



# PLACEMENT

## IEP IMPLEMENTATION

Placement decisions are made by a group of persons including the parents and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.

Remember that the team first discussed the needs of the child. The next step was to agree on the services that were needed. Now it is time to decide where the services should be provided.

A major emphasis of IDEA 2004 is ensuring that a student with a disability is educated with students without disabilities as much as possible, or in the **least restrictive environment (LRE)**.

### Rights Regarding Placement

In deciding the child's placement in the LRE, the LEA must ensure that:

1. To the maximum extent appropriate, students with disabilities, including students in public or private institutions or other care facilities, are educated with students who are nondisabled. Special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs 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.
  - a. Each LEA must ensure that a continuum of alternative placements is available. The continuum must include regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions. The LEA must also make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.
2. The placement must ensure appropriate access to the general curriculum.
3. The student must be provided the supplementary aids and services determined appropriate and necessary by the IEP team to provide nonacademic and extracurricular services and activities in the manner necessary to afford students with disabilities an equal opportunity for participation in those services and activities including meals and recess periods.
  - a. Nonacademic and extracurricular services and activities may include: counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the LEA, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the LEA, and assistance in making outside employment available.
4. The placement is determined at least annually, is based on the student's IEP, and is as close as possible to the student's home
5. Unless the IEP of a student with a disability requires some other arrangement, the student is educated in the school that he or she would attend if nondisabled. Other placement must be as close as possible to the student's home.
6. In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services that he or she needs.
7. A student is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.



*If your child has special needs, so do you! We can help!*

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## GRADUATION

8. Parents must be part of any group that makes placement decisions. The LEA must use procedures for parent involvement consistent with those used for parent participation in the IEP. If neither parent can participate in a meeting where a placement decision is to be made, the LEA must use other methods to ensure participation including individual or conference telephone calls or video conferencing.
9. Placement for services may not begin until informed parental consent for initial placement is obtained. The granting of consent is voluntary and may be revoked at any time.
10. If a parent fails to respond to a request for consent or refuses consent for the initial provision of special education and related services, the LEA may not use mediation procedures or due process procedures so that services may be provided. The LEA is not to provide services or to be held liable for not providing them.
11. The LEA may not use a parent's refusal to consent to one service or activity to deny the parent or student any other service, benefit, or activity of the LEA, or to fail to provide a student with a free appropriate public education.

### Revocation of Consent

If at any time after the initial provision of special education and related services, the parent revokes consent in writing for the continued provision of special education and related services, the LEA:

- May not continue to provide special education and related services but must provide prior written notice before ceasing services
- May not use mediation or due process procedures to obtain agreement or a ruling that services must be provided
- Will not be in violation of the requirement to provide FAPE
- Is not required to convene an IEP meeting.

Note: After consent is revoked, the school can still conduct child find activities and let the parents know that a child is having difficulty in school. The parents can also refer a child to be evaluated and considered for special education services.

### Written notice must be given to the parents a reasonable time before the LEA proposes to change the placement or refuses to make a change in the placement.

Parents must notify the school or school district, if they intend to remove their child from the public school and place the child in a private school at public expense.

If parents (or their attorneys) do not **provide this notice in writing**, reimbursement for the private school placement may be reduced or denied. There are certain exceptions to this provision.

Parents must tell the school or district:

- That they are rejecting the placement that the school district is proposing for the child.
- What their concerns are; and
- That they intend to enroll their child in a private school and expect public education to pay for it.

For additional information about students with disabilities in other settings including private schools and home schools, please see the Utah State Office of Education's *Special Education Rules*, available at [www.schools.utah.gov](http://www.schools.utah.gov)

*This content is taken from the Utah Parent Center handbook: Parents as Partners in the IEP Process Parent Handbook*