

The 'LRE Initiative', a Result of: PJ v. State of Connecticut Board of Education

A case was filed in 1991 by five school-age children with mental retardation and their families against the Connecticut State Board of Education, the State Commissioner of Education and certain local school districts alleging violation of IDEA laws regarding the responsibility of schools to educate children with disabilities "to the maximum extent appropriate" with children who are *not* disabled (known as 'Least Restrictive Environment', or LRE). This case was recently settled on May 22, 2002.

The Settlement includes five goals that were agreed upon for children with 'mental retardation' (now referred to as 'intellectual disability' or ID):

Ü An increase in the percentage of students with ID placed in regular classrooms more than 80 % of the day with non-disabled students (*Note: this does NOT mean 80% of children with disabilities need to be included in typical classrooms, only that there be an increase in numbers of children with ID who are included*).

Ü A reduction in the disparate identification of students with ID by race, ethnic group or gender.

Ü An increase in the percentage of the school day that children with ID spend with non-disabled students.

Ü An increase in the percentage of students with ID attending their 'home' school (school they would normally attend if they were not disabled).

Ü An increase in the percentage of students with ID who participate in school-sponsored extracurricular activities with non-disabled students.

The Settlement requires the State Department of Education to:

Ü Issue a policy statement to all schools affirming the right for children with ID to be educated with non-disabled children to the maximum extent appropriate.

Ü Issue policy statements regarding the PPT process to determine

placement (that it should include a discussion of placement in regular classes), inform districts that the State Bureau will be conducting oversight activities, inform districts of the joint obligation toward successful inclusion, and include a copy of the Settlement Agreement.

Ü Monitor participation and progress in the goals above, and offer technical assistance where needed, including conducting training.

Ü Offer training programs to enable parents of student with ID to effectively advocate for their children.

Ü Establish and maintain a complaint resolution process.

Ü Establish a 4-member Expert Advisory panel to advise parties and the court regarding the implementation of the Agreement.

The Bureau of Special Education and Pupil Services (BSEPS) maintains the position that districts must adhere to the IDEA requirement of educating students with disabilities, including students with intellectual disabilities, with their nondisabled peers to the maximum extent appropriate. BSEPS recognizes that some students will require a separate setting in order to receive a free appropriate public education (FAPE) and that a continuum of service options, consistent with IDEA, is appropriate. Decisions regarding the services for a student should always be made on an individual basis by that student's PPT, based on the educational needs of the student.

The BSEPS does *not* advocate that children be removed arbitrarily from more-restrictive settings, or that they be prevented from entering more-restrictive settings if it is determined by the PPT that that is the least restrictive setting for that child to receive FAPE. The Bureau also requires that districts who choose to move children from one placement to another do so with 'thoughtful planning', and not simply as an effort to fulfill any interpretation of a quota. In addition, while the BSEPS considers it to be best practice to include all children with disabilities with their nondisabled peers to the maximum extent appropriate while still ensuring educational progress, this specific case and the Settlement is ONLY directed at children with intellectual disability (formerly known as mental retardation). However, any decision regarding services for a child with any disability that is made for reasons OTHER than the child's educational need (such as lack of classroom space, teacher availability, convenience of staff or availability of funding) should be reported to BSEPS so that appropriate steps can be taken by families, school staff, or BSEPS consultants.

Contact the Bureau of Special Education and Pupil Services for a copy of the Settlement Agreement (860) 807-2025 or with questions about appropriate programming.