



EDUCATION		
4420.05 Special Education: Least Restrictive Environment	Effective	01/31/2019
	Replaces	4420.05
	Dated	07/30/2008

The Arizona Department of Juvenile Corrections (ADJC) ensures that the Least Restrictive Environment (LRE) placement changes may occur when there is a security or penological interest. The IEP Team will review placement and document any changes. [34 CFR §§300.114-300.117, 300.324(d) (2)] To the maximum extent appropriate, students with a disability are to be educated with students who are not disabled in accordance with [300.114-300.117] of the IDEA regulations [34 CFR §§300.42, 300.114, 300.17, 300.320].

Special classes, separate schooling, or other removal of students with a disability from the regular environment occurs only when the nature or severity of the 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(2) and AAC R7-2-401(G)].

Supplementary aids and services as used in this procedure means aids, services, and other supports that are provided in regular education classes or other education-related settings to enable the student with a disability to be educated with non-disabled students to the maximum extent appropriate pursuant to §§300.42, 300.107, 300.114, and 300.117.

AUTHORITY	
Arizona Revised Statutes (A.R.S.)	
41-2804	Duties and Powers of Director
15-761	Definitions
15-763.01	Surrogate parent; notification; appointment
15-764 (A)(5)	Powers and duties of the school district governing board or county school superintendent
15-765	Special Education in rehabilitation, corrective or other state and county supported institutions, facilities or homes
15-766	Evaluation of child for placement in special education program; due process hearing procedures
15-828 (F-G)	Birth certificate; school records; exception
15-1181	Definitions
Code of Federal Regulations	
34 CFR 300	Education
Arizona Administrative Code (AAC)	
R7-2-401	Special Education Standards for Public Agencies Providing Educational Services
R7-2-405	State Board of Education

PROCEDURES

1. Changes in placement may occur when there is a bona fide security or penological interest that cannot be accommodated. The **IEP TEAM** shall review placement and document any changes in the IEP. [34 CFR§300.324(d)(2)]
2. **LRE requirements: [34 CFR §300.114]**
 - a. The **PEA DESIGNEE** shall ensure:
 - i. Special classes, separate schooling, or other; or
 - ii. Other removal of students with disabilities from the regular educational environment occurs; and
 - iii. 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.
3. **Continuum of Alternative Placements: [34 CFR §300.115]**
 - a. The **PEA DESIGNEE** shall:
 - i. Make available a continuum of alternative placements to meet the needs of students with disabilities of special education and related services;
 - ii. The continuum of alternative placements shall include:
 - (1) Instruction in regular classes, special classes, special schools, home instruction, and instruction in hospital and institutions, except:
 - (a) ADJC students are not eligible to be placed in special schools, home instruction or hospitals/institutions due to being committed to the Agency by the Court;
 - (b) The Juvenile Court has already made a determination that Adobe Mountain School (AMS) is the least restrictive environment for the youth; and
 - (c) Agency resources for counseling and behavior support shall be incorporated as necessary into IEP and 504 plans:
 - (i) Progress monitoring for counseling and relative behavior supports shall include quarterly and annual reports.
 - (2) Supplementary services, such as resource room, inclusion or itinerant instruction, to be provided in conjunction with regular class placement.
 - iii. Placements [34 CFR §300.116]:
 - (1) The placement for each student shall be:
 - (a) Made by a group that includes parent/guardians and other persons knowledgeable about the student, the meaning of evaluation data, and the placement options;
 - (b) In conformity with the LRE provisions of the IDEA regulations;
 - (c) Determined at least annually;
 - (d) Based on the student's IEP; and
 - (e) As close as possible to the student's home.
 - (2) Unless the IEP of a student requires some other arrangement, the student will be educated in the school that s/he would attend if not disabled;
 - (3) In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services that s/he needs; and
 - (4) A student with a disability shall not be removed from age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.
4. **Non-academic settings: [34 CFR §300.117]**
 - a. The **PEA DESINGEE** shall:
 - i. Provide access to non-academic and extracurricular services;
 - ii. Provide activities, including meals, and recess periods;
 - iii. Provide other non-academic activities;
 - iv. Ensure that each student with a disability participates with non-disabled students in the extracurricular services and activities to the maximum extent appropriate to the needs of the student; and

- v. Ensure that the supplementary aids and services determined by the IEP Team to be appropriate and necessary are provided to allow the student to participate in non-academic settings.

5. **Least Restrictive Environment: [AAC R7-2-401.H]**

- a. The **PEA DESIGNEE** shall:
 - i. Establish, implement, and make available to its school-based personnel and parents, written procedures to ensure the delivery of special education services in the least restrictive environment as identified by IDEA and its regulations, the state statutes, and the State Board of Education rules;
 - ii. Ensure a continuum of services and supports for students with disabilities shall be available through each public education agency;
 - iii. Ensure the provisions of classroom accommodations and modifications, included in the student's IEP will be afforded the student during any standardized testing, including but not limited to the TABE or pre and post versions of the GED; and
 - iv. Ensure provision of services are monitored through quarterly progress monitoring, annual reviews, and documentation of specialized services, accommodations and modifications, related and transition services, if applicable.

Signature Date

01/29/2019

Approved by

Original Signature on File

Dr. Kim Eger, Education Superintendent

Signature Date

01/30/2019

Approved by

Original Signature on File

Jeff Hood, Director

Effective Date

01/31/2019