

CHAPTER 60	CHAPTER 56 GUIDELINES <i>IDEA 2004 Guidelines</i>	PROPOSED CHAPTER 60 GUIDELINES
<p align="center">SUBCHAPTER 3 LEAST RESTRICTIVE ENVIRONMENT</p>		
<p>§8-60-15 <u>Least restrictive environment requirements.</u> The department shall ensure that:</p> <p>(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; and</p> <p>(2) Special classes, separate schooling, or other removal of students 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. [Eff] (Auth: 20 U.S.C. 1412(a)(5), HRS §302A-1112) (Imp: 34 C.F.R. §300.114)</p>	<p>The appropriate placement for a particular child with a disability cannot be determined until after decisions have been made about the child's needs and the services that the department will provide to meet those needs. The child's placement must be based, among other factors, upon the child's IEP. Therefore, the IEP must be developed before placement.</p> <p>Home/Hospital Instructional Services must not be confused with home instruction or homebound instruction. Homebound or home instruction is a team placement decision based on the needs of the child. This is usually a long-term placement to implement the child's IEP.</p> <p>Home/Hospital Instructional Services is available to all students (not only students with disabilities) and requires medical verification of the need for the short-term, temporary provision of instruction in the home or hospital.</p>	<p>The appropriate placement for a particular child with a disability cannot be determined until after decisions have been made about the child's needs and the services that the department will provide to meet those needs. The child's placement must be based, among other factors, upon the child's IEP. Therefore, the IEP must be developed before <i>the</i> placement decision can be made.</p> <p>Placement does not mean the specific location or school but the type of placement on the continuum of placement options.</p>
<p>§8-60-16 <u>Continuum of alternative placements.</u> (a) The department shall ensure that a continuum of alternative</p>		<p>The continuum of placements is as follows:</p> <ul style="list-style-type: none"> • A general education classroom on a public school campus;

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<p>placements is available to meet the needs of students with disabilities for special education and related services.</p> <p>(b) The continuum required in subsection (a) shall:</p> <p>(1) Include the alternative placements listed in the definition of special education under section 8-60-2 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and</p> <p>(2) Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement. [Eff] (Auth: 20 U.S.C. 1412(a)(5), HRS §302A-1112) (Imp: 34 C.F.R. §300.115)</p>		<ul style="list-style-type: none"> • A special education classroom or other location outside the general education classroom on a public school campus; • A special school, not on a public school campus, either • A public special school, or • A private special school; • At the student's home; • At a service provider location i.e. the office for a speech pathologist or occupational therapist (for student's ages 3-5 only) • At a hospital; or a residential facility <p>??should we do a separate continuum for 3-5 year olds???</p> <p>Home/Hospital Instructional Services must not be confused with home instruction or homebound instruction. Homebound or home instruction is a team placement decision based on the needs of the child which is necessary to implement the child's IEP.</p> <p>(Home/Hospital Instructional Services is available to all student not only students with disabilities, and requires medical verification of the need for the short-term, temporary provision of instruction in the home or hospital. REFER TO HOME HOSPITAL GUIDELINES.</p>
<p>§8-60-17 <u>Placements</u>. In determining the educational placement of a student with a disability, including a preschool student with</p>		<p>IEP team members, including parents, should be knowledgeable about the continuum of placement options and all options should be discussed as the team considers</p>

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<p>a disability, the department shall ensure that:</p> <p>(a) The placement decision:</p> <p>(1) Is 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; and</p> <p>(2) Is made in conformity with the LRE provisions of this subchapter, including sections 8-60-15 through 8-60-18;</p> <p>(b) The student's placement:</p> <p>(1) Is determined at least annually;</p> <p>(2) Is based on the student's IEP; and</p> <p>(3) Is as close as possible to the student's home;</p> <p>(c) 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;</p> <p>(d) 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; and</p> <p>(e) A student with a disability is not removed from education in age-appropriate regular classrooms solely because of needed</p>		<p>the appropriate placement for the student.</p> <p>The home school (or public charter school) should make every effort to meet the needs of the student. If the home school is not able to meet the needs of the student, then the placement team) will consider the nearest school with appropriate services to meet the needs of the student.</p> <p>The placement team is not necessarily the IEP team but is made of a group of persons, including the parents, and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options i.e. district resource personnel, school administrators, the Student Services Coordinator, related services providers.</p> <p>In deciding on the appropriate placement for the student, the team must also consider any "harmful effect on the student" such as (but not limited to) social, emotional, or medical factors. If, for example, another school other than the home school has a unique program or services that the IEP team feels might better address the student's needs (as a result of the disability), but the student is dependent on a few close friends at the home school, the team must weigh the impact of removing the student from his/her friends in order to attend the other school.</p> <p>The first placement consideration for any student should be in the general education classroom with the supplementary aids and services necessary to support the student and the</p>

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<p>modifications in the general education curriculum. [Eff] (Auth: 20 U.S.C. 1412(a)(5), HRS §302A-1112) (Imp: 34 C.F.R. §300.116)</p>		<p>teacher(s) to implement the student’s IEP and make progress in the general curriculum. Students who need modifications should not be removed, excluded, or separated from the general education classroom based on the need for modifications</p>
<p>§8-60-18 <u>Nonacademic settings.</u> In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth in section 8-60-8, the department shall ensure that each student with a disability participates with nondisabled students in the extracurricular services and activities to the maximum extent appropriate to the needs of that student. The department shall ensure that each student with a disability has the supplementary aids and services determined by the student's IEP Team to be appropriate and necessary for the student to participate in nonacademic settings. [Eff] (Auth: 20 U.S.C. 1412(a)(5), HRS §302A-1112) (Imp: 34 C.F.R. §300.117)</p>		<p>The IEP team should also discuss any needs the student may have in order to participate in nonacademic or extracurricular activities such as school events, clubs or sports.</p>
<p>§8-60-19 “Reserved.”</p>		