

ACE Leadership High School: Continuum of Alternative Placements

ACE Leadership High School shall 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))

ACE Leadership High School's continuum may include (when appropriate):

- Regular education with weekly monitoring from a special education provider
- Regular education with daily consultation from a special education provider
- Regular education with special education services and supports included in that setting, which are aligned with the general education curriculum (utilizing such strategies as flexible groupings, universally-designed curriculum, overlapping curriculum, cooperative learning, peer tutoring, parallel or alternative instruction, team teaching)
- Regular education with special education services provided for part of the day in a resource room or a special education classroom
- Self-contained special education classroom
- Special day school (outside the school environment)
- Residential treatment facility
- Hospital
- Detention facility
- Homebound

(34 C.F.R. §300.115(b))

There is no requirement that each of the placements on the continuum be utilized. Instead, ACE Leadership High School shall ensure that, to the maximum extent appropriate, children with disabilities are educated with children who are nondisabled; and 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. (OSEP Redacted Letter (March 30, 2009))

Placement Decisions

Placement decisions for children with disabilities shall be made on an individual basis, based on the unique needs of each child, by the IEP Team. (34 CFR § 300.116(a)(1))

Using the IEP Team process, ACE Leadership High School shall ensure that:

- The placement decision, including for a preschool age child, is made by the IEP Team in conformity with the least restrictive environment provisions of the IDEA;
 - The child's placement is determined at least annually;
 - The child's placement is based on the child's IEP;
 - In selecting the LRE, consideration is given to any potential harmful effects on the child or on the quality of services that he or she needs; and
 - A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.
- (34 C.F.R. §300.116)

The IEP shall include a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child:

- To advance appropriately toward attaining the annual goals;
 - To be involved in and make progress in the general curriculum in accordance with paragraph (a)(1) of this section, and to participate in extracurricular and other nonacademic activities; and
 - To be educated and participate with other children with disabilities and nondisabled children in the activities described in this section.
- (34 C.F.R. §300.320(a)(4))

The IEP shall include an explanation of the extent, if any, to which the child will not participate with nondisabled children in:

- The regular class;
 - The general curriculum; and
 - Extracurricular and nonacademic activities.
- (34 C.F.R. ' 300.320(a)(5))

Least Restrictive Environment Standard

The Tenth Circuit in *L.B. and J.B. ex rel. K.B. v. Nebo Sch. Dist.*, 379 F.3d 966 (10th Cir. 2004), adopted the standard (two-part test) and factors articulated in *Daniel R.R. v. SBOE*, 874 F.2d 1036 (5th Cir. 1989).

Standard (Two-Part Test):

- Ask whether education in the regular classroom, with the use of supplementary aids and services, can be achieved satisfactorily.
- If the answer is "no," and the school intends to provide special education or to remove the child from regular education, ask whether the school has mainstreamed the child to the maximum extent appropriate.

Factors to consider:

- Has the district taken steps to accommodate the child with disabilities in regular education?
- Were these efforts sufficient or token?
- Will the child receive an educational benefit from regular education?
- What will be the child's overall educational experience in the mainstreamed environment, balancing the benefits of regular and special education?
- What effect does the disabled child's presence have on the regular classroom environment?