



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)**

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



# 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

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# 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

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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

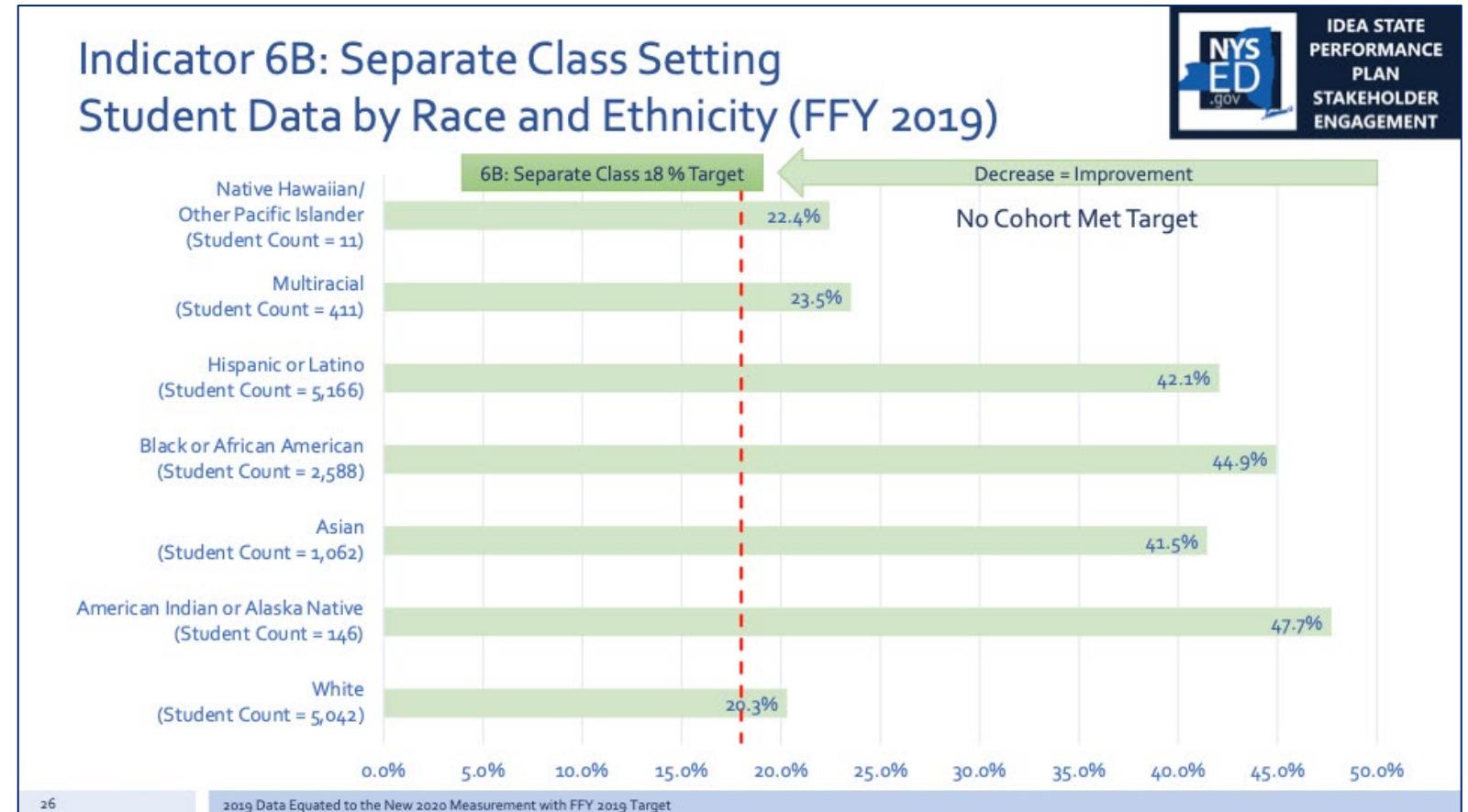
**Percent of children with individualized education programs, ages 3, 4, and 5 who are enrolled in a preschool program and:**

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

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Related to LRE



# The Individuals with Disabilities Education Act (IDEA)

## Valuing Inclusion

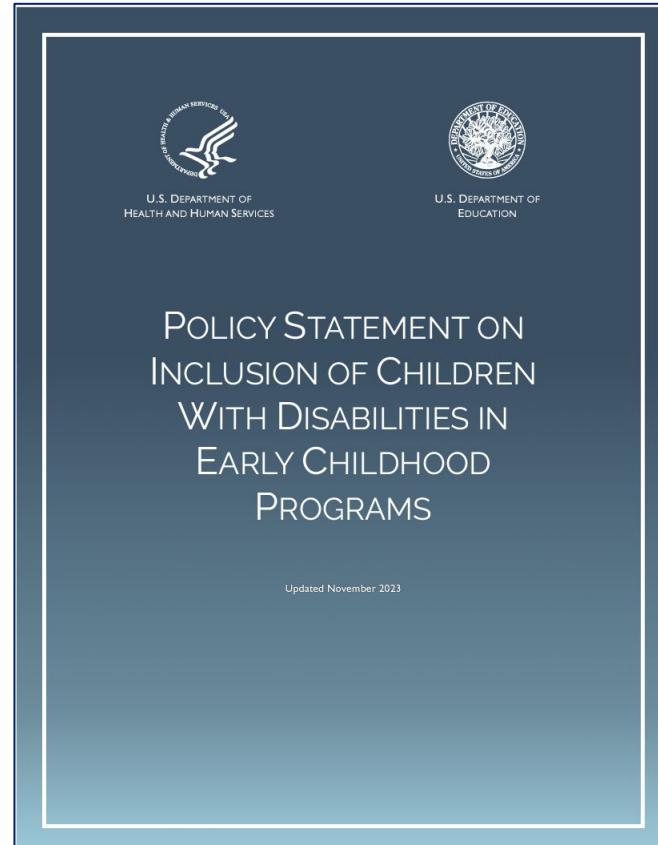
“IDEA...presumes that the first placement option considered for a preschool child with a disability is the regular public preschool program the child would attend if the child did not have a disability.”

# 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)

UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

January 9, 2017

Dear Colleague:

We are writing to reaffirm the position of the U.S. Department of Education (ED or Department) that 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. Over the last few years, States and communities have made progress in expanding early learning opportunities for young children, with all but four States investing in free public preschool programs.<sup>1</sup> The Federal government, while aligning with the movement of States, has led several efforts to increase access to and the quality of early childhood programs, such as the Preschool Development Grants and expansion of Head Start. States have focused on improving the quality of early learning programs, including the development of early learning program standards and incorporating these into Quality Rating and Improvement Systems (QRIS).<sup>2</sup>

In September 2015, ED and the U.S. Department of Health and Human Services (HHS) issued a [policy statement on promoting inclusion](#) in early childhood programs to set a vision on this issue and provide recommendations to States, local educational agencies (LEAs), schools, and public and private early childhood programs.<sup>3</sup> Despite the expansion of early childhood programs, there has not yet been a proportionate expansion of inclusive early learning opportunities for young children with disabilities. Given this concern and the ED-HHS policy statement on early childhood inclusion, the Office of Special Education Programs (OSEP) is updating the February 29, 2012, Dear Colleague Letter (DCL) to reaffirm our commitment to inclusive preschool education programs for children with disabilities and to reiterate that the least restrictive environment (LRE) requirements in section 612(a)(5) of the Individuals with Disabilities

<sup>1</sup> Walter N. Ridley Lecture: Pre-Kindergarten Access and Quality are Essential for Children's Growth and Development (November 2, 2016), available at: <http://www.ed.gov/news/speeches/walter-n-ridley-lecture-pre-kindergarten-access-and-quality-are-essential-childrens-growth-and-development>. For more detailed but less recent information on State investments in public preschool see: Barnett, W.S., Friedman-Krauss, A., Gomez, R.E., Sonnega, J.H., Clarke-Brown, K., Weisz, G.G., & Howes, C. M. (2013). *The state of preschool 2013: State preschool yearbook*. Princeton, NJ: National Institute for Early Education Research.

<sup>2</sup> QRIS statewide systems are implemented in over half of the States and others are developing such systems. ED and the Department of Health and Human Services have supported States in further developing such systems under Race to the Top-Early Learning Challenge and the Child Care Development Fund. For more information see: <https://qrissguide.acf.hhs.gov/index.cfm?do=qrissabout>.

<sup>3</sup> See U.S. Departments of Education and Health and Human Services Policy Letter on the Inclusion of Children with Disabilities in Early Childhood Programs (September 14, 2015), available at: <http://www2.ed.gov/policy/sped/guid/earlylearning/joint-statement-full-text.pdf>.

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*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

*“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)

**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 [sped@nysed.gov](mailto:sped@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

 THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234  
OFFICE OF SPECIAL EDUCATION  
89 Washington Avenue, Room 309 EB  
Albany, New York 12234  
<https://nysed.gov/special-education>

CURRICULUM & INSTRUCTION AND EARLY LEARNING  
89 Washington Avenue, Room 890 EBA  
Albany, New York 12234  
<http://www.nysesd.gov/curriculum-instruction>

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 programs<sup>1</sup> 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

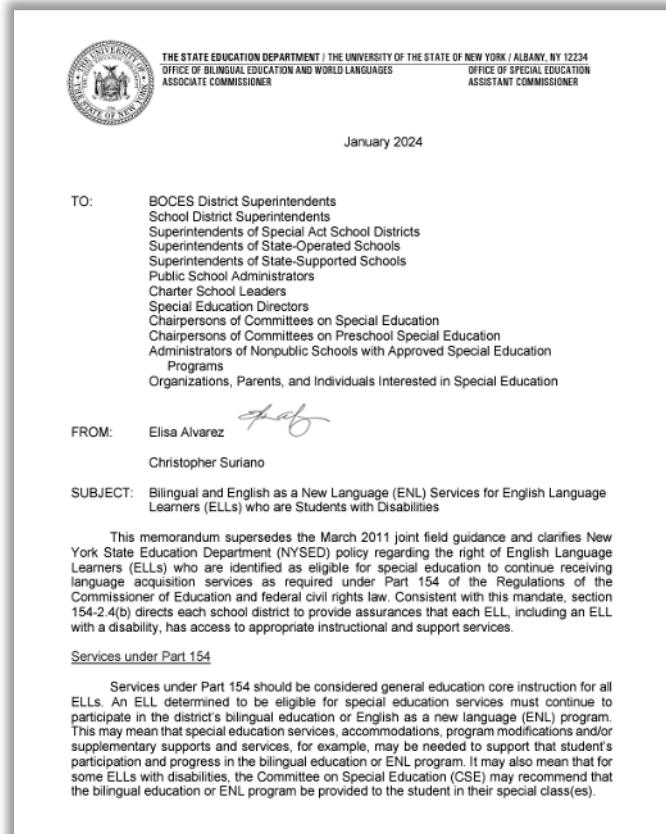
<sup>1</sup> As of the date of this memo, there are four State-Administered Prekindergarten programs for three- and four-year old children in New York State including Targeted Prekindergarten (TPK), Universal Prekindergarten (UPK), Statewide Universal Full-Day Prekindergarten (SUFDPK), and Federal-Funded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

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- 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 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?



Photo from pexels.com



## **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



# References

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