

Model vs. Continuum

EXECUTIVE SUMMARY

This chapter focuses on the least restrictive environment (LRE), as it is one of the most controversial and litigated topics in the field of special education because the Individuals with Disabilities Education Act does not provide any guidelines on how this requirement needs to be met. Since the Supreme Court of the United States will not hear a case about LRE, this chapter also presents several circuit court cases that have attempted to interpret the law using an assessment they developed. In addition, the chapter reviews several continuum models that attempt to ease the burden for schools and their districts as they contemplate the best educational placement for a student with exceptionalities. The chapter concludes with a discussion about the future trends for special education and LRE.

INTRODUCTION

The Individuals with Disabilities Education Act (IDEA, 2004) clearly states that a student with exceptionalities must be afforded a continuum of services. These services can range from the least restrictive environment (LRE), which would be full-time placement in a general education classroom with a paraprofessional or general education teacher providing the necessary Individualized Education Plan (IEP) services, to the most restrictive environment, which could be in an alternative placement setting, such as a juvenile detention center or treatment center. Regardless of the student's placement, IDEA requires that students with special needs receive the services afforded to them on their IEP. The

planning process becomes complicated when special education departments design programs or models to address the continuum of services offered. It is incumbent upon schools and school personnel to understand that there is a difference between a continuum of services and a special education service delivery model. Without proper understanding of both terms, schools and school districts can become noncompliant in their monitoring process. Noncompliance of this nature can place schools on the needs improvement list or worse from the Office of Special Education Programs (OSEP).

Chapter 1 mentioned that the inception of Public Law 94-142 (which is today known as the Individuals with Disabilities Act or IDEA) back in the 1970s began to change the way that children with exceptionalities were educated. However, change was slow. As time progressed and more and more parents demanded that their children be educated along with their age- and grade-level peers, special education services slowly began to evolve into what we have today. Schools hopefully now have a continuum of services that will fit any child's needs and will assist him or her in becoming a productive member of our democratic society. Even though there is a push in the field currently to place all students with exceptionalities in the general education classroom, we still have some students for which this placement is unrealistic, and hence we still have self-contained classrooms and alternative schools. As we cater to each student's individual needs, these placements are probably not going away.

Blosser and Kratcoski (1997) reiterated that "legislation and regulatory agencies continue to define policy for service delivery" (p. 99). Even today, more effort must be placed on planning and implementing treatment, which was lacking in the past. Also, past efforts did not enforce outcomes-based measures in service delivery, numerous service delivery options, or descriptive notification of skills needed to be an effective service provider. The times have changed, and mandates require adequate progress for all students. Students with special needs can only be as successful as the service delivery model designed to meet each individual need as highlighted in the continuum of services model of their IEP.

This chapter will:

- Analyze the least restrictive environment and the court cases associated with it.
- Compare the three continuums of service: the Individualized Education Plan, the 504 Plan, and the Response to Intervention model.

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