

# Question and Answer Document

A collaborative project of the Texas Education Agency and the Statewide Progress in the General Curriculum Network

## Least Restrictive Environment (LRE)

[www.texaspgc.net](http://www.texaspgc.net)



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## Introduction

The least restrictive environment (LRE) requirements of Part B of the Individuals with Disabilities Education Act (IDEA 2004) have been included in the law since 1975. These requirements continue to generate complex and interesting questions from staff at school districts and charter schools. IDEA 2004 gives every child with disabilities the right to a free and appropriate public education (FAPE). States and local education agencies (LEAs) are required to provide this education in the LRE, so that students with disabilities are taught with their nondisabled peers to the maximum extent appropriate to their individual needs.

This Question and Answer Document was designed to provide current information about LRE to ensure that the applicable requirements that govern the education of students with disabilities are accurately understood and properly implemented. This document consolidates federal (IDEA 2004 and its implementing federal regulations) and state (State Board of Education Rules, Commissioner's Rules, and Texas Education Code) requirements regarding LRE. We encourage you to disseminate this document to a wide range of educators and parents throughout your local education agency (LEA).

## Questions and Answers

### Section 1 - General LRE Requirements and Terminology

#### 1.1 What are the least restrictive environment (LRE) requirements of Part B of the IDEA 2004?

IDEA 2004 requires that public schools (districts and charters) serve students with disabilities with their nondisabled peers, to the maximum extent appropriate (34 CFR §300.114 (a)(2)(i)). This requirement specifically includes students in public or private institutions or other care facilities. Additionally, schools must ensure that a student with a disability is removed from the general educational environment (including removal to separate schools or special classes) only when the nature or severity of the student's disability is such that he/she cannot be educated in general education classes, even with the use of supplementary aids and services (34 CFR §300.114 (a)(2)).

#### 1.2 How often is LRE a consideration for student placement?

Placement is reviewed each year at a minimum. General education should be the first consideration on an annual basis (34 CFR §300.116).

#### 1.3 What does “maximum extent appropriate” mean?

The admission, review, and dismissal (ARD) committee is responsible for identifying the student's needs and the appropriate placement in which these needs can be met. Placement decisions should begin with the least restrictive environment, i.e., the general education classroom with or without supplementary aids and services. All possible placement alternatives should be considered to ensure that services are delivered in the LRE (34 CFR §300.116(a)). A student can be placed in a more restrictive environment only when the ARD committee concludes that education in the less restrictive setting, even with appropriate supports and services, cannot be achieved satisfactorily.

#### 1.4 What does the term “continuum of alternative placements” mean?

Per federal regulations, each LEA must ensure that a continuum of alternative placements is available to meet the needs of students with disabilities for special education and related services (34 CFR §300.115 (a)). Federal regulations require this continuum to include

instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions (34 CFR §300.115 (b); 34 CFR §300.39 (a)(1)(i)). Additionally, each local education agency must make provisions for supplementary aids and services, such as resource room or itinerant instruction, to be provided in conjunction with regular class placement (34CFR §300.115 (b)(2)).

In Texas, available instructional arrangements/settings include (19 TAC §89.63 (c)(1) – (11)):

- Mainstream;
- Homebound;
- Hospital class;
- Speech therapy;
- Resource room or services;
- Self-contained (mild, moderate or severe) regular campus;
- Off home campus;
- Nonpublic day school;
- Vocational adjustment class/program;
- Residential care and treatment facility; and
- State supported living center.

While local education agencies do not have to have all placements available at all times, the placements have to be available when an ARD committee determines it is appropriate to the individual needs of a student. This placement must be specified in the student's IEP (19 TAC §89.1075 (e)). Additionally, the IEP must document the necessary supplementary aids and service the child needs in the setting.

### 1.5 What are “supplementary aids and services”?

The Individuals with Disabilities Education Act (IDEA) defines supplementary aids and services as: aids, services, and other supports that are provided in general education classes, other education-related settings, and in extracurricular and nonacademic settings, to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate (34 CFR §300.42). Supplementary services may be provided to the student with a disability or on behalf of the student. A teacher attending professional development to learn how to implement the student's IEP or a behavior specialist providing consultation to a teacher are examples of services provided on behalf of the student.

This support for teachers and students includes, but is not limited to, direct instruction, helping teacher, team teaching, co-teaching, interpreter, education aides, curricular or instructional modifications/accommodations, special materials/equipment, consultation, staff development, reduction of ratio of students to instructional staff, or other direct or indirect services needed to implement the Individualized Education Programs (IEPs) of students receiving special education services in their least restrictive environment. This support shall be designed to enrich education

in order to enable success of the student.

ARD committees need to determine which supplementary aids and services are appropriate to meet the student's needs that result from his/her disability. LEAs do not need to provide every conceivable supplementary aid or service to support the student.

### 1.6 What is "access to the general education curriculum"?

The purpose of special education services is to allow students with disabilities to have access to and progress in the general education curriculum. Additionally, the Every Student Succeeds Act (ESSA) formerly known as the Elementary and Secondary Education Act (ESEA), and IDEA regulations require that all students have access to instruction in enrolled grade-level content. In Texas, the Texas Essential Knowledge and Skills (TEKS) are the curriculum standards that provide the basis for curriculum design at grade K-12. The Texas Infant, Toddler, and Three-Year-Old Early Learning Guidelines, and the Pre-Kindergarten Guidelines are available for districts to use; however, at Prekindergarten grade levels districts may develop their own curriculum standards.

IDEA 2004 requires the ARD committee to determine and provide the specially designed instruction needed by each student with a disability to successfully be involved in and progress in the general curriculum while achieving the goals of the IEP, regardless of which state assessment the student is taking.

34 CFR §300.320(a)(2)(i) requires that the IEP include a statement of measurable annual goal(s) designed to:

- (A) Meet the child's needs that result from the child's disability to enable the child to be involved in and progress in the general education curriculum; and
- (B) Meet each of the child's other educational needs that result from the child's disability

### 1.7 What is the difference between a modification and an accommodation?

Although there are no legal definitions of the terms modification and accommodation, the following definitions are from Texas Project First and are the definitions used in Texas:

Accommodations are intended to reduce or even eliminate the effects of student's disability on academic tasks, but do not reduce learning expectations. The objectives of the course/activity remain the same. Accommodations change how the student learns or demonstrates knowledge.

Modifications change the expectations of what the student is expected to master. The course/activity objectives are modified to meet the needs of the learner. Modifications change what the student learns.



For example, in science, a student who currently reads at an independent level below their enrolled grade level may be given an instructional text at their reading level. This would be an accommodation as it allows access to the science curriculum. The accommodation changes how the student accesses the content.

In mathematics, the grade level TEKS require students to multiply 3 digit numbers by 2 digit numbers. If a student is expected to multiply 2 digit numbers by 1 digit numbers only, this would be a modification because it changes what the student is expected to master in relation to state standards.

Whether something is a modification or an accommodation is dependent on the content being taught. For example, the use of spell check software may be an accommodation when the objective of the assignment is proper sentence structure but would be a modification when the objective is learning spelling rules.

### 1.8 For purposes of disciplinary removals, what constitutes a change of placement?

A removal occurs anytime a student is assigned to be somewhere other than his/her regular classroom/instructional arrangement. For example, if a student is suspended (either in school suspension or out of school suspension), this is a disciplinary removal. A disciplinary removal is considered a change of placement if:

- (a) The removal is for more than 10 consecutive school days (34 CFR §300.536(a)(1)); or
- (b) The student is subjected to a series of removals that constitute a pattern (34 CFR §300.536(a)(2)) -
  - (i) Because the series of removals total more than 10 school days in a school year;
  - (ii) Because the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals; and
  - (iii) Because of such additional factors as the length of each removal, the total amount of time the student has been removed and the proximity of the removals to one another.

### 1.9 How are LRE requirements met for preschool students?

The requirements of 34 CFR §300.116 apply to students with disabilities including preschool children with disabilities ages 3-4 who qualify for special education services under IDEA. In determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency must ensure that

- (a) The placement decision—
  - (1) Is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and

(2) Is made in conformity with the LRE provisions of this subpart, handicap including §300.114 through 300.118;

(b) The child's placement—

- (1) Is determined at least annually;
- (2) Is based on the child's IEP; and
- (3) Is as close as possible to the child's home;

(c) Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled;

(d) In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs; and

(e) A child with a disability is not removed from education in age appropriate regular classrooms solely because of needed modifications in the general education curriculum.

### 1.10 What are the requirements for a public school that does not operate a general education Prekindergarten program?

Public schools that do not operate programs for nondisabled preschool children are not required to start programs solely to satisfy the IDEA requirements regarding placement in the LRE ([OSEP Policy Memo 89-23](#)). Some alternative methods for meeting the requirements under 34 CFR 300.550-300.556 include:

- (a) providing opportunities for the participation (even part-time) of preschool children with handicaps in other preschool programs operated by public agencies (such as Head Start);
- (b) placing children with handicaps in private school programs for non-handicapped preschool children or private school preschool programs that integrate children with handicaps and non-handicapped children; and
- (c) locating classes for preschool children with handicaps in regular elementary schools.

For additional least restrictive environment placement considerations for preschool aged students, see [Preschool Least Restrictive Environments/Settings](#). This document can be found at [http://esc20.net/default.aspx?name=cj\\_se.PPCD.PreschoolLRE](http://esc20.net/default.aspx?name=cj_se.PPCD.PreschoolLRE)

### 1.11 What are the LRE considerations for students moving from one grade level to the next?

According to 34 CFR §300.115, each district must ensure that a continuum of alternative placements is available for students at all times, including as they move from one grade level to another and/or one campus to another. A child with a disability must not be removed from education in age-appropriate general education classrooms solely because of needed

modifications in the general education curriculum.

According to the November 30, 2007 Letter to Trigg, placement decisions should not be based on:

- (a) category of disability;
- (b) severity of disability;
- (c) configuration of delivery system; (the full continuum of services must be considered)
- (d) availability of educational or related services;
- (e) availability of space; and/or
- (f) administrative convenience (i.e., child's need doesn't fit into the master schedule).

Placement decisions must be determined at least annually and available to the extent necessary to implement the IEP for each child with a disability.

### 1.12 What are the LRE issues for students moving from school to college/career?

The ultimate goal for all students is to live, learn, work, and participate in their community. Therefore, IDEA requires transition planning, including a coordinated set of activities, which is designed to facilitate movement from school to post-school activities. These activities are based on the individual student's needs, taking into account his/her strengths, interests and preferences. Transition services encompass instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and a functional vocational evaluation.

Beginning no later than the first IEP to be in effect when the child turns 16, 34 CFR §300.320 requires that the IEP contain appropriate measureable postsecondary goals in the areas of training/education, employment, and, if appropriate, independent living skills. Additionally, the IEP must include the transition services (including course of study) needed to assist the child in reaching those goals. These goals and transition services must be based on age-appropriate transition assessments and must be updated at least annually. Texas has additional requirements for transition planning beginning at age 14.

For additional information regarding transition planning, please see the ESC-11 Statewide Leadership for Texas Secondary Transition/Post-School Results Network website at [www.transitionintexas.org](http://www.transitionintexas.org).

## Section 2 – Considerations in Determining a Student’s LRE

### 2.1 How does the ARD committee ensure that primary consideration for LRE is given to the general education environment before a more restrictive placement is considered?

The placement decision is made after the IEP is established. If the ARD committee determines the student will not participate in the general education classroom and/or curriculum, an explanation as to why that decision was made must be included. The evidence of discussion of the LRE must be documented clearly through ARD/IEP forms and deliberations/minutes.

Under IDEA 2004, the student’s IEP provides the basis for the student’s placement decision. According to the [TEA IEP model form](#), it is required to include, at a minimum, the following information:

- the student’s Present Levels of Academic Achievement and Functional Performance (PLAAFP);
- a statement of measurable annual goal(s); including benchmarks or short-term objectives (if the student takes STAAR Alternate 2);
- how and when progress toward the annual goal(s) will be measured and reported to parents;
- the specially designed instruction the student needs (including supplementary aids and services and frequency and duration for specially designed instruction); and
- the state assessment the student will take (if enrolled in a grade level or course that requires a state assessment).

### 2.2 What considerations should the ARD committee give to “harmful effects”?

Consideration should be given to any potential harmful effects on the student or quality of services that he/she needs when placement is determined (34 CFR §300.116(d)). Consideration should be given to both of the following criteria:

- any potential harmful effects on the student with disabilities if the student is removed from general education classes; and
- any potential harmful effects on the quality of services provided to the student with disabilities if the student is removed from general education classes.

Consideration of potential harmful effects could be documented in a variety of ways, including documentation of potential harmful effects included in a checklist, narrative, or other evidence that describes one of the situations above. A statement that “the ARD committee reviewed potential harmful effects” is not sufficient documentation unless the ARD committee has described the specific potential harmful effects that were discussed.

### 2.3 To what extent should ARD committees consider harmful effects on those students in the classroom who do not have a disability?

If the child's behavior in the general education classroom, even with the provision of appropriate behavioral supports, strategies or interventions, would significantly impair the learning of others, that placement may not be appropriate for that child.

According to *Daniel R.R. v. State Board of Education*, 874 F.2d 1036 (5th Cir.1989) the ARD committee must:

- determine whether the student's behavior is so disruptive to the rest of the class that the education of other students is significantly impaired; and/or
- determine whether the student with a disability requires so much of the teacher's time that the needs of other students may be ignored; and
- consider the use of supplementary aids and services to address both of these issues (such as the use of a paraprofessional).

Finally, if the ARD committee determines that the student's behavior is so disruptive or the student will monopolize the teacher's time to the detriment of other students, and the district has considered or implemented supplementary aids and services, then the ARD committee may determine that the general education classroom is not the appropriate setting for the student with a disability.

### 2.4 Does a student need to fail in a general education setting before being considered for a more restrictive environment?

No. If a student fails to make the expected progress in the general education curriculum and/or on his/her IEP goals, the ARD committee may need to consider revising the student's IEP (34 CFR §300.324(b)(1)(ii)(A)). However, failing a class and/or failing in an instructional setting in and of itself cannot be the sole determinant factor in changing a student's instructional setting. IDEA 2004 does not permit LEAs to make mere token gestures to accommodate students with disabilities; its requirement for modifying and supplementing general education is broad. However, the regulations do not require that a student has to fail in the less restrictive options on the continuum before the child can be placed in a setting that is appropriate to his or her needs (Residential Facilities Monitoring (RFM) Manual, p. 40).

## 2.5 What factors may not be considered when determining the placement of a student?

ARD committees may not make placements based solely on the following factors (November 30, 2007 Letter to Trigg):

- (a) category of disability;
- (b) severity of disability;
- (c) configuration of delivery system; (the full continuum of services must be considered)
- (d) availability of educational or related services;
- (e) availability of space; and/or
- (f) administrative convenience (i.e., child's need doesn't fit into the master schedule).

## 2.6 Can a student be removed from the general education setting based solely on difficulty in providing modifications?

No. A student with a disability must not be removed from education in age- appropriate general education classrooms solely because of needed modifications in the general education curriculum (34 CFR §300.116(e)).

## 2.7 What do ARD committees need to consider in determining if a student should receive services in a setting other than a general education classroom?

The ARD committee must consider:

- whether the student can be educated in less restrictive settings with the use of appropriate supplementary aids and services;
- whether the student would receive educational benefit from the general education classroom; and
- what effect (any potential harmful effects) the student's placement would have on the student or on the quality of services that he or she needs (34 CFR § 300.116 (d)).

The ARD committee must show evidence that the school made efforts to provide supplementary aids and services, based on peer-reviewed research to the extent practicable, before removing the student from the general education classroom. A student can be placed in a more restrictive environment only when the ARD committee concludes, based on the considerations above, that education in the less restrictive setting with appropriate supplementary aids and services cannot be achieved satisfactorily (Residential Facilities Monitoring (RFM) Manual, p. 40).

A student cannot be removed from a general education setting solely based on needed modification(s) in the general curriculum (34 CFR § 300.116 (e)).

## 2.8 What if the ARD committee decides the appropriate placement is outside the general education classroom?

According to 34 CFR §300.114(2)(ii), removal of students with disabilities from the general education environment occurs only if the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily.

## 2.9 How do the needs of a student related to the severity of their disability impact the right to placement on the student's home campus?

Unless the IEP of a student with a disability requires some other arrangement, the child is educated in the school that he/she would attend if nondisabled. Removal to a different setting can only occur if the ARD committee determines that the nature or severity of the student's disability is such that education in regular classes, even with the use of supplementary aids and services, cannot be achieved satisfactorily (34 CFR §300.114 (a)(2)(ii)). Removal to a separate setting cannot occur solely due to needed modifications in the general education curriculum (34 CFR §300.116 (e)).

## 2.10 What requirements must the ARD committee address in deciding that the appropriate placement for a student is not the student's home campus?

ARD committees are required to justify any placement, and must ensure that students with disabilities are educated with their nondisabled peers to the maximum extent appropriate, regardless of campus.

If the ARD committee is considering placement other than on the student's home campus, they should consider:

- the specific supplementary aids and services provided or tried to support the student on the home campus;
- why the supplementary aids and services were not educationally beneficial; and
- why the supplementary aids and services did not provide access to or progress in the general curriculum.

## Section 3 – Additional FAQs Regarding LRE

### 3.1 Are general education teachers who serve students with disabilities required to attend specific training?

No. However, the ARD committee may determine that teacher training is needed in order to implement specific portions of a student's IEP (Residential Facilities Monitoring (RFM) Manual, p. 40). Additionally, teachers who instruct students with disabilities must be given the opportunity to request assistance with implementation of a student's IEP (19 TAC §89.1075 (c)(3)). Finally, if a general education teacher does not have the skills necessary to implement an IEP for which he/she is responsible, the district must provide training to the teacher. The district determines when and where this training will take place (TEC §21.451 (e)).

### 3.2 Who is responsible for implementing modifications and/or accommodations?

Any accommodations/modifications that are indicated on the IEP are the individual responsibility of the educator responsible for delivering instruction, as indicated on the child's IEP.

The IEP must also include a statement of the program modifications or supports for school personnel that will be provided to enable the student to make progress toward his/her annual goals and toward mastery of the general curriculum (34 CFR §300.320 (a)(4));

Any teacher who is responsible for providing instruction to a student with a disability must be informed of his/her specific responsibilities related to implementation of the IEP (19 TAC §89.1075 (c)(2)). This includes any IEP goal(s) and objectives, necessary accommodations and/or modifications, and any other supports needed by the student. The teacher must have access to the relevant portions of the student's IEP (19 TAC §89.1075 (c)(1)) and must be given an opportunity to request assistance regarding implementation of the IEP (19 TAC §89.1075 (c)(3)). If a general education teacher does not have the skills necessary to implement an IEP for which he/she is responsible, the district must provide training to the teacher. The district determines when and where this training will take place (TEC §21.451 (e)).

### 3.3 Who determines how the student with disabilities will be graded in the general education classroom?

The ARD committee determines who will be responsible for providing grades. This information is determined during the ARD meeting. The teacher may not amend the curriculum or grading criteria without concurrence of the ARD committee. However, a teacher may make minor instructional accommodations without an ARD committee meeting, if such accommodations are helpful and consistent with the ARD committee's established goals and objectives.



Additionally, Texas Education Code (TEC) §28.0216 requires that a district grading policy:

- (1) must require a classroom teacher to assign a grade that reflects the student's relative mastery of an assignment;
- (2) may not require a classroom teacher to assign a minimum grade for an assignment without regard to the student's quality of work; and
- (3) may allow a student a reasonable opportunity to make up or redo a class assignment or examination for which the student received a failing grade.

For additional information regarding this requirement, please see TEA Correspondence dated October 16, 2009 at <http://ritter.tea.state.tx.us/taa/comm101609.html> and Grading and Progress Monitoring for Students with Disabilities at [www.texaspgc.net](http://www.texaspgc.net).

### 3.4 Is there a limit to the number or percentage of students with disabilities that can be in a general education setting/classroom?

No. There are no statutory limits to numbers or percentages of students with disabilities that can be served in a general education setting. Best practice indicates that an ideal general education setting mirrors the school's overall demographic makeup; however, this is not a legal requirement. For 3-5 year old students, the percentage of non-disabled peers in the classroom impacts PPCD Service Location codes that are reported through the state's Texas State Data System (TSDS), formerly PEIMS. In general, Kindergarten through 4th grade classes may not exceed 22 total students, including students who receive special education services (TEC §25.112 (a)). There are limits to when this maximum class size applies. Additionally, with the approval of their Board of Trustees, districts can apply to Texas Education Agency (TEA) for a waiver to the maximum class size requirement.

### 3.5 Is there a limit to the number of students that can be in a special education classroom/setting?

No. There are no statutory limits to the number of students with disabilities that can be served in a special education setting (resource, life skills, etc.)

However, for a student with autism, his/her ARD committee is required to indicate a suitable staff-to-student ratio for identified activities and as necessary for social/behavioral progress (19 TAC §89.1055 (e)(7)). Students with other disabilities may also have required staff assistance or ratios indicated in their IEPs if the ARD committee determines this is necessary.

### 3.6 How is the state assessment decision made for students with disabilities?

State assessment decisions are not based on the student's LRE. Instead, they are based on the accommodations and modifications the student is receiving, regardless of his/her instructional setting.

The state assessment, which is required at grades 3-8 and for students enrolled in English I, English II, Algebra I, Biology, and U.S. History, includes the following options:

State of Texas Assessments of Academic Readiness (STAAR®) is the state assessment which a student may take with or without designated supports. Appropriate supports for a student are determined by the ARD committee on an individual basis and are documented in ARD paperwork. For further information regarding designated supports on the STAAR test, please refer to the 2017 Accessibility information at <http://tea.texas.gov/student.assessment/accommodations/>

The mode (online or paper) in which the student takes the state assessment is based on the allowed or approved designated support needed. For example, a student needing reading support can receive an oral administration of the paper test booklet from the test administrator or can take the test online using text-to-speech. However, content supports and language and vocabulary supports are available only as embedded online accommodations. In order to receive these accommodations, a student must test online. For additional information, review, *"Educator Guide to Accessibility within the STAR Program"*.

STAAR Alternate 2 is an alternate state assessment with alternate achievement standards. Students must meet the state developed participation requirement in order to take the STAAR Alternate 2. The participation requirements for STAAR Alternate 2 are at: <http://tea.texas.gov/student.assessment/special-ed/staaralt/>.

All assessments are based on enrolled grade level TEKS. For more information on student assessment, visit the TEA Student Assessment Division Webpage at <http://tea.texas.gov/student.assessment/>

## Glossary

Term	Definition
<p><b>ARD</b> Admission, Review, and Dismissal</p>	<p>** A committee composed of a child's parent, the child, when appropriate, and school personnel who are involved with the child. The ARD committee determines a child's eligibility to receive special education services and develops the individualized education program (IEP) of the child. The ARD committee is the IEP team defined in federal law.</p> <p>*ARD meeting – A meeting to review a student’s special education program that (in an annual meeting) includes an update of the student’s progress, a review of the current Individualized Education Plan (IEP), and development of a new IEP for the upcoming year.</p>
<p><b>BIP</b> behavior intervention plan</p>	<p>**A written plan developed as part of the individualized education program (IEP) to address behavioral concerns affecting the student’s educational progress. It is based on a functional behavioral assessment (FBA) of the problem behaviors, identifies events that predict these behaviors, includes positive interventions to change behaviors, and includes methods of evaluation.</p>
<p><b>CFR</b> Code of Federal Regulations</p>	<p>*A multi-volume set of documents that organizes the rules and regulations that are published in the Federal Register by departments and agencies of the Federal Government. The CFR is divided into 50 major headings, called “Titles”. Regulations are listed under the appropriate title by a system of CFR numbers. Title 34 is Education.</p>

Term	Definition
<p><b>ESEA</b> Elementary and Secondary Education Act</p>	<p>**This law was first passed in 1965, which emphasized equal access to education and establishes high standards and accountability, and authorized federally funded education programs which are administered by the state. In 2015, ESEA was amended and reauthorized as the Every Student Succeeds Act (ESSA). ESSA takes full effect in the 2017-2018 school year. For more information on ESSA, visit the U.S Department of Education ESSA webpage at <a href="http://www.ed.gov/essa">www.ed.gov/essa</a>.</p>
<p><b>ESSA</b> Every Student Succeeds Act</p>	<p>The Every Student Succeeds Act (previously known as No Child Left Behind or NCLB) reauthorizes ESEA, sets high standards and contains policies that will help prepare all students for success in college and future careers. It prioritizes excellence and equity and recognizes the importance of supporting great educators in our nation's schools. For more information on ESSA, visit the U.S Department of Education ESSA webpage at <a href="http://www.ed.gov/essa">www.ed.gov/essa</a>.</p>
<p><b>FAPE</b> free and appropriate public education</p>	<p>*Special education and related services that have been provided at public expense, under public supervision and direction and without charge; meet the standards of the Texas Education Agency (TEA); include an appropriate preschool, elementary school, or secondary school education in the State involved; and are provided in conformity with the student's IEP.</p>
<p><b>IDEA</b> Individuals with Disabilities Education Act</p>	<p>**The federal law that provides assistance to states for the education of students with disabilities is the Individuals with Disabilities Education Act (IDEA). This law gives every student with a disability the right to a public education at no cost to the family. Part C of the IDEA requires services to begin at birth and extends until the student turns three. Early Childhood Intervention (ECI) programs deliver Part C services. Part B of the IDEA requires services for students from 3-21. Most students receiving Part B services are in public schools.</p> <p>*The law was reauthorized in 2004 and is referred to as the Individuals with Disabilities Education Improvement Act (IDEIA) of 2004. IDEA and IDEIA are used interchangeably when referring to the same law.</p>

Term	Definition
<p><b>IEP</b> Individualized education program</p>	<p>*A written statement for each student with a disability that is developed, reviewed, and revised by the ARD committee. The IEP includes the student's present levels of academic achievement and functional performance, annual goal(s), special education/specially designed instruction, related services, supplementary aids and services, transition services, special factors, least restrictive environment, participation in State and district-wide assessments, and extended school year services, if applicable.</p>
<p><b>IFSP</b> Individualized Family Service Plan</p>	<p>* A written plan for infants and toddlers with disabilities, aged birth to three, and their families. The IFSP is developed by the parents, the early childhood services coordinator, and others involved with the student. It addresses the resources, priorities, and concerns of the family and identifies supports and services needed to enable the family to effectively support the student's development. Under <a href="#">IDEA</a>, Part C, States must provide an IFSP for every infant or toddler with a disability and their families.</p>
<p><b>LRE</b> least restrictive environment</p>	<p>The setting that the ARD committee determines is most appropriate for the student.</p> <p>**To the maximum extent appropriate, students with disabilities are educated with children who are not disabled. Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only when the nature or severity of the student's disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.</p>
<p><b>LEA</b> local education agency</p>	<p>In Texas, LEAs are school districts or charter schools.</p>

Term	Definition
<p><b>OSEP</b> Office of Special Education Programs</p>	<p>A component program within the Office of Special Education and Rehabilitative Services (OSERS) at the United States Department of Education</p> <p>**The Office of Special Education Programs (OSEP) is dedicated to improving results for infants, toddlers, children and youth with disabilities ages birth through 21 by providing leadership and financial support to assist states and local districts.</p> <p>*OSEP monitors the states to ensure that they are in compliance, or actively working toward compliance, with IDEA.</p>
<p><b>OSERS</b> Office of Special Education and Rehabilitative Services</p>	<p>***An office within the United States Department of Education that includes:</p> <ul style="list-style-type: none"> <li>• Immediate Office of the Assistant Secretary</li> <li>• National Institute on Disability and Rehabilitation Research</li> <li>• Rehabilitation Services Administration</li> <li>• Office of Special Education Programs</li> </ul> <p>The Office of Special Education and Rehabilitative Services (OSERS) is committed to improving results and outcomes for people with disabilities of all ages. OSERS supports programs that serve millions of children, youth and adults with disabilities.</p>
<p><b>PLAAFP</b> present levels of academic achievement and functional performance</p>	<p>**A statement in the individualized education program (IEP) of the student's present levels of academic achievement and functional performance (PLAAFP), including how the student's disability affects his/her involvement and progress in the general education curriculum; for preschool students, as appropriate, how the disability affects the student's participation in appropriate activities; and for students with disabilities who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives.</p>

Term	Definition
<b>STAAR</b> State of Texas Assessments of Academic Readiness	The required state assessment in Texas
<b>TAC</b> Texas Administrative Code	*A compilation of all state agency rules in Texas. There are 16 titles in the TAC. Each title represents a category and relating agencies are assigned to the appropriate title. The rules adopted by the State Board of Education (SBOE) and the Commissioner of Education are codified under Title 19, Part II, of the TAC. Title 19 is Education, and Part II is the Texas Education Agency.
<b>TEA</b> Texas Education Agency	Texas' regulatory agency for public education.
<b>TEC</b> Texas Education Code	*Contains the state laws governing education in Texas. The TEC is maintained on the web by the Texas Legislature Online and is available at <a href="http://www.statutes.legis.state.tx.us/">http://www.statutes.legis.state.tx.us/</a> .
<b>TEKS</b> Texas Essential Knowledge and Skills	**The state standards for what students should know and be able to do. It is the general curriculum referred to in the Individuals with Disabilities Education Act (IDEA). The TEKS are available at the Texas Education Agency website at <a href="http://tea.texas.gov/index2.aspx?id=6148">http://tea.texas.gov/index2.aspx?id=6148</a> .

\*Retrieved/adapted from Texas Project First [www.texasprojectfirst.org](http://www.texasprojectfirst.org) (March 2017)

\*\*Retrieved/adapted from The Legal Framework for the Child-Centered Educational Process <http://framework.esc18.net> (March 2017)

\*\*\*Retrieved/adapted from United States Department of Education [https://www2.ed.gov/about/offices/list/om/fs\\_po/osers/intro.html](https://www2.ed.gov/about/offices/list/om/fs_po/osers/intro.html) (March 2017)

## Resources

### ***Legal References/Citations:***

Daniel R.R. v. State Board of Education, 874 F.2d 1036 (5th Cir. 1989).  
[https://framework.esc18.net/Documents/Daniel\\_R\\_R\\_vs\\_SBOE\\_June\\_12\\_1989.pdf](https://framework.esc18.net/Documents/Daniel_R_R_vs_SBOE_June_12_1989.pdf)

The Legal Framework for the Child-Centered Special Education Process  
<http://framework.esc18.net/>

OSEP Policy Memo 89-23 (Regarding Placement in the LRE for Preschool Children with Disabilities)  
<http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/preschoollre22912.pdf>

OSERS November 30, 2007 Letter to Trigg (LRE placement decisions)  
<https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/all2007.html>

### ***Helpful Websites and Documents:***

Texas Project FIRST <http://www.texasprojectfirst.org/>

Individualized Education Program (IEP) Annual Goal Development Question and Answer Document <http://programs.esc20.net/default.aspx?name=pgc.IEPs>

Progress in the General Curriculum Network [www.texaspgc.net](http://www.texaspgc.net)

### ***TEA Webpages:***

TEA Webpage: Special Education in Residential Facilities  
<http://tea.texas.gov/pmi/SPEDRFmonitoring/>

TEA Webpage: Special Education  
[http://tea.texas.gov/Academics/Special\\_Student\\_Populations/Special\\_Education/Special\\_Education/](http://tea.texas.gov/Academics/Special_Student_Populations/Special_Education/Special_Education/)

TEA Webpage: Student Testing and Accountability  
[http://tea.texas.gov/Student\\_Testing\\_and\\_Accountability/](http://tea.texas.gov/Student_Testing_and_Accountability/)

TEA Webpage: Texas Essential Knowledge and Skills <http://tea.texas.gov/curriculum/teks/>

Texas Pre-K Guidelines <http://tea.texas.gov/index2.aspx?id=2147495508>