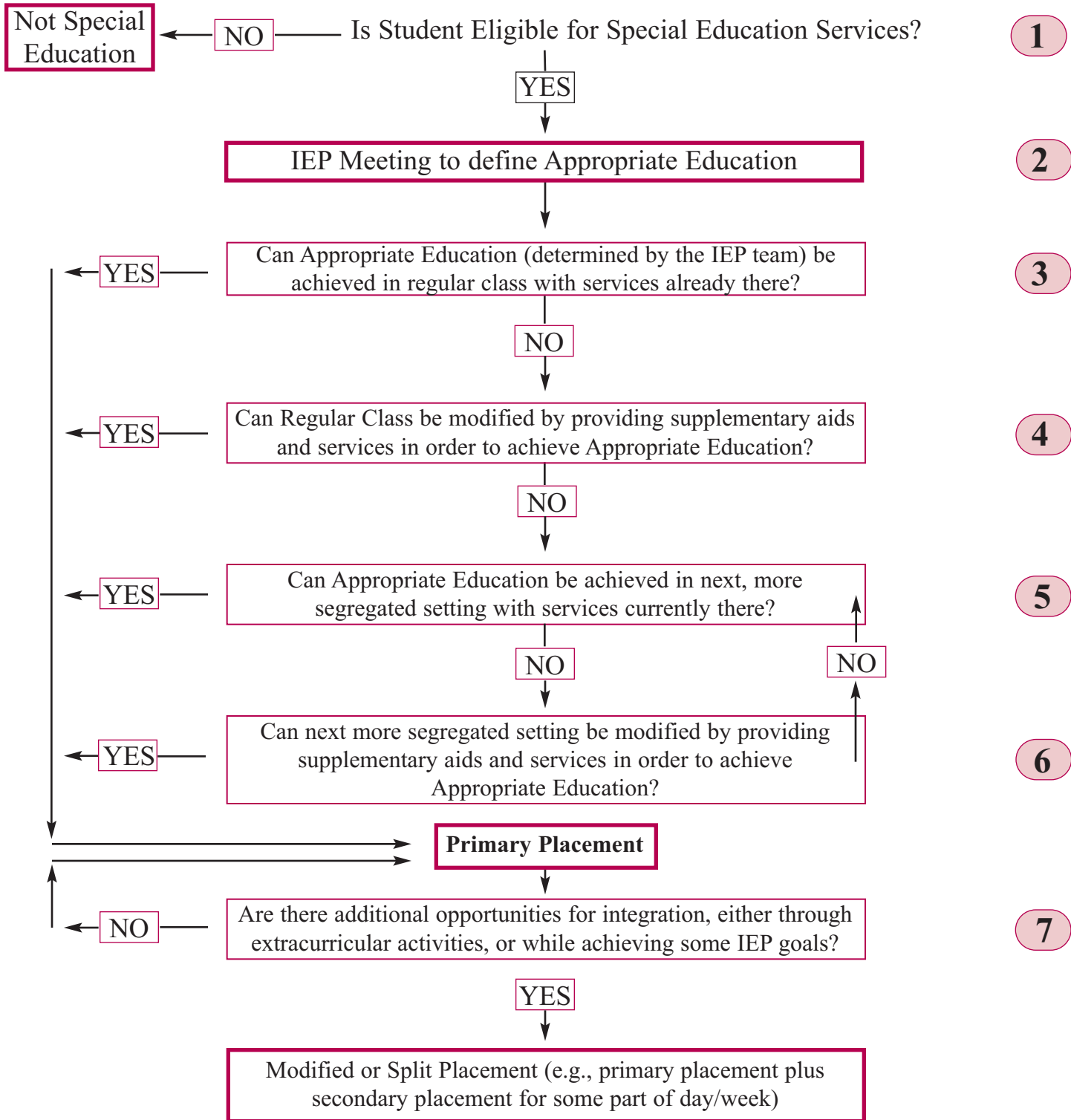
In this manner, the decision process moves along the continuum of alternative placements one step at a time, repeating Step 5 and Step 6 until a “yes” answer is obtained. Potentially, then, Steps 5 and 6 can be repeated as many times as there are steps in the available continuum of settings.

- Step 7: Ask whether, in the context of the primary placement that has tentatively been chosen, there are additional opportunities for integration for some portion of the child’s time at school. If so, design a modified or split placement. If not, the tentative choice becomes final.

*Note: IEP team determines LRE. A student is **not** required to “try out” each level of LRE and “fail” before the student moves to a more segregated setting (OSEP memorandum #95-9).*

(over)

LRE Decision Flow Chart



Note: IEP team determines LRE. A student is **not** required to “try out” each level of LRE and “fail” before the student moves to a more segregated setting (OSEP memorandum #95-9).