



**Least Restrictive Environment (LRE)  
and Distance Education**



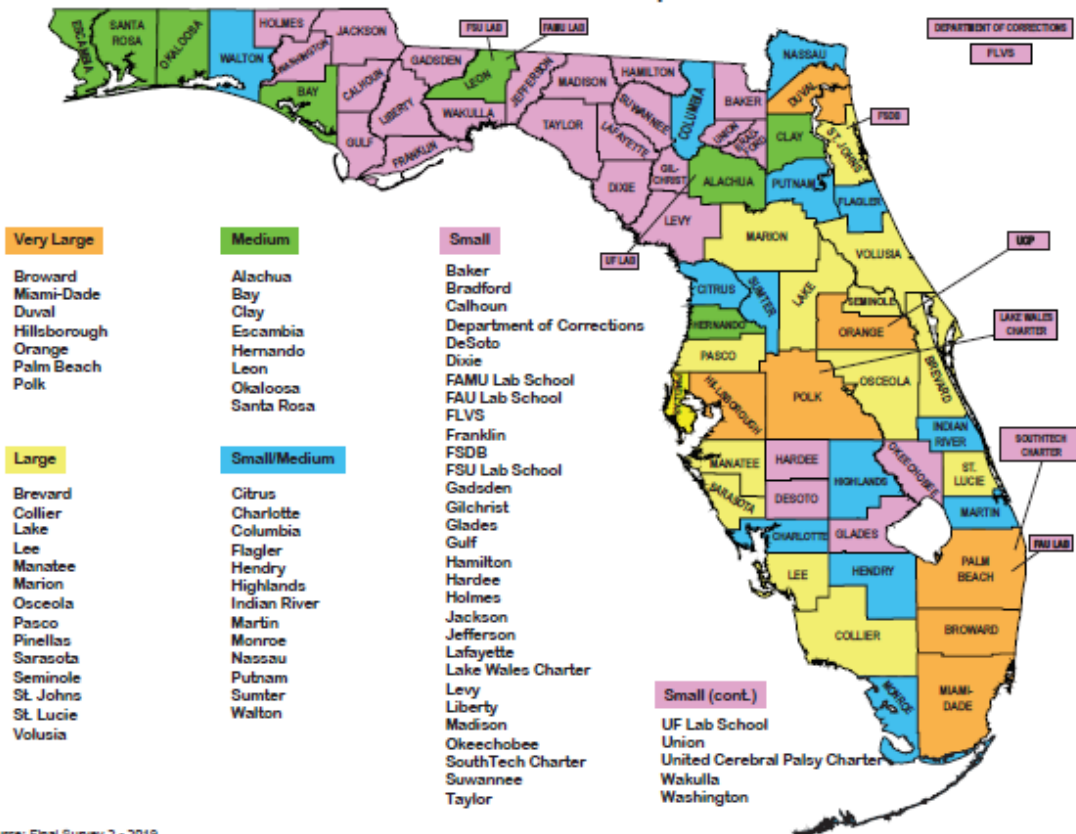
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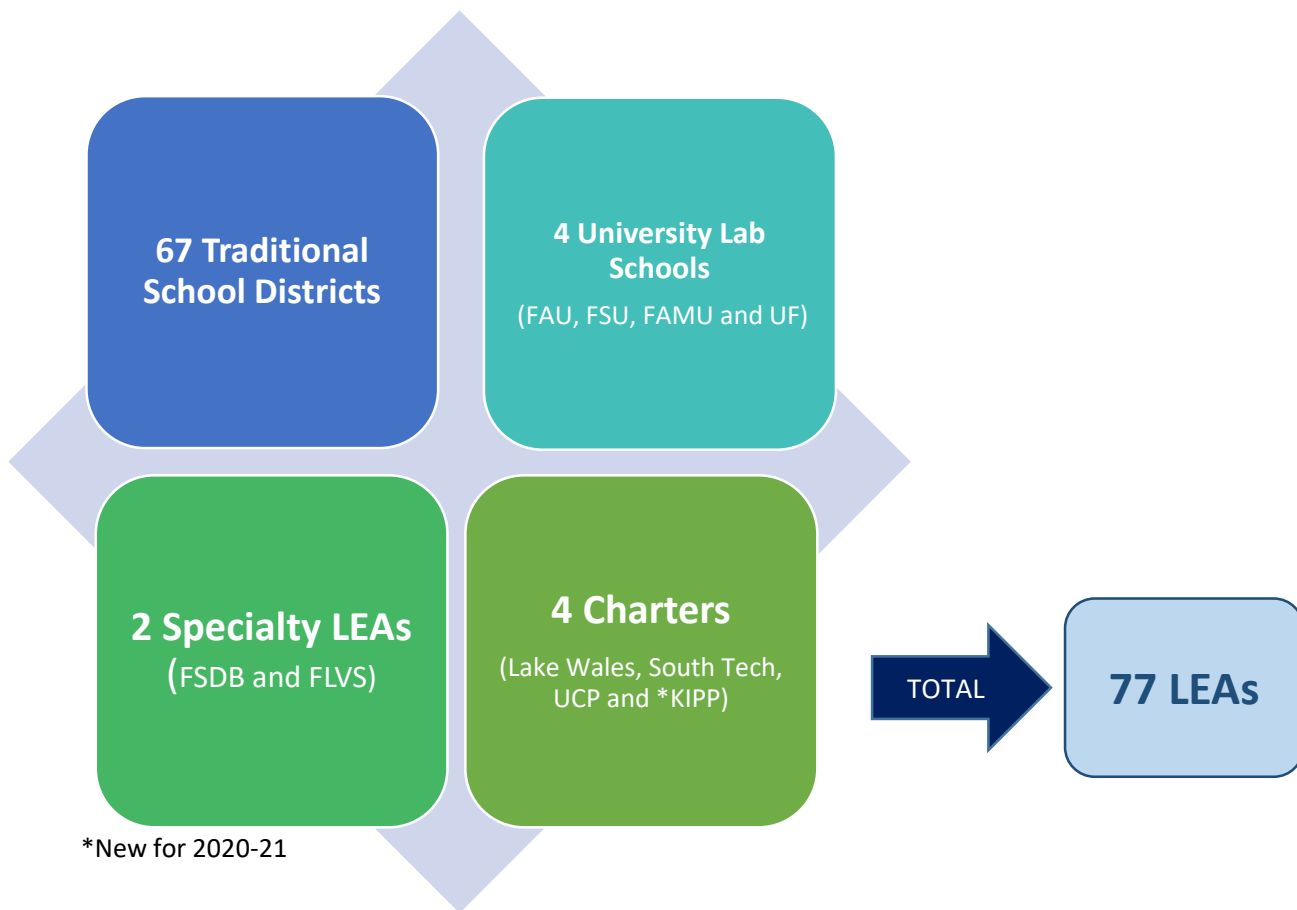
# 2019-20 LEAs in Florida

Florida Size-Alike Map



Source: Final Survey 2 - 2019

# 2020-21 LEAs in Florida





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# LRE Requirements and Considerations

# Important Reminders for Providing Free Appropriate Public Education (FAPE)

- Emergency Order 2020-EO-06 specifically addresses students with disabilities (SWDs) in Section (I)(d) of the requirements for Florida’s reopening plans.  
<http://www.fldoe.org/core/fileparse.php/19861/urlt/DOE-2020-EO-06.pdf>
- The Individuals with Disabilities Education Act (IDEA) (see 34 C.F.R. § 300.114) requires LEAs to give SWDs equal access to the same opportunities and programs that are offered to students without disabilities.
- LRE is determined by the student’s Individual Educational Plan (IEP) team. Students are to be placed in the regular education environment and are only removed from this setting 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.”

## Important Reminders for Providing FAPE (continued)

- While the COVID-19 pandemic has not changed the individual's right to LRE, it has changed how the general education system operates. These operational changes require school systems, in conjunction with IEP teams, to determine how they will maintain each individual student's LRE in the new context in which they are operating.
- Documentation on the provision of FAPE for each student is required to prove compliance with state and federal law.

# IEP Team Decisions for Distance Learning

- If the IEP team has determined there are no barriers to a student's participation in distance learning option and all related services can be provided, there are **no changes** needed in the student's IEP.
- If the IEP team determines that the child's participation in the parent's chosen option would not result in the provision of FAPE, it should be noted in the IEP and the district is required to provide prior written notice consistent with the requirements of 34 C.F.R. § 300.503. (e.g., Student participates in distance learning and some related services are provided virtually and some at school site, but parent refuses to make child available in person.)
- Changes to the IEP can be accomplished by convening an IEP team meeting or by the parent and school agreeing in writing (34 C.F.R. § 300.321) to amend the IEP without a meeting.

## IEP Reminders

- All services on a student's IEP must be provided.
- No waiver of the requirement to provide services has been provided at either the state or federal level. While the majority of services, including instruction and related services, can be provided virtually, professional nursing services cannot. Arrangements must be made to provide these services in person unless the parent will not allow the nurse to enter the home or prefers to provide the required services themselves.
- In these cases, written notice consistent with 34 C.F.R. § 300.503 must be provided and an amendment must be made to the IEP, removing the services or stating that the services will be provided only when the student is in the brick-and-mortar environment.



## Agreement Cannot be Reached Regarding Placement

- District must provide prior written notice of decision that meets all the requirements of 34 C.F.R. § 300.503 and Rule 6A-6.0331, Florida Administrative Code (F.A.C.).
- Per [USDOE OSEP's Q&A released June 30](#): “The Department believes that it would be appropriate to consider factors such as the closure of public and school buildings and facilities, social distancing, and other health-related orders during the pandemic in determining what constitutes a reasonable time... Nevertheless, public agencies [school districts] **should make every effort to ensure that written notice is provided as soon as possible prior to the proposed or refused action.**”

## Written Notice of Refusal Must Include:

- [\(1\)](#) A description of the action proposed or refused by the agency/district;
- [\(2\)](#) An explanation of why the district proposes or refuses to take the action;
- [\(3\)](#) A description of each evaluation procedure, assessment, record, or report used as a basis for the proposed or refused action;
- [\(4\)](#) A statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;
- [\(5\)](#) Sources for parents to contact to obtain assistance in understanding;
- [\(6\)](#) A description of other options that the IEP Team considered and the reasons why those options were rejected; and
- [\(7\)](#) A description of other factors that are relevant to the district's proposal or refusal.



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# Data Reporting for LRE

## Educational Environments

1. Inside the regular classroom 80 percent or more of the day
2. Inside the regular classroom no more than 79 percent of the day but no less than 40 percent of the day
3. Inside the regular classroom less than 40 percent of the day
4. Separate school (public or private school for SWDs)
5. Residential facility (public or private school for SWDs)
6. Homebound or hospital
7. Correctional facilities
8. Parentally placed in private school

## Least Restrictive Environment (LRE)

- All state educational agencies (SEAs) are required to submit data on LRE placement by April 1, 2021.
- All local educational agencies (LEAs) are required to submit data via the Student Information System (SIS) during Survey 2 using date certain, which is October 9, 2020.
- SWDs ages 6 – 21, State Performance Plan (SPP) Indicator 5  
**\*\*New\*\* This now will *include* those students who are 5 years old and in kindergarten.**
- Early Childhood Settings for children with disabilities ages 3 – 5, SPP Indicator 6 **\*\*New\*\* This will now *exclude* those students who are 5 years old and in kindergarten.**

## 2020-21 Survey 2 dates for LRE reporting

- October 5-9 FTE Survey 2 Week
- October 16 Survey 2 is due
- October 12-30 State Processing (data quality reports will be made available after this date)
- December 15 Close of Survey 2 and due date for all corrections

# Required Formats and Data Elements

## Exceptional Student

District Number, Current Enrollment

School Number, Current Enrollment

Student Number Identifier, Florida

Survey Period Code\*

Year

Student Number Identifier, Local

Exceptional Student, IDEA Educational Environments

Exceptionality, Primary

Exceptionality, Other

Time, Total School Week

Time With Non-Disabled Peers

## Student Demographic

District Number, Current Enrollment

School Number, Current Enrollment

Student Number Identifier, Florida

Survey Period Code

Year

Birth Date

Student Number Identifier, Local

Student Name, Legal

Age is determined  
by comparing the  
birth date with the  
Friday of survey  
week.

\* Indicates key fields

# Codes for Students Ages 3-5 (excluding K who are age 5)

A	Home - Children with disabilities who do not attend an early childhood program or kindergarten provided in a separate class, separate school, or residential facility, but who receive special education and related services in the principal residence of the child's family or caregivers. Include children who receive special education both at home and in a service provider location.
B	Special Education Program in a Residential Facility -Children with disabilities attending a residential school or residential medical facility on an inpatient basis that includes less than 50 percent nondisabled children.
J	Service Provider - Children with disabilities who do not attend an early childhood program, kindergarten, or special education program provided in a separate class, separate school, or residential facility, who receive all of their special education and related services from a service provider. Examples: speech instruction provided in private clinician's office, clinician's office located in a school building, hospital facility on an outpatient basis, library or other public location.
K	Early Childhood Program Receiving the Majority of Special Education Services Inside the Early Childhood Program - Children with disabilities attending an early childhood program that includes 50 percent or more nondisabled children and who are receiving the majority of special education and related services inside the early childhood program setting. Include any child attending an early childhood program or kindergarten with 50 percent or more nondisabled children for any portion of the week who gets the majority of special education and related services in that program. Examples: The child may receive therapy in the therapy room and the teacher and therapist collaborate regularly. Child may attend programs such as Head Start, private preschools, Voluntary Prekindergarten (VPK) programs, and group child care. Attendance at an early childhood program need not be funded by IDEA, Part B funds
L	Special Education Program at a Regular School Campus or Community Based Setting – Children with disabilities attending an early childhood program or kindergarten that includes less than 50 percent nondisabled children in a regular school building, in a portable building outside a regular school building, in a community-based setting such as a child care facility, or in a hospital facility on an outpatient basis. Examples: Head Start, private preschools, Voluntary Prekindergarten (VPK) programs, and group child care. Attendance at an early childhood program need not be funded by IDEA, Part B funds.
M	Early Childhood Program Receiving the Majority of Special Education Services Outside the Early Childhood Program - Children with disabilities attending an early childhood program that includes 50 percent or more nondisabled children and who are receiving the majority of special education and related services outside the early childhood program setting. Include any child attending an early childhood program or kindergarten with 50 percent or more nondisabled children for any portion of the week who gets the majority of special education and related services outside of that program. Examples: Head Start, private preschools, Voluntary Prekindergarten (VPK) programs, and group child care. Attendance at an early childhood program need not be funded by IDEA, Part B
S	Special Education Program in a Separate School - Children with disabilities attending an early childhood program or kindergarten in a school designed specifically for children with disabilities.



## SPP Indicator 6A

### (majority of ESE services are provided in the classroom with at least 50 percent SWDs)

The “K” code is the **only** code that is used for 6A

*For example:*

- Child is in public or private school for voluntary pre-kindergarten (VPK) and has an IEP that states 1 hour language therapy. The speech language pathologist (SLP) is “pushed in” to provide the related services to the child.
- Full-time child with an IEP in a VPK classroom with a certified teacher for a pre-kindergarten ESE course code.

The “M” code is **not used** because services are “pulled out”

*For example:*

- Child is in public or private school for VPK and has an IEP that states 1 hour language therapy. The child is “pulled out” to receive services by the SLP.

## **SPP Indicator 6B**

### **(students placed in a separate classroom, school or facility with 50 percent or more SWDs)**

**The “B” code is used for a residential facility**

*For example:*

- Residential school or residential medical facility on an in-patient basis

**The “L” code is used for a separate class or separate school**

*For example:*

- Self-contained classroom

**The “J” code is used for children who do not attend an early childhood program but receive all of their related services for special education from a clinician or service provider.**

*For example:*

- Parent or guardian transports the child for speech to school, library or other setting in the school or clinician’s office.

# Codes for Students 6-21 (including K students who are age 5)

- C** Correction Facility - Students with disabilities receiving special education and related services in Department of Juvenile Justice facilities, county jail or State prison (School Function/Setting D or J in Master School Identification File).
- 
- D** Separate School - Students with disabilities receiving special education and related services for greater than 50 percent of the school day in non-residential public or private separate day school facilities. (Also known as center schools, where all of the students are disabled.) This would also include students who may attend school at a residential facility but do not live there.
- 
- F** Residential Facility - Students with disabilities receiving special education and related services, at public expense, for greater than 50 percent of the school day in public or private residential facilities and live in the residential facility during the school week.
- 
- H** Homebound/Hospital - Students with disabilities receiving special education and related services at home or in an inpatient hospital program.
- 
- P** Private Schools - Students with disabilities enrolled by their parents or guardians in regular parochial or other private schools and who receive special education and/or related services at public expense from a local educational agency. Include McKay Scholarship students who have a services plan. Do not include charter school students.
- 
- Other**
- Z** None of the Above - For these students, educational environment will be calculated using the two elements, Time, Total School Week and Time with Non-disabled Peers found on the Exceptional Student Format.

## Two Key Data Elements in the Calculation of LRE

- **Time with Non-Disabled Peers:**

The total amount of time that SWDs are with non-disabled peers, including time with school and work place peers. This should be reported in minutes per week. Include class time, lunch, recess and time between classes if this time is spent with non-disabled peers.

- **Time, Total School Week:**

The total amount of time a student with a disability is scheduled to attend school each week. Time should be reported in minutes per week. All scheduled time, i.e., class time, recess, lunch, and time between classes must be included in the total.

# LRE and Federal Reporting SWDs Ages 6 – 21 (including 5 year old K)

Category	Federal Reporting Authority	Description	IDEA Environment Code	How Placement is Determined
Regular Classroom	EdFacts <b>SPP Indicator 5A</b>	Inside regular class 80% or more of the day	Z	Time With Non-Disabled Peers divided by Time, Total School Week
Resource Classroom	<i>EdFacts only</i> (BEES Indicator)	Inside regular class 40%-79% of the day	Z	Time With Non-Disabled Peers divided by Time, Total School Week
Special Classroom	EdFacts <b>SPP Indicator 5B</b>	Inside regular class < 40% of the day	Z	Time With Non-Disabled Peers divided by Time, Total School Week
Separate School	EdFacts <b>SPP Indicator 5C</b>	<ul style="list-style-type: none"> <li>• Separate school</li> <li>• Residential facility</li> <li>• Homebound/Hospital</li> </ul>	D, F and H	By the IDEA Environmental Code
Correctional Facilities (DJJ, county jails and state prisons)	<i>EdFacts only</i>	Correctional facilities	C	By the IDEA Environmental Code
Parentally Placed in Private Schools	<i>EdFacts only</i>	Private schools, McKay Scholarship recipients, and home education programs	P	By the IDEA Environmental Code



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## IDEA Data Center Guidance on Distance Learning and LRE

Bull, B., Thacker, C., Crain, D., and O'Hara, N. (2016, December). *Online Learning and IDEA Educational Environments (Ages 6-21): Determining Educational Environments for Students With Disabilities* (Version 1.0). IDEA Data Center. Rockville, MD: Westat.

[https://www.ideadata.org/sites/default/files/media/documents/2020-07/Ed\\_Environments\\_White\\_Paper.pdf](https://www.ideadata.org/sites/default/files/media/documents/2020-07/Ed_Environments_White_Paper.pdf)

## General Considerations

When determining the educational environment of individual SWD taking online courses, consider:

- a) If other students without disabilities are taking the course;
- b) Where the course is held; and
- c) If the SWD has been placed in a less restrictive setting by the IEP team when engaged in online learning.

- Generally, when SWDs participate in online learning in a course open to students with and without disabilities—that is, the course is unrelated to the student’s disability—that online learning time should be considered **time inside the regular classroom.**
- Generally, when students with disabilities spend time in an online learning environment with no specific requirement as to the location for participation—that is, students may participate in online learning at any location at their discretion to complete the class or program requirements—that online learning time should be considered **time inside the regular classroom.**
- If there is a prescribed location where students must be while participating in online learning, whether this time is considered **inside the regular classroom is based on the actual setting and whether the students who are participating in the prescribed location are students with or without disabilities.** If both students with and without disabilities are enrolled in the online course, personnel should refer to state policy/guidance as to what constitutes the makeup of students with and without disabilities in a “regular classroom.”



- Online learning course content does not determine the educational environment. The time in the online learning environment is determined to be time inside the regular classroom—or not—based on both the location where SWDs access the online course and the characteristics of other students who are, or may be, participating in the course.
- When students spend more than 50 percent of their school day in a separate school for SWDs, regardless of their participation in other locations that may be less restrictive, the educational environment for the students is separate school. The same is true for residential facilities. Time spent in online learning for students in those placements would not change the more restrictive educational environment categories established by the IEP team.

- For students placed in homebound or hospital settings, correctional facility, or parentally placed in a private school, participation in online learning does not change these more restrictive educational environments that have been established by the IEP or services plan.
- Students in these settings may participate in online learning, but time spent in online learning, even if that online learning time would be considered a regular class environment based on information shared in this document, would not change their educational environment for reporting purposes. They would be classified as being in homebound or hospital settings, correctional facility, or parentally placed in private school.

Location Where Online Learning Is Provided	Characteristics of All Students at This Location	How Time Spent in Online Learning Environment Should Be Counted
Location is at students' discretion	Students with and without disabilities independently select where they will access the online learning.	Time inside the regular classroom
Special education resource room or special class	All are students with disabilities and access online course in special education resource room or special classes.	Time outside the regular classroom
Designated classroom or other location within the school building or campus	This is a mix of students with and without disabilities.	Time inside or outside the regular classroom (Classification will be based on the makeup of the enrolled students and state guidance for defining regular class.)
	Students with disabilities access course in isolation from students without disabilities (not student choice).	Time outside the regular classroom
Off-campus location (e.g., public library, community center, local career tech education school, etc.)	This is a mix of students with and without disabilities.	Time inside or outside the regular classroom (Classification will be based on the makeup of the enrolled students and state guidance for defining regular class.)
	Students with disabilities access course in isolation from students without disabilities.	Time outside the regular classroom
Off- campus location specifically intended for children with disabilities	All are students with disabilities.	Time outside the regular classroom (However, if children attend this location for more than 50 percent of their school day, the educational environment is separate school.)

Bull, B., Thacker, C., Crain, D., and O'Hara, N. (2016, December). Online Learning and IDEA Educational Environments (Ages 6-21): Determining Educational Environments for Students With Disabilities (Version 1.0). IDEA Data Center. Rockville, MD: Westat. [https://www.ideadata.org/sites/default/files/media/documents/2020-07/Ed\\_Environments\\_White\\_Paper.pdf](https://www.ideadata.org/sites/default/files/media/documents/2020-07/Ed_Environments_White_Paper.pdf)



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## Florida-Specific Considerations

Online and in-person classes have the same environmental definitions.

# Learning Models

- The structure of the learning models may differ depending on approved district reopening plans.
- Synchronous
  - Live instruction for all courses occurring at the same time (online or in person)
- Asynchronous
  - Not all instruction for the course occurs at the same time
    - Recorded instruction for students to access at a later time than the live session.
    - Students check in with teacher online, but work on their own assignments in their own time.

# General Considerations for Distance Learning Time Inside the “Regular Class”

- Course content does not determine the educational environment.
- SWD participates in distance learning.
- If the SWD spends 80 percent or more of their school day in a class that has SWD and non-SWD, the environment would be “*regular class.*”
  - Access courses for SWDs are “setting neutral.” If the class contains both SWDs and non-SWDs, the time **would** be considered time with non-SWD inside the regular classroom, regardless of the course number.
  - The exception to this is students who are already in a separate environment, e.g., hospital homebound, residential center, etc. as they remain in “separate environment” regardless of time spent with non-SWDs.

## General Considerations for Distance Learning Time Inside the “Resource Class”

- SWD participates in distance learning.
- If the SWD spends 40-79 percent of their school day in a regular class, the environment would be *“resource class.”*

## General Considerations for Distance Learning Time Inside the “Separate Class”

- SWD participates in distance learning.
- If the SWD spends less than 40 percent of their school day in a regular class, the environment would be “*separate class.*”



## Considerations for Related Services

- If a related service provider joins an online general education class and works in a small group that includes SWDs and peers without disabilities, that time **would be counted** toward time **with** their non-disabled peers.
- If a related services provider works with an SWD individually or in a small group setting with all SWDs, that time **would not** be counted as time with their non-disabled peers.

## Key Consideration: What are students without disabilities doing?

- If SWDs in distance learning are doing what their non-disabled peers are doing in the same class, e.g., asynchronous online learning, the time is counted as time in regular class with non-disabled peers.
- Florida Virtual School counts LRE this way.
- The exception to this is students who are already in a separate environment, such as hospital homebound or residential center.



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# Scenarios for Z Code Students

# How to Calculate LRE

$$\frac{\text{Time With Non-Disabled Peers}}{\text{Time, Total School Week}} \times 100 = \text{Percent of time with peers without disabilities}$$

## **Step 1:** *Determine Time, Total School Week*

- Use your school's master bell schedule. This amount would apply to all students no matter the location of the student enrolled in your school.

## **Step 2:** *Determine Time With Non-Disabled Peers*

- Calculate the number of minutes per week the student is receiving ESE services or is in class with only SWDs.
- Subtract this amount from the *Time, Total School week*.

## **Step 3:** *Calculate Percent of time with Non-Disabled Peers*

- Divide *Total Time with Non-Disabled Peers* by *Time, Total School Week*.
- Multiply by 100.

Source: [Florida's SPP/APR Calculation Guide](#)

## Scenario #1 – Brick and Mortar

A student with a disability participates with their peers without disabilities in a brick-and-mortar school for all of their classes, except math. This includes special area, lunch and also ELA using a virtual platform. The student is pulled out for instruction in math for 60 minutes daily with only SWDs in a virtual platform. The minutes in the school week are 1,650 minutes.

Educational Environment Code = Z

Time, Total School Week = 1,650 minutes

Time with Non-Disabled Peers

- Time spent with only SWD
  - Math (60 minutes X 5 days) = 300
- Time with Non-Disabled Peers =  $1650 - 300 = 1350$

Percent LRE =  $(1350 \text{ divided by } 1650) \times 100 = 81.8 \text{ percent}$

Educational environment would be considered *“Regular Classroom.”*

## Scenario #2 – Distance Learning

A student with a disability attends school virtually with their non-disabled peers. The SLP provides small group support for ELA for 20 minutes per day in a virtual general education classroom made up of SWD and students without disabilities. The special education teacher provides small group support to only SWDs for 30 minutes in math each day. The minutes in the school week are 1,650 minutes.

Educational Environment Code = Z

Time, Total School Week = 1,650 minutes

Time with Non-Disabled Peers

- Time spent with only SWD
  - Math (30 minutes X 5 days) = 150
  - Time with Non-Disabled Peers = 1650 – 150 = 1500

Percent LRE = 1500 divided by 1650 X 100 = 90 percent

Educational environment would be considered “*Regular Classroom.*”

## Scenario #3 – Distance Learning

A student with a disability, on access points, participates in virtual instruction with a general education teacher and a special education teacher that includes students without disabilities for science and social studies. The SWD also attends special area or electives virtually 30 minutes with their peers without disabilities. The special education teacher provides instruction with only SWDs virtually daily for ELA (90 minutes) and math (60 minutes). The SLP provides 30 minutes of speech therapy twice a week in a virtual setting with only SWDs. The minutes in the school week are 1,650 minutes.

Educational Environment Code = Z

Time, Total School Week = 1,650 minutes

Time with Non-Disabled Peers

- Time spent with only SWD
  - ELA and Math (90 + 60) minutes X 5 days = 750
  - SLP (30 minutes X 2 days) = 60
  - 750 + 60 = 810
- Time with Non-Disabled Peers = 1,650 – 810 = 840

Percent LRE = (840 divided by 1,650) X 100 = 51 percent

Educational environment would be considered “*Resource Classroom.*”

## Scenario #4 – Distance Learning

A student with a disability, on access points, attends virtual classes and therapy sessions with SWDs only. The student attends a general education class virtually to participate in special area or elective classes daily for 45 minutes. The minutes in the school week are 1,650 minutes.

Educational Environment Code = Z

Time, Total School Week = 1,650 minutes

Time with Non-Disabled Peers (45 x 5 days) = 225

Percent LRE = (225 divided by 1650) X 100 = 13.6%

Educational environment would be considered “*Separate Classroom.*”



## Scenario #5 – Asynchronous

A student with a disability is scheduled, based on the school's master schedule, to participate with their peers without disabilities in an innovative option that includes both synchronous and asynchronous activities. The SWD is pulled out for speech with the SLP for 30 minutes daily with only SWDs in a virtual platform. The minutes in the school week are 1,650 minutes.

Educational Environment Code = Z

Time, Total School Week = 1,650 minutes

Time spent with only SWD - Speech (30 minutes X 5 days) = 150

Time with Non-Disabled Peers =  $1650 - 150 = 1500$

Percent LRE =  $(1500 \text{ divided by } 1650) \times 100 = 90.9 \text{ percent}$

Educational environment would be considered "*Regular Classroom.*"

## Additional LRE Resources

- Florida Department of Education, Bureau of Exceptional Student Education and Student Services (2016, January 15). *Technical Assistance Paper: Least Restrictive Environment Considerations Related to Individual Educational Plans*.  
<https://info.fldoe.org/docushare/dsweb/Get/Document-7540/dps-2016-13.pdf>
- United States Department of Education, Office of Civil Rights, Office of Special Education and Rehabilitative Services (2020, March 20). *Supplemental Fact Sheet: Addressing the Risk of COVID-19 in Preschool, Elementary and Secondary Schools While Serving Children with Disabilities*.  
<https://www2.ed.gov/about/offices/list/ocr/frontpage/faq/rr/policyguidance/Supple%20Fact%20Sheet%203.21.20%20FINAL.pdf>
- United States Department of Education, Office of Special Education and Rehabilitative Services, Office of Special Education Programs (2020, June 30). *IDEA Part B Procedural Safeguards*. <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-procedural-safeguards-idea-part-b-06-30-2020.pdf>
- IRIS Center Information Brief, Least Restrictive Environment.  
[https://iris.peabody.vanderbilt.edu/wp-content/uploads/pdf\\_info\\_briefs/IRIS\\_Least\\_Restrictive\\_Environment\\_InfoBrief\\_092519.pdf](https://iris.peabody.vanderbilt.edu/wp-content/uploads/pdf_info_briefs/IRIS_Least_Restrictive_Environment_InfoBrief_092519.pdf)



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