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Least Restrictive Environment

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Abstract

The Individuals with Disabilities Education Act (IDEA) has many guidelines and principles. One primary principle that is very critical to the IDEA is the least restrictive environment (LRE). Least restrictive environment over the years has developed a set of standards, which have come to define its principle. These standards have formed and been redefined by many court cases, including *Hartman v. Loudoun County Board of Education* (1997) and *Roncker v. Walter* (1983). These two cases and many more have been the stepping-stones for the least restrictive environment.

Introduction

From the Individuals with Disabilities Education Act (IDEA), which was enacted in 1975, have come many principles and standards. One of these is the Least Restrictive Environment (LRE). Hulett (2009) cited Rothstein (2000) who stated “One of the primary principles of the IDEA is the concept of educating children with disabilities along with children who are not disabled to the maximum extent appropriate, ideally in the regular classroom” (p. 107). This is the concept of least restrictive environment.

LRE has not always been defined in this way. All through history there have been many court cases, which have defined and shaped LRE into what it is today. A lot of the LRE discussion seems to be about a specific place or physical context like in a general education classroom (Rueda & Gallego, 2000).

Raines (1996) cited Turnbull (1993) who stated many quarters make up the principle of the least restrictive environment, including mental health and correction policies (p. 118). It used to be that children in special education classes were taught by less-capable teachers in horrible facilities with few resources and an uncertain amount of time. This leads to the least restrictive environment becoming a broad approach to correct those inadequacies (p. 118).

Legal foundations: The rights of students with disabilities

As required by IDEA, schools must provide a free appropriate public education (FAPE) for all students with disabilities. Also, the law requires the maximum extent

appropriate, which means children with disabilities are to be educated with children who are not disabled (Yell, 1995). The statute provides that:

To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, [be] educated with children who are not disabled, and that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment [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. (p. 390)

This statute is explicit in creating an assumption that services [will] be provided in a regular education environment to the maximum extent appropriate (Crockett, 2000).

There are many court cases dealing with least restrictive environment and how it is applied. One particular case is *Hartman v. Loudoun County Board Of Education*. This case was brought to the courts in 1997, by the child's parents. Mark Hartman was an eleven-year-old child with autism (Hartman v. Loudoun County Board of Education, 1997). Mark's parents brought the suit against Loudoun County Board of Education because they felt their son was not being educated with non-handicapped peers to the maximum extent appropriate.

While in kindergarten Mark, was placed in a class for children with autism half the time and the rest in a regular class. This was at Butterfield Elementary in Lombard, Illinois. In first grade at the same school he was placed in a regular class fulltime with an aide, and speech and occupational therapies. Once Mark finished first grade the family moved to Loudoun County, Virginia, and enrolled him in Ashburn Elementary. At the new school he

was placed in the regular classroom as instructed through the IEP. He occupied a lot of time from the classroom daily due to episodes of loud screeching and other disruptive conduct (Hartman v. Loudoun County Board of Education). The school officials did everything they could to follow Mark's inclusion from his individualized education program (IEP). Despite all the attempts to help, by the end of the year, Mark's IEP team concluded there was no academic progress being made in the regular classroom. Therefore, in his May 1994 IEP the case conference committee proposed placement in a class specifically designed for children with autism at Leesburg Elementary (Hartman v. Loudoun County Board of Education).

This case was first taken to the district court and the court ruled in the Hartman's favor. The court stated that the school system did not include Mark enough in the mainstream. After much analyzing the 4th Circuit Court then overturned the district court and then applied the following principles to LRE... "(1). Regular education courses will not provide educational benefit; (2) a more restrictive placement significantly outweighs the benefits of mainstreaming; and (3) due to disruptive behavior, the child compromises the education of other students in the classroom" (Hulett, 2009, p.117). The nature and severity of the disability indicates almost certain failure in the regular classroom and the restrictive environment will allow the child to receive an appropriate education, then the alternative placement should be selected (Thomas & Rapport, 1998). The Fourth Circuit concluded academic needs are of the upmost importance and the social benefits of mainstreaming are secondary.

Another case that was brought to the court was the case of *Roncker v. Walter* (1983). This case was brought to court by the parents of Neil Roncker, who was a nine-year-old

child with moderate mental retardation. They brought it to court because they felt their child was wrongly placed. The parents argued that the district had violated FAPE and LRE because their child was not being educated with his nondisabled peers. His IEP team recommends this placement because they determined it was the better for him to be placed with other students that had disabilities.

The United States Court for the Southern District of Ohio, which was the lower court in the case, “found in favor of the school district, and the parents appealed” (Roncker v. Walter, 1983). The Sixth Circuit Court reviewed the case and overturned the lower court’s holding and found in favor of the parents. The courts said the school district had failed to meet the mainstreaming provisions and the LRE mandate (Hulett, 2009). Therefore, because of this ruling the Roncker probability test was developed. The two-part test evaluates the following:

(1) Is it possible for the services provided in the segregated placement to be reasonably provided in an integrated placement? (2) If the answer to question 1 is no, then more restrictive placement is appropriate. If the answer is yes, then the segregated placement is not the LRE and is inappropriate (p. 114).

The cases *Hartman v. Loudoun County Board of Education* and *Roncker v. Walter* have helped to shape LRE into what it is today, although they are not the only cases they are still important ones for representing LRE. LRE not only benefits the child so they get the most appropriate education that is needed, but it also helps benefit the parents of the child. LRE puts the child in the right environment and by doing that the child gets the right type of education that is best for them, and extra help if needed. The LRE is here to make sure

the child gets the best benefits they can get educationally and the parents are assured that their child is receiving the best benefits for their education.

Analysis and synthesis: Application of law in practice

LRE has affected students, parents, and the school's staff and system in many ways. Changes are made all the time to special education and along with these changes come more benefits and services for student's that need them most. From the *Hartman v. Loudoun County Board Of Education*, many great guidelines have been introduced to LRE and have made it easier for the school staff, case conference committees (CCC), and IEP teams to place the students in the correct placements. If the principles from the *Hartman v. Loudoun County Board Of Education* case are followed the students will be better off and educated in the correct manner. In the case of *Roncker v. Walter* the two-part Roncker probability test that the courts mandated have also helped to shape how LRE is today and the changes it has made for the better. In this test it helps the schools to place the students in the correct classroom without any questioning from the parents or others that might be involved. With this test the students are more likely to be place in a better placement and get the best education possible. With my major of elementary and special education I will have students with mild disabilities. These principles and tests will help the school, CCC, and IEP teams place my students in the best possible placement with the best possible services and resources available. It will make my job as a teacher easier because I will be able to see that my students are getting the best education possible by following these steps.

Conclusion

As it has been discussed throughout this paper the principle of LRE has changed several times over its years of existence. This is noticed through several court cases and by looking at IDEA. Not only does LRE include that the child gets an education in a general classroom, but also they get an education to the maximum extent appropriate for his or her needs. The cases of *Hartman v. Loudoun County Board of Education* (1997) and *Roncker v. Walter* (1983) have advanced and made great strides in the development of the LRE principle. They have made it possible for LRE to work with every student. LRE has become a helpful tool for school systems to use when working with a student who has a disability. The least restrictive environment is a very crucial element for students with disabilities, it makes it so they can have the most appropriate education needed.

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