



Trending Topic: COVID-19 and the Least Restrictive Environment

How does the LRE translate in the “New Normal?”

At the outset of the pandemic, the United States Department of Education advised that LEA's "must make every effort to provide special education and related services to the child in accordance with the child's individualized education program (IEP) or, for students entitled to FAPE under Section 504, consistent with a plan developed to meet the requirements of Section 504." The Department did allow, however, that there "may be exceptional circumstances that could affect how a particular service is provided." One could plausibly argue that we have experienced ***nothing but*** exceptional circumstances since that [March 12 guidance](#) came out.

The COVID-19 pandemic has changed how the general education system operates, making hybrid and distance learning the rule and in-person classes the exception throughout the state. None of this has changed the individual student's right to a free and appropriate public education in the least restrictive environment, but it has called into question what constitutes the least restrictive environment under such fluid and unpredictable circumstances.

IEP teams have been forced to confront novel questions about how to maintain each individual student's LRE in the new context in which everyone is operating. How do physical distancing requirements and cohorting impact a student's LRE? What is the best way to balance the implementation of these mitigating measures while preserving the principles of LRE? How do IEP teams prioritize a student's access to LRE, while balancing health and safety requirements? Juggling these questions, and looking for answers – or at least some credible guidance – is another challenge for families and educators to confront.

RIDE recently weighed in on the COVID/LRE dilemma, among other matters, in its "[Educational Services \(FAPE\) for Differently Abled Students](#)" document. RIDE acknowledged that "few will argue that the current condition of the COVID crisis may effect a student's participation in the least restrictive environment," adding that "the typical school environment may not be available for many students this year and this will affect the plans for inclusive education for differently abled students." RIDE's guidance encouraged school administrators to be candid with parents about the effect COVID-19 will have on their children's school program. Communication and transparency are key, and RIDE has advised schools to clearly explain to

families the steps they are taking to prioritize serving vulnerable student populations and the ways in which these changes may impact learning in the least restrictive environment.

For example, there may be cases where it is not possible to maintain an individual student's LRE while also implementing physical distancing requirements and cohorting. In other instances, a school may be prepared to implement a student's IEP in the least restrictive environment on campus, but the student's parents opt for remote learning for the semester. There is no ready-made answer key, but the following helpful suggestions from our neighbors at the [Connecticut State Department of Education](#) offer some food for thought:

- Given possible reduced class sizes, review IEPs to determine if pull-out services could be appropriately changed to push-in services to limit the mixing of cohorts.
- Special education teachers and related service providers could provide services remotely from within the school building via video conference instead of coming in the classroom to provide push-in services. This practice would help minimize foot traffic in and out of classrooms while providing access to services that support the inclusion of students with disabilities.
- Think creatively about how to maintain opportunities for the inclusion of students with disabilities. Districts may be able to use technology to provide inclusive groupings of students.
- Avoid special education only cohorts unless the student's IEP requires a substantially separate setting or out of district placement.
- Although districts cannot base cohorts on disability category, districts can consider placing students in cohorts based on the type of intervention or related services. For example, a district may be able to place all the students receiving pull-out occupational therapy services in one cohort to reduce mixing of cohorts when pulling these students for services.

Also, the National Association of State Directors of Special Education has put together a policy brief on the "[Least Restrictive Environment in the Wake of COVID-19](#)," and it provides, among other things, some helpful hypothetical examples of how special education and related services might translate from a fully on-site schedule to both hybrid and fully remote-learning schedules. One of the examples posits a third grader with a specific learning disability who, during fully on-site learning, receives her special education services (an hour per day in math and ELA) inside a general education classroom, and receives thirty minutes of speech services once per week outside the general education classroom. The other example suggests hybrid and distance learning options for a tenth grader with autism who receives four hours of special education services per day outside the general education classroom and one hour of speech-language therapy once per week outside the general education classroom. These examples emphasize the relative and shifting nature of what constitutes a general education classroom as *all* students are subject to hybrid or remote learning schedule changes.

Restrictions have increased in almost every environment we move in and through in our daily lives as we all continue to grapple with the ripple effects of the pandemic. In the context of

special education and the LRE, student safety will be paramount as IEP teams strive to maintain continuity and preserve flexibility to the greatest extent possible.

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