

OSSE Inclusion Policy

The Individuals with Disabilities Education Act (IDEA) requires to *the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are non-disabled, 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* [IDEA Sec. 612(a)(5); also codified at 34 C.F.R. §300.114(a)]. IDEA expresses a strong preference for educating every child with a disability in the regular education environment and requires that children with disabilities not be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum [34 C.F.R. §300.116(e)].

State education agencies (SEAs) such as the Office of the State Superintendent of Education (OSSE) have a statutory obligation to ensure that this mandate is met and that the state's funding mechanism does not result in placements that are not inclusive to the maximum extent appropriate [IDEA Sec. 612(a)].

While the national percentage of children and youth ages 3–21 served under the IDEA averages 13.5 % (NCES, 2008), the percentage of children ages 3-21 served by IDEA within the District of Columbia currently equals 15.5%. Further, non-compliance with special education indicators related to ensuring a Free and Appropriate Public Education in the Least Restrictive Environment has resulted in targeted monitoring from the Department of Education's Office of Special Education Programs.

Given the unique status of children with disabilities within the District of Columbia, this memorandum serves to clarify the expectation of the Office of the State Superintendent of Education that every child with disabilities residing within the District of Columbia receive an inclusive education that allows him or her to interact maximally with non-disabled peers.

Inclusive educational environments are environments in which all students have an equal opportunity to become part of their school community, regardless of their individual strengths and needs. Further, inclusive educational environments are environments in which adults within the community strive to:

- * Actively identify and capitalize upon student strengths
- * Pursue the most effective instructional match to foster high levels of achievement

- * Regularly monitor student progress and redesign learning opportunities as needed
- * Create educational programs that allow students with disabilities to participate fully in school life.

By law, it is the Individualized Education Program (IEP) team that decides the manner in which an individual student is best served (educational placement). However, the local education agency (LEA), with oversight from the SEA, is empowered to determine the location in which the educational placement occurs. The following general principles are designed to guide LEAs, school administrators, and IEP team members in decision making, with an aim toward promoting inclusive practices consistent with IDEA requirements.

General Principles

LEAs and IEP teams are required to adhere to the following considerations when making educational decisions for students with disabilities:

1. The obligation to provide Free and Appropriate Public Education in the Least Restrictive Environment to every student with an IEP. To be placed in the Least Restrictive Environment under IDEA, a child must be educated with non-disabled peers to the maximum extent appropriate consistent with the needs of the child.
2. The obligation to demonstrate both the development and full implementation of a robust IEP, inclusive of necessary supplementary aides and services, prior to the determination to place a child in a more restrictive setting, in order to rule out the possibility that the student is not making progress in the less restrictive environment due to a failure on the part of that educational environment
3. The obligation to assure that teams and schools have developed a full continuum of supports and services within the educational environment, and that these services are made available in regular education classrooms to the greatest extent possible
4. The obligation to ensure that the supporting conditions are in place that enable general education teachers to effectively educate students with IEPs in their regular classroom
5. The obligation to utilize peer-reviewed, research-based models, practices, and curricula within the regular education setting before contemplating placement in a more restrictive setting
6. The commitment to use rigorous progress monitoring and a tiered intervention framework aligned with Response to Intervention to demonstrate that the practices in #5 above have not proven beneficial
7. The obligation to ensure that more restrictive environments promote inclusionary practices described herein.

Last, if at any time an IEP team determines that a student needs to be educated in a more segregated setting, the school is required to include the child in school activities such as band, clubs, sports, cultural activities/ exchanges, and before- and after-care with non-disabled children to the maximum extent possible.

The OSSE will conduct a series of activities annually to ensure the ability of LEAs to meet the Least Restrictive Environment (LRE) requirements of IDEA. These activities include (1) the requirement, and review, of a plan from LEAs to address LRE in annual grant applications, (2) monitoring LRE requirements, (3) clarification on the use of supplementary aids and services in the regular classroom, and (4) increased professional development for LEAs to build capacity to support students with disabilities within the regular education setting.

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