



New York State Education Department
Office of Special Education
Educational Partnership





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Least Restrictive Environment (LRE) for the Committee on Preschool Special Education (CPSE)

Produced collaboratively by the Technical Assistance Partnerships for Academics, Behavior and Equity



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Disclaimer

The resources shown are designed to provide helpful information. Resources are provided for instructional use purposes only and do not constitute NYSED endorsement of any vendor, author, or other sources. To the best of our knowledge, the resources provided are true and complete.

Meeting Norms

- Take care of your needs (water, food, restroom, etc.)
- Speak your truth – Use “I” statements
- Ask what you need to understand and contribute
- Listen with respect
- Push your growing edge
- Participate and struggle together
- Expect and accept a lack of closure
- Respect each others’ needs and learning styles

Blueprint for Improved Results for Students with Disabilities



Self-Advocacy

Students engage in self-advocacy and are involved in determining their own educational goals and plan.



Family Partnership

Parents, and other family members, are engaged as meaningful partners in the special education process and the education of their child.



Specially-Designed Instruction

Teachers design, provide, and assess the effectiveness of specially-designed instruction to provide students with disabilities with access to participate and progress in the general education curriculum.



Research-Based Instruction

Teachers provide research-based instructional teaching and learning strategies and supports for students with disabilities.



Multi-tiered Support

Schools provide multi-tiered systems of behavioral and academic support.



Inclusive Activities

Schools provide high-quality inclusive programs and activities.



Transition Support

Schools provide appropriate instruction for students with disabilities in career development and opportunities to participate in work-based learning.

Slide Marker Icons



Training Objectives

- Participants will be able to define LRE and learn the basis of the benefits of inclusion in preschool
- Participants will understand federal and state guidance related to LRE
- Participants will understand how the regulations guide LRE decisions at the CPSE

Materials

- Participant Packet
- Training handouts
 - Division of Early Childhood (DEC) Recommended Practices
 - Dear Colleague Letter (2017)
 - A Resource to Special Education Support Services from Birth to Age Three
 - New York State Education Department (NYSED) Field Advisory (2021) re: School District Responsibilities for Preschool Inclusion in Publicly Funded Prekindergarten Programs
 - NYSED Memorandum (2024) re: Bilingual and English as a New Language (ENL) Services for English Language Learners (ELLs) who are Students with Disabilities
 - *Inclusion Supplementary Aids and Services worksheet**
 - Local District Preschool Inclusion Self-Assessment
 - Policy Statement on Inclusion of Children with Disabilities in Early Childhood Programs

Concepts of LRE

Definition and Considerations



Definition of LRE:

“Least restrictive environment means that the placement of students with disabilities in special classes, separate schools or other removal from the regular educational environment occurs **only** when the nature or severity of the disability is such that even with the use of ***supplementary aids and services***, education cannot be satisfactorily achieved.”

Regulations of the Commissioner of Education, Section 200.1(cc).

LRE Placement



The placement of an individual student with a disability in the least restrictive environment must:

- provide the special education needed by the student
- provide for education of the student to the maximum extent appropriate to the needs of the student with other students who do not have disabilities; and
- be as close as possible to the student's home

Regulations of the Commissioner of Education, Section 200.1 (cc)

Activity 1: Discussion

Workbook

Special education is a service, not a place.



Guiding Principles

Children with disabilities benefit from:

- Interactions with typically developing peers
- Opportunities for active engagement in learning
- Intentional instruction embedded into everyday activities and routines
- Experiencing fewer transitions



Scientific Basis for the Benefits of Inclusion

Why LRE? Children with Disabilities

- Children with disabilities in inclusive settings experience greater cognitive gains and communication development than children with disabilities who were in separate settings.
- Children with disabilities in inclusive early childhood programs also demonstrate stronger social-emotional skills than their peers in separate settings.
- Children with disabilities in inclusive programs have larger networks of friends and are more socially competent compared to children in separate settings.
- High-quality inclusion that begins early and continues into school likely produces the strongest outcomes (absent fewer days from school, have higher test scores in reading and math, higher probability of employment and higher earnings).

Scientific Basis for the Benefits of Inclusion

Why LRE? Children without Disabilities

- Studies indicate that children without disabilities in inclusive programs show positive academic, developmental, social, and attitudinal outcomes from inclusive experiences.
- Students without disabilities in inclusive programs demonstrate greater compassion and empathy and have a more positive perception of children with disabilities when peer interactions are adequately supported by classroom teachers.
- Students without disabilities in inclusive programs develop a better conceptual understanding of diversity and disability.
- Students without disabilities in inclusive programs exhibit more social skills, such as communication and cooperation, and fewer problem behaviors as a result of peer-mediated interventions in inclusive settings.

New York State Performance Indicator 6

Preschool Environments

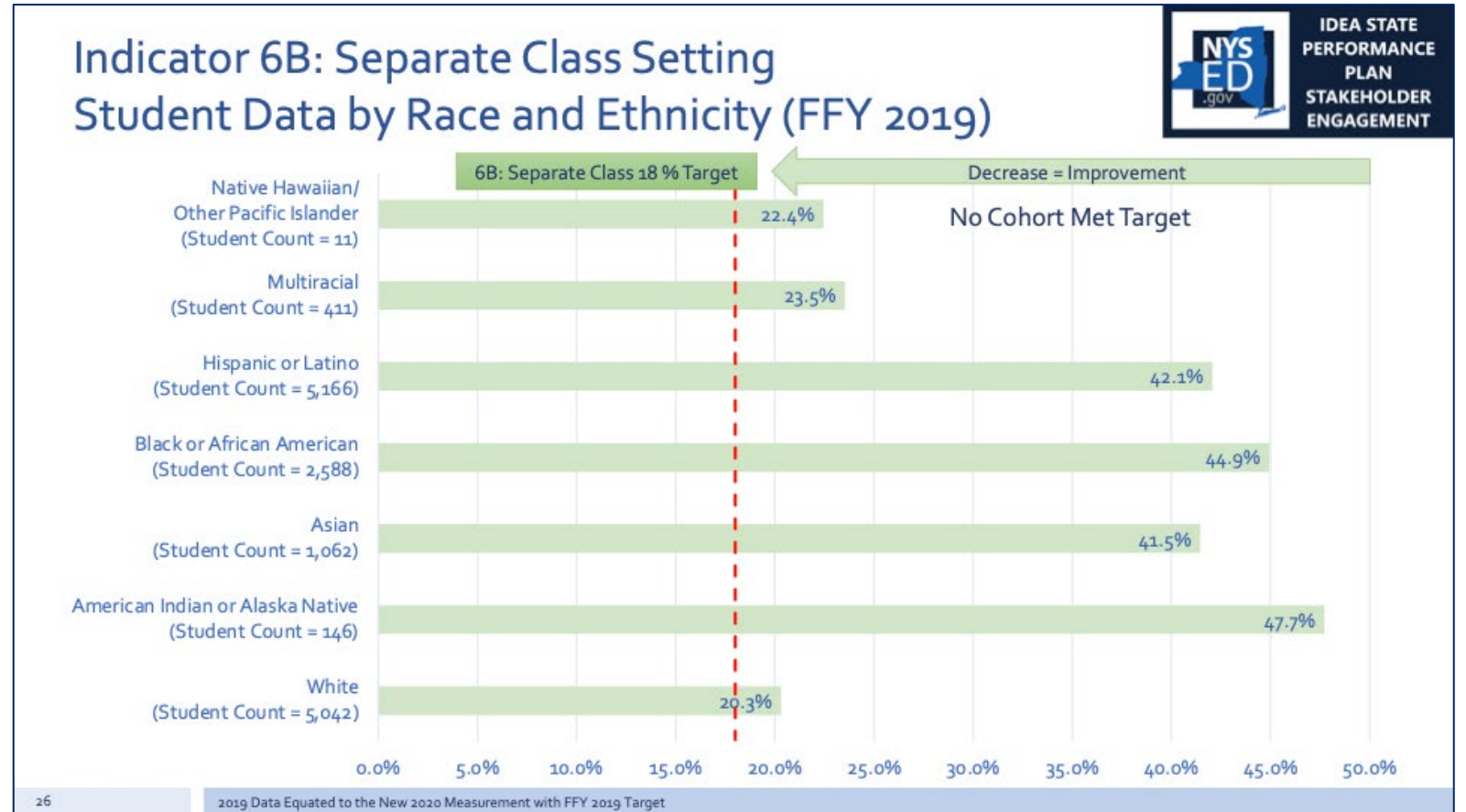
Percent of children with individualized education programs, ages 3, 4, and 5 who are enrolled in a preschool program and:

Indicator	Description
SPP Indicator 6A	Receiving the majority of their special education and related services in a regular early childhood program
SPP Indicator 6B	Attending a separate special education class, separate school or residential facility
SPP Indicator 6C	Receiving special education services in the home

Program and Placement Disparities

Preschool to School-Age

Children who start preschool in segregated settings are more likely to stay in segregated settings.



Activity 2: What does this look like?



DEC Recommended Practices

- Leadership
- Assessment
- Environment
- Family
- Instruction
- Interaction
- Teaming and Collaboration
- Transition



Federal and State Guidance

Related to LRE



The Individuals with Disabilities Education Act (IDEA)

Valuing Inclusion

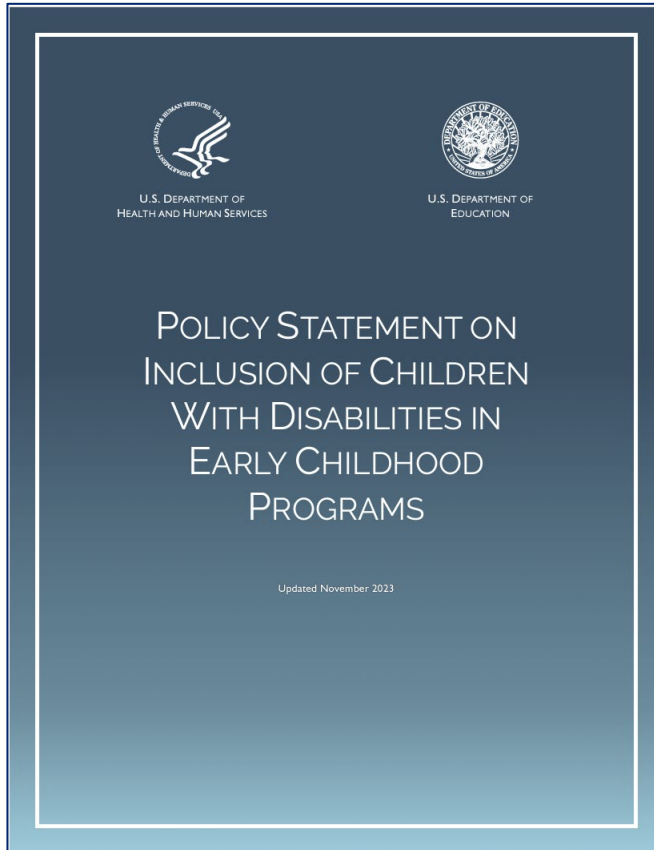
“IDEA...presumes that the first placement option considered for a preschool child with a disability is the regular public preschool program the child would attend if the child did not have a disability.”

2016 Release of IDEA Policy to Promote Equity

- In late December 2016, the U.S. Department of Education issued [final rules](#) to prompt states to proactively address racial and ethnic disparities in the identification, placement, and discipline of children with disabilities.
- That same month, they released [comprehensive legal guidance](#) describing schools' obligations under federal civil rights and disabilities studies not to discriminate on the basis of race, color, or national origin in the administration of special education.

Federal Policy Statement

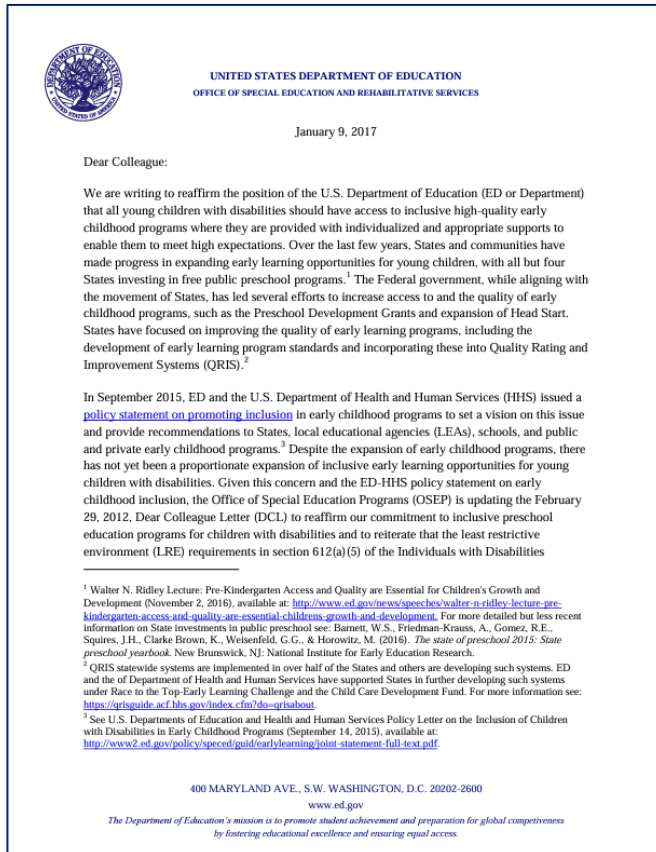
Inclusion of Children with Disabilities in Early Childhood Programs



“It remains the Departments’ shared vision that people of all abilities be included in all facets of society throughout their lives as it benefits not only individuals with disabilities but also all individuals in our communities. Building a culture of inclusion for individuals with disabilities begins at birth in early childhood programs and continues into schools, communities, and places of employment. Inclusion in early childhood programs can set a trajectory for inclusion across a lifespan. Consequently, there is a critical need to improve policies and programs to support early childhood inclusion from birth and as children move into elementary school”.

Activity 3: Federal Guidance

Dear Colleague Letter (2017)



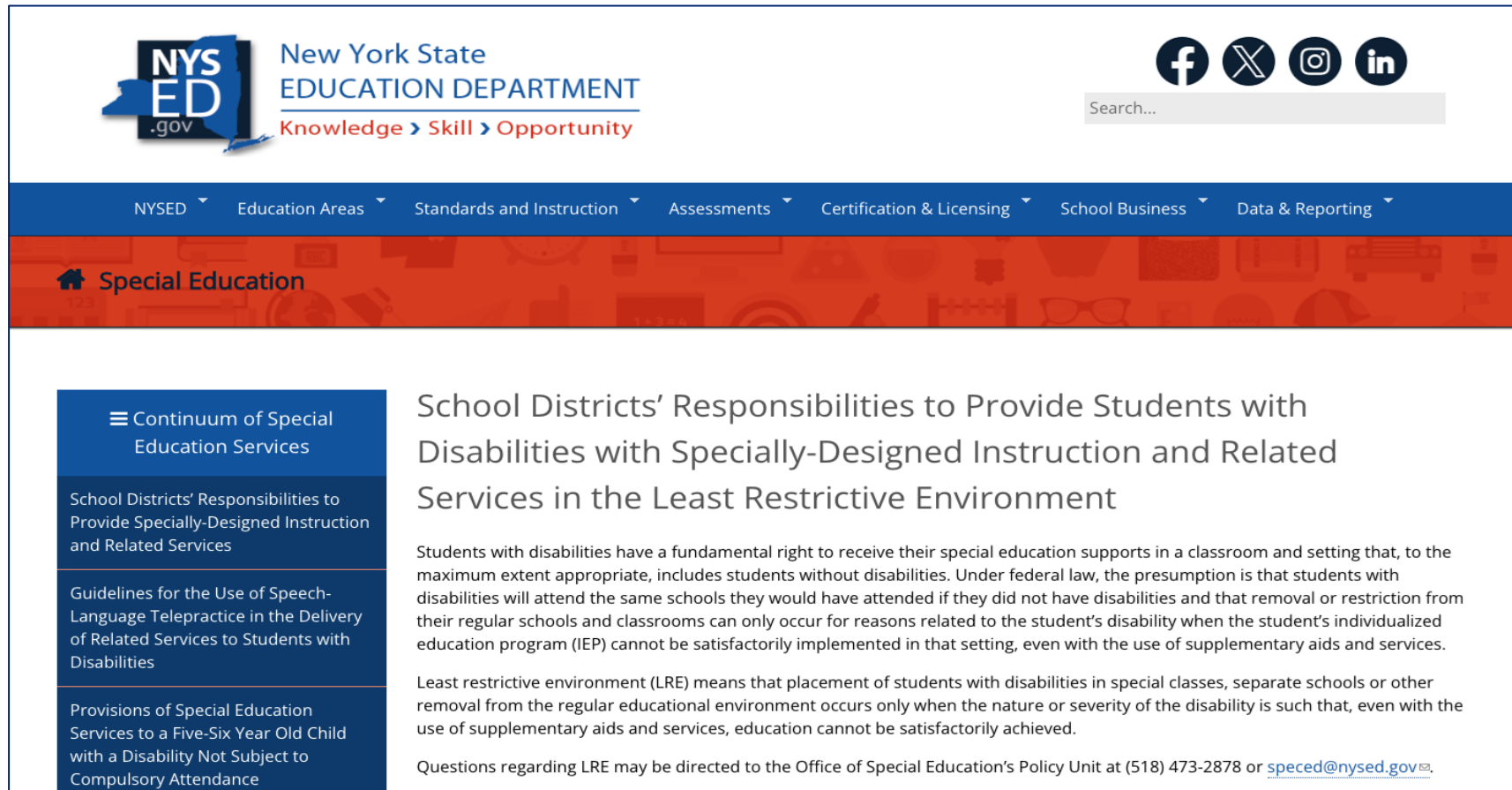
“all young children with disabilities should have access to inclusive high-quality early childhood programs where they are provided with individualized and appropriate supports to enable them to meet high expectations.”

The document outlines:

- Key Statutory and Regulatory Requirements
- Preschool Placement Options
- Reporting Educational Environments Data for Preschool Children with Disabilities
- Use of IDEA Part B Funds for Preschool Children with Disabilities

Critical Information and Resources

NYSED Office of Special Education (OSE)



The screenshot displays the NYSED website interface. At the top left is the NYSED logo with the text "New York State EDUCATION DEPARTMENT" and the tagline "Knowledge > Skill > Opportunity". To the right are social media icons for Facebook, X, Instagram, and LinkedIn, along with a search bar. A blue navigation bar contains menu items: NYSED, Education Areas, Standards and Instruction, Assessments, Certification & Licensing, School Business, and Data & Reporting. Below this is a red banner for "Special Education". The main content area features a sidebar with a "Continuum of Special Education Services" menu. The selected item is "School Districts' Responsibilities to Provide Specially-Designed Instruction and Related Services". The main text area contains the title "School Districts' Responsibilities to Provide Students with Disabilities with Specially-Designed Instruction and Related Services in the Least Restrictive Environment", followed by two paragraphs of text and a contact information line.

Continuum of Special Education Services

- School Districts' Responsibilities to Provide Specially-Designed Instruction and Related Services
- Guidelines for the Use of Speech-Language Telepractice in the Delivery of Related Services to Students with Disabilities
- Provisions of Special Education Services to a Five-Six Year Old Child with a Disability Not Subject to Compulsory Attendance

School Districts' Responsibilities to Provide Students with Disabilities with Specially-Designed Instruction and Related Services in the Least Restrictive Environment

Students with disabilities have a fundamental right to receive their special education supports in a classroom and setting that, to the maximum extent appropriate, includes students without disabilities. Under federal law, the presumption is that students with disabilities will attend the same schools they would have attended if they did not have disabilities and that removal or restriction from their regular schools and classrooms can only occur for reasons related to the student's disability when the student's individualized education program (IEP) cannot be satisfactorily implemented in that setting, even with the use of supplementary aids and services.

Least restrictive environment (LRE) means that placement of students with disabilities in special classes, separate schools or other removal from the regular educational environment occurs only when the nature or severity of the disability is such that, even with the use of supplementary aids and services, education cannot be satisfactorily achieved.

Questions regarding LRE may be directed to the Office of Special Education's Policy Unit at (518) 473-2878 or speced@nysed.gov.

Activity 4: A Resource to Special Education Support Services



From Birth to Third Grade




This resource from the Office of Early Learning and OSE outlines special education services for Pre-K and early elementary students.

This guide can be used “to navigate the special education system for children from birth to third grade. It includes an overview of the Early Intervention Program (EIP) and programs and services available to preschool children and school age students with disabilities in New York State.”

NYSED Field Advisory (2021)

School Districts' Responsibilities for Preschool Inclusion in Publicly Funded Pre K Programs





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July 2021

To: District Superintendents
Superintendents of Schools
Public School Administrators
Directors of Special Education
Directors of Pupil Personnel Services
Chairpersons of Committees on Preschool Special Education
Administrators of State-Administered Prekindergarten Programs
Approved Preschool Special Education Programs
Organizations, Parents and Individuals Concerned with Special Education

From: Christopher Suriano 
Marybeth Casey 

Subject: School District Responsibilities for Preschool Inclusion in Publicly Funded Prekindergarten Programs

The purpose of this field advisory is to supplement and clarify existing New York State (NYS) and federal guidance pertaining to the expectations for the inclusion of preschool students with disabilities in prekindergarten programs operated or administered by a school district (PreK) including State-administered prekindergarten programs¹ and district prekindergarten programs that are government-funded and free for those who attend it. The continued expansion of these early learning opportunities offers high-quality, developmentally, culturally, and linguistically appropriate educational environments for young children to learn and grow. As of July 1, 2021, NYS will be investing \$970 million into State-administered prekindergarten programs. This figure will most likely be \$1 billion by the end of the 2023-24 school year due to expansion grants.

School districts must ensure resident preschool students with disabilities have equal access to enroll and attend the district's public PreK programs in accordance with NYS and federal expectations for the provision of a free appropriate public education (FAPE) in the

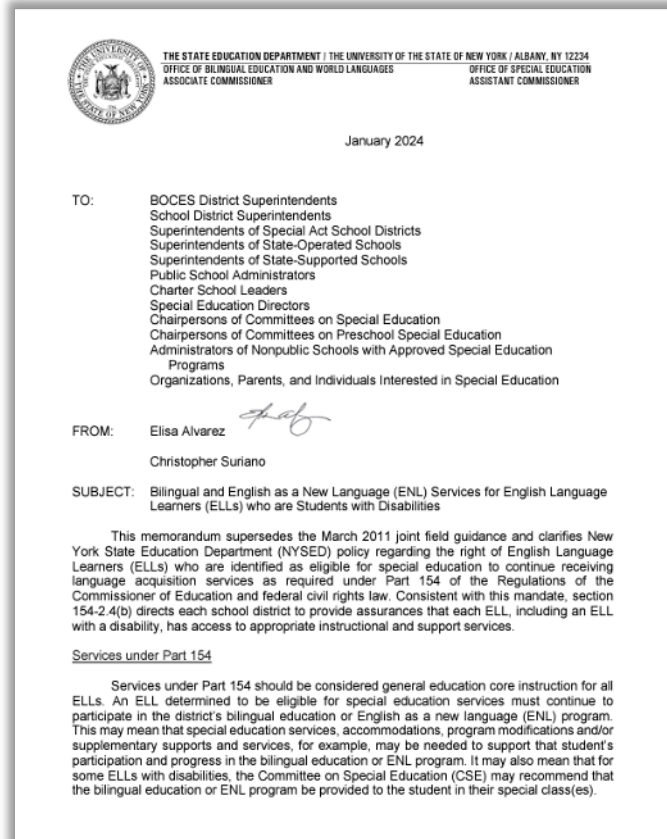
¹ As of the date of this memo, there are four State-Administered Prekindergarten programs for three- and four-year old children in New York State including Targeted Prekindergarten (TPK), Universal Prekindergarten (UPK), Statewide Universal Full-Day Prekindergarten (SUFDPK), and Federal-Funded Expanded Universal Prekindergarten.

This joint memo from OSE, the Office of Curriculum and Instruction, and the Office of Early Learning was issued to “supplement and clarify existing New York State (NYS) and federal guidance pertaining to the expectations for the inclusion of preschool students with disabilities in prekindergarten programs operated or administered by a school district.”

The memo also includes a Questions and Answers section that responds to many frequently asked questions around preschool inclusion.

NYSED Memorandum (2024)

Bilingual and English as a New Language (ENL) Services for English Language Learners (ELLs) who are Students with Disabilities



This joint memo from OSE and the Office of Bilingual Education and World Languages (OBEWL) outlines important regulations regarding Services under Part 154, CPSE and CSE, and declassification from ELL status.

Most notable for preschool is the clarification that CPSE meetings should include personnel with knowledge of second language needs and must consider student needs in relation to bilingual special education and/or bilingual related services when writing the IEP.

LRE Decisions

- CPSE Process
- IEP Considerations
- Guiding Questions for Placement



Every CPSE meeting includes LRE decisions

- Initial Placement
- Annual Review
- Amendments
- Re-evaluation



Recommendations shall:

“Be developed in conformity with the LRE provisions of the Part:

- placement shall be based on a student’s IEP and determined at least annually;
- placement shall be as close as possible to the student’s home, and unless the student’s IEP requires some other arrangement, the student shall be educated in the school he or she would have attended if not disabled;
- in selecting the least restrictive environment, consideration must be given to any potential harmful effect on the student or on the quality of services that he or she needs; and
- a student with a disability must not be removed from education in age-appropriate regular classrooms solely because of needed ***modifications in the general education curriculum.***”

Regulations of the Commissioner of Education, Section 200.4(d)(4)(ii)

Preschool Programs & Services

Section 200.16(i), 200.9(f)

Based on a child's individual needs, the committee is required to consider providing services from least to the most restrictive:

- Related Services Only
- Special Education Itinerant Services (SEIS)
- Related Services in combination with SEIS
- Special Class in an Integrated Setting (SCIS)
- Special Class

Requirements for IEP Decisions

LRE Decisions:

- ✓ are based on strengths, needs and goals of each child
- ✓ are **not** made based on a disability category
- ✓ consider benefits and any possible negative or harmful effects of each placement
- ✓ **must begin discussion with the supplementary aids and special education and related services a child would need to be successful in a regular early childhood setting**

Considerations during the IEP Process

1. Follow the IEP process sequentially
2. Involve families meaningfully
3. Respect and reflect the child's individual strengths and needs, along with the family's culture, priorities, and preferences
4. Ensure children participating in Part C EIP experience a smooth and effective transition
5. Assess the child in all areas of suspected disability, in real-life contexts

Considerations during the IEP Process

Continued

6. Document present levels functional development across all domains in the context of daily activities and routines
7. Develop goals that are developmentally appropriate and functional that could be implemented and met across settings, including inclusive settings
8. Discuss placement as a team including the parents
9. Discuss if supplementary aids and services are needed in the regular program
10. Consider a regular early childhood placement a child is attending or plans to be attending
11. Consider benefits and any possible negative of effects of placements discussed

Activity 5: Discussing Services in the LRE



Guiding Questions



Activity 6: Wrap-up/Reflection



Pause and Summarize

What might be
priority actions for
improving preschool
LRE in your district?



Educational Partnership Trainings impacting Preschool LRE include, but are not limited to:

- Classroom Management Training
- CPSE/CSE Chairperson Training
- Creating the Individualized Education Program Functional Behavioral Assessment (FBA)/Behavioral Intervention Plan (BIP) Toolkit
- Using the FBA/BIP Process to Support Students Needing Intensive Interventions
- Function Based Thinking in Preschool
- Introduction to the Behavior Pathways
- Specially Designed Instruction Series
- Positive Behavior Interventions and Supports Tier 1 & Tier 2 Team Training
- Positive Solutions for Families: Pyramid Model
- Preschool Special Education Process Using the Competing Behavior Pathway to Identify Interventions

Questions and Answers



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