

Least Restrictive Environment in the Wake of COVID-19:

A Brief from the National Association of State Directors of Special Education

Introduction:

Least restrictive environment (LRE) is determined by a student's IEP team and is based on the defining principles of special education law and the presumption that the general education environment with non-disabled peers is the first choice for educating all individuals with disabilities. The removal from the general education environment only occurs if the nature or severity of the disability is such that education in the general education classes with the use of supplementary aides and services cannot be achieved satisfactorily.

In the spring of 2020 the COVID-19 pandemic shut down school facilities across the world and forced educators into the uncharted territory of providing general and special education services outside of physical school buildings. This shift was abrupt and unexpected, and great emphasis was placed on a good faith effort to provide special education and related services to the greatest extent possible. As we look ahead to the 2020-2021 school year, school systems across the country will once again have to balance health and safety concerns with providing a free appropriate public education (FAPE) and will likely be considering various operational models for delivering services. As various operational models are considered, it is important that state directors of special education in collaboration with local special education directors provide leadership and guidance on how to preserve the principles of LRE and implement a student's individual LRE in the non-traditional models brought about by the COVID-19 pandemic.

Delivering Services

Given the different circumstances in each local community, the models of delivering instruction at the start of the 2020-2021 school year may look different across the country. It is important to note that while **the COVID-19 pandemic has not changed the individual student's right to LRE** it has changed how the general education system operates. These operational changes require school systems to determine how they will maintain each individual student's LRE in the new context in which they are operating.

Example 1: Susan will be entering a third-grade class with 26 students at the start of the 2020-2021 school year. She receives 60 minutes a day of special education services in the general education classroom in math and English Language Arts (ELA) and 30 minutes a week of speech-language therapy outside of the general education classroom under the disability classification of specific learning disability. Susan’s local community has experienced an outbreak of COVID-19 in recent weeks and is considering multiple operational models for the start of the 2020-2021 school year. Susan’s IEP will be implemented, and FAPE provided in each operational model.

School Operational Models		
Distance Learning	Hybrid	Traditional
Students will use a distance/remote platform for educational services.	Students will follow an alternating schedule to reduce the number of students on campus and in each classroom. Students will report to school two times a week with social distancing procedures in place and will use a virtual platform three times a week.	Students will report to school five times a week with social distancing protocols in place.
LRE Considerations for Susan		
Susan will participate in a virtual learning model with her general education third-grade class. Her special education teacher will host a small group virtual break out session with her and other students in ELA and math after large group instruction (or provide supports during the large group instruction). Susan will participate in a weekly virtual speech session.	While on campus, Susan’s third-grade class will be split into two sections. Susan will remain in one classroom all day with her peers, and her teachers will rotate as appropriate. Her special education teacher will provide 60 minutes of support in math and ELA each day while Susan is on campus and follow the distance learning model the other three days. Susan will participate in a virtual speech session once a week.	Susan will receive her special education services inside her general education classroom and speech services outside of the general education classroom once a week.

Example 2: Eddy will be entering 10th grade at the start of the 2020-2021 school year. He receives 240 minutes a day of special education services outside of the general education classroom and 60 minutes a week of speech-language therapy outside of the general education classroom under the disability classification of Autism. During his 10th grade year, Eddy is scheduled to take the following courses: English II, Business Math, Biology, Civics, PE, Health, Journey to Careers, Animal Science, and Study Skills. Eddy’s local community has experienced an outbreak of COVID-19 in recent weeks and is considering multiple operational models for the start of the 2020-2021 school year.

School Operational Models		
Distance Learning	Hybrid	Traditional
Students will use a distance/remote platform for educational services.	Students will follow an alternating schedule to reduce the number of students on campus and in each classroom. Students will report to school two times a week with social distancing procedures in place and will use a virtual platform three times a week.	Students will report to school five times a week with social distancing protocols in place.
LRE Considerations for Eddy		
Eddy will participate in virtual English II, Business Math, Biology, and Civics classes outside of the general education classroom led by a special education teacher with support from the general education content teachers. Eddy will participate in PE, Health, Journey to Careers, Animal Science, and Study Skills inside the virtual general education classroom with support from a special education instructional aide. Eddy will participate in two virtual speech therapy sessions a week outside of the general education classroom	While on campus Eddy will participate in English II, Business Math, Biology, and Civics classes outside of the general education classroom led by a special education teacher with support from the general education content teachers. Eddy will participate in PE, Health, Journey to Careers, Animal Science, and Study Skills inside the virtual general education classroom with support from a special education instructional aide. Eddy will participate in two virtual speech therapy sessions a week outside of the general education classroom	Eddy will participate in English II, Business Math, Biology, and Civics classes outside of the general education classroom led by a special education teacher with support from the general education content teachers. Eddy will participate in PE, Health, Journey to Careers, Animal Science, and Study Skills inside the general education classroom with support from a special education instructional aide. Eddy will participate in two virtual speech therapy sessions a week outside of the general education classroom

Critical Actions for State Directors of Special Education to Ensure Individual LRE

State directors of special education play a critical role in ensuring local school systems provide all students with disabilities a FAPE in the LRE. State directors of special education should provide technical assistance and guidance to local special education directors, and as appropriate, educators, related service providers, and families, regarding IEP team decisions and implementation of the IEP including provisions related to LRE, placement, special education, and related services to ensure that students with disabilities are not receiving services contrary to their IEP in the wake of the COVID-19. NASDSE stands ready to support its members with this effort of ensuring all students receive FAPE in the LRE.