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Viable Alternatives for Students With Disabilities: Exploring the Origins and Interpretations of LRE

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In the flux of restructuring schools toward higher student outcomes, the challenge is tremendous for educators to provide, with confidence and integrity, a free appropriate public education (FAPE) in the least restrictive environment (LRE) as required by law for their students with disabilities. This inquiry is intended to further a deeper understanding of the principles that undergird placement decisions by examining the relation over time between the Individuals With Disabilities Education Act requirements for an appropriate education for learners who are exceptional and the restrictiveness of the educational environments in which they have been served. LRE is examined through sociopolitical, legal, and educational data and illustrated through interviews with several of the law's developers, contemporary theorists, and parental advocates. It is argued that concerns about placement in the LRE have dominated the special education discourse, obscuring and distorting the preeminent issue of individually appropriate instruction. It is concluded that the legal meanings of FAPE and LRE remain unchanged but that the complexity of the dynamic LRE concept has defied consistent understanding and application. In conclusion, principles of practice grounded in the conceptual foundations of special education are offered to build the capacity of individualized educational program/placement teams as they seek to provide a full educational opportunity for each student with a disability.

In the late 20th century, student placement has claimed center stage among special education issues. The term *inclusion* has become almost synonymous in the public mind with special education focusing attention on the schools and classrooms that students

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should attend and frequently upstaging the instruction they should receive. Some advocates have viewed alternatives to the regular classroom as impediments to the inclusive restructuring of American schools. In contrast to inclusivity, recent calls for safe schools and the removal of violent and aggressive students from the mainstream have generated a new crop of alternative educational settings that range from successful to suspect. Competing alternatives posed by school choice and home-schooling raise additional concerns about appropriate service delivery to students eligible to receive special education. In this era of reforming schools and preparing students to reach higher standards, what legal principles and educational strategies guide the provision of viable alternatives for students with disabilities?

The Individuals with Disabilities Education Act (IDEA) requires that students with disabilities be provided a full educational opportunity through a free appropriate public education (FAPE) in the least restrictive environment (LRE) and that promising practices, materials, and technology be employed. Some have called this trio of FAPE, LRE, and validated practices "the holy trinity" of special education law (Crockett & Kauffman, 1999). Without an understanding of the history of the plans for FAPE and LRE, educators risk creating structures that are illegal, untrustworthy, or both.

PERSPECTIVE: CONCEPTUAL FOUNDATIONS OF SPECIAL EDUCATION

As a special education administrator from 1986 until 1994, I was frequently asked to discuss issues of educational benefit and LRE. Having been trained as a general educator, I felt fortunate to have as tutors such pioneers in the areas of rehabilitation, special education, and development and disability as Henry Viscardi, Edwin Martin, and Nicholas Anastasiow. I assumed the practices in which I was primed were supported by a canon of principles that, as a practitioner, I had not had the opportunity to explore. I was surprised, and felt professionally out on a limb, when I read Kauffman's (1994) observation that special education developed more out of pragmatic solutions to educational problems than from coherent propositions about educational exceptionality and public education: "Our philosophies have been more implicit than explicit and so loosely grounded in shifting, unstated assumptions that we are easy prey for anyone who challenges our purpose, offers a critique of basic assumptions, or states that special education fails in basic concept" (p. 614). Kauffman (1993) argued that the real hope for remedy resides in strategies that probe special education's historical memory and articulate its conceptual core.

My intent in this discussion is to provide insights into how FAPE and LRE emerged as guiding principles of special education and how these core concepts have been interpreted from multiple perspectives. Knowing firsthand how principles can inform practice, I have anchored this analysis in special education's roots in order to provide a deeper understanding of the foundational principles that undergird placement decisions. Several themes reflective of special education's scope of concern emerged from this analysis including (a) moral and ethical tensions surrounding the provision of FAPE and LRE; (b) issues of individuality and exceptionality; (c) equity in law, finance, and public policies; (d) effective programming; and (e) productive partnerships among students, parents, and professionals. In conclusion, I have converted these themes into principles

of practice to assist individualized educational program (IEP)/placement teams in determining viable alternatives for students with disabilities.

EXPLORING SPECIAL EDUCATION'S HISTORY

In an effort to explore the roots of special education, I have acknowledged history, not as a backdrop, but as a lively art that helps us to better understand the human condition (Potts, 1995). A significant database of transcribed interviews, original letters, documents, and professional studies and commentaries supports this analysis of LRE. I sought historical evidence from parents, case law, and educational practices to determine the original appeal of alternative placements and their relation to FAPE. I collected contemporary evidence from parents, courts, and classrooms to examine changes in cultural values, implementation of the law, and the readiness of general education to meet the needs of learners who are exceptional. (This discussion is based on a comprehensive study of LRE by Crockett & Kauffman, 1999.)

VOICES FROM THE FIELD

Within the past two decades, notable individuals whose vision and energy influenced both the development and the implementation of the LRE concept have risen to prominence within the field of special education. I have interjected their perspectives where they most appropriately illuminate historical events or provide conceptual insight. Each person reviewed the verbatim transcripts of our hour-long conversations to ensure an accurate characterization and portrayal of their thoughts.

Developers of Legislation

Several professionals played key roles in the early development of federal legislation and continue to influence the field of special education. I met with Thomas Gilhool, lead counsel in the landmark right-to-education case of *Pennsylvania Association for Retarded Children (PARC) v. Commonwealth of Pennsylvania* (1971); James Gallagher and Edwin Martin, the first and second directors of the Bureau for the Education of the Handicapped; Donald Stedman, permanent consultant to the President's Committee on Mental Retardation and first associate director of the John F. Kennedy Center for Research on Education and Human Development; and Frederick Weintraub, long-time executive of the Council for Exceptional Children. We discussed the origins of the LRE concept and their reflections on its usefulness in bringing about full educational opportunity for exceptional learners.

Parental Advocates

Jane DeWeerd, former coordinator for parent training and preschool dissemination projects with the U.S. Department of Education, and three parents of children who are exceptional discussed their experiences in providing an appropriate education for their child. Their impressions reflect practices in student placement that span 30 years.

Educational Theorists

The following educational theorists contributed their perspective regarding the ethics of the LRE concept in personal interviews: Douglas Fuchs, Laurence Lieberman, and Maynard Reynolds. Dorothy Kerzner Lipsky shared her perspective in a letter. Each person spoke to the usefulness or suitability of the LRE concept as an educational strategy over time.

My review of texts and conversations addressing the origins and interpretations of LRE proceeds from several principles: (a) that capturing the voices of parents and educational leaders and engaging their present associations with the past has clear benefit; (b) that themes and issues overlap, and focusing on LRE provides a view into the origins and development of contemporary special education; and (c) that drawing on both scholarly and practical perspectives provides current decision makers with insight into the field of special education—a field whose foundations are dually grounded in the scholarship of exceptional learning needs and the politics of public policy.

THE POLITICS OF PLACEMENT IN AN ERA OF REFORM

From 1975 to the present, in approximately 15,000 school districts across the United States, the provision of appropriate education has relied on the cascade of services model to operationalize the LRE requirement of the IDEA. The cascade model offers students with disabilities instruction across a continuum of alternative placements extending from regular classrooms, separate classes, day schools, residential settings, to hospital and homebound services (cf. Deno, 1970; Reynolds, 1962). According to the *20th Annual Report to Congress on the Implementation of the Individuals With Disabilities Education Act* (U.S. Department of Education, 1998), 5.7 million children with disabilities from the ages of 3 through 21 years received special education services in the 1996–1997 school year. More than 95% of these students were served in regular schools. In 1995–1996, approximately 45% of school-age students with disabilities spent at least 80% of their day in regular classrooms. The pattern of such inclusion (i.e., 80% or more of the day in regular classrooms) varies by age and disability category. At the end of the 20th century, regular classrooms are the primary placement for approximately 55% of all students with disabilities ages 6 to 11 years, 36% of those ages 12 to 17 years, and 29% of those ages 18 to 21 years.

Placement Trends

According to Danielson and Bellamy (1989), three factors should be considered in interpreting placement trends from nationally reported data. The first factor is a reminder that, legally, LRE's emphasis is on the *process* of determining a placement in which an appropriate education for a student can be provided: "No particular pattern of placements is consistent with or contradictory to these requirements. However, the statute is clear in

creating a presumption that services [will] be provided in the regular educational environment to the extent appropriate for each student" (p. 452). Second, "a low placement rate in segregated settings is not necessarily a testimony to effectiveness of services. To demonstrate such effectiveness, states would also have to show that students receive the services necessary and achieve successfully" (p. 453). Third, variance in placement rates is also attributable to additional factors such as funding formulas and the less empirical and more contextual notion of a locality's cultural values.

With these caveats in mind, the continuum of placements for children aged 3 to 21 years has been weighted more toward separate placements with little variance over time (Verstegen, 1996). To bring clarity to the requirements that support programming across the full continuum of alternative placements, the 1997 IDEA requires states to employ a placement-neutral funding formula. Such funding would not violate the LRE requirements by providing fiscal incentives for either inclusive or separate placements regardless of the unique educational needs of a child.

Placement Politics

There has been deep confusion over what is meant by the term LRE. For some who hold a sociological perspective, the word "restrictive" is synonymous with "segregated" so that the "least restrictive environment" becomes the "least segregated environment," or the environment in which children with disabilities are least separated from their nondisabled peers (Villa & Thousand, 1995). For others, who emphasize an educational focus on student performance, the term implies an eco-behavioral interaction among an individual student, a prescribed educational plan, and an instructional setting calculated to provide him or her with academic and social benefit that includes nondisabled peers to the maximum extent appropriate for that student (Gottlieb, Alter, & Gottlieb, 1991; Morsink & Lenk, 1992). Polarization in the field of special education has occurred because of a lack of agreement over the purpose of the LRE requirement. In short, what should be measured: Is it student performance? Or is it the degree of integration? The former approach, concerned with providing viable alternative placements, seeks to determine the effect of inclusive settings on academic and social achievement. The latter approach, concerned with minimizing the need for options, measures how much systemic integration, or inclusion, is facilitated by various factors such as teacher attitudes and parent beliefs. Successful inclusion then becomes more a question of how much proximity is achieved for all students, rather than how much learning is achieved for each one.

The absence of consistent terminology and clear communication about placement issues has also hampered effective service delivery. The notion of inclusion, for example, challenges systematic analysis because practices described as inclusive differ markedly from setting to setting. Some models of *full inclusion* call for the inclusion of literally all students with disabilities. Other models define full inclusion as "regular class placement for all students with disabilities, but on a part-time basis for some; others, still, propose the inclusion of students for whom it is 'appropriate' or even suggest that separate, special schools are part of their inclusion plan" (Crockett & Kauffman, 1998, p. 74). Martin (1995) suggested that "as a matter of public policy, a federal or state government, even a

local school system, cannot responsibly adopt 'inclusion' without defining its proposed program" (p. 193). MacMillan, Gresham, and Forness (1996) pointed out the contrast between the term *full inclusion* and special education's conceptual core:

> If it means that regular class placement should be available for some children with disabilities, then it has been available for years, and there is no need for a specific term "full inclusion." If it refers to the placement of *all* children with disabilities in age-appropriate regular classes all day in their neighborhood schools, then its adoption requires the abolition of the continuum of placements provided for in the Individuals With Disabilities Education Act (IDEA). (p. 147)

The 1997 IDEA and its final regulations make federal policy on appropriate education very clear: Placement decisions are to be child-centered, not system-centered. The extent to which each child with a disability will not participate in academic or nonacademic activities with nondisabled students is to be specifically prescribed in the written IEP so that he or she can benefit from instruction in the least restrictive appropriate placement (Crockett, 1999).

THE VIEWPOINT OF PARENTS: A MEANINGFUL OPPORTUNITY TO LEARN

The term *least restrictive environment* is unusual, perhaps holding more meaning for lawyers and parents familiar with incarceration or institutionalization than for educators. How did the term make its way from the back wards of institutions into American classrooms? Why would the developers of special education law select a term referring to personal liberty and apply it to the schoolhouse, where the word *environment* conjures up conditions facilitative of instruction and learning, if not to appease the fears of parents whose children had for too long been in confinement? Recalling the civil rights era of the 1960s, Donald Stedman (as cited in Crockett & Kauffman, 1999) remarked that, initially, parents wanted some personal relief and actually advocated for better institutions. Later, many went along with professionals who thought that deinstitutionalization was the right thing to do: "Some parents were almost embarrassed, thinking maybe they were not doing the right thing for their child if they did not go along with this change" (p. 59). Essentially, Stedman recalled, parents wanted relief for themselves and a better education for their children.

In 1975, the intent of the LRE provisions of the Education for All Handicapped Children Act (EAHCA) regulations was to stop the categorical, nonindividualized, policy approach used in the states. This approach viewed placement as dependent on category of disability: Children with mental retardation went to the school for those who were so classified; children with physical disabilities went somewhere else. Weintraub (as cited in Crockett & Kauffman, 1999) remarked that most of the EAHCA developers believed that the general category of the learner's disability did not define the delivery of service, and so the decision was made to adopt an individualized approach to programming and placement dependent on a set of procedures rather than a specific outcome. In

this fashion, the EAHCA went beyond a simple, equal access civil rights statute and addressed directly the issue of a meaningful educational opportunity for each individual with a disability.

Advocacy and Accountability

Thirty years ago, parents of children with disabilities were united in advocating for educational access to a variety of state-provided public education programs. Between 1972 and 1974, 47 right-to-education cases, brought mostly on behalf of students with mental retardation, were heard in 28 different states (Zettel & Ballard, 1986). Unlike the divergent group affected by today's full-inclusion movement, these earlier cases represent a relatively homogenous group of stakeholders seeking access to an appropriate and publicly funded education. Now that total exclusion from services is not the threat, some theorists have expected parents to unanimously advocate for specialized services in regular classes. Given the wide range of individual needs of their children, this expectation has been, at times, an oversimplified prediction of parental preference. Karen Silver (as cited in Crockett & Kauffman, 1999), the parent of a daughter with cerebral palsy, cautioned:

> Not all children who require special education are the same. The diversity of programs which exist today came about because parents and educators fought for them, recognizing that there was no single setting which could possibly meet the wide-ranging needs of the disabled school-age population. (p. 184)

Jane DeWeerd (as cited in Crockett & Kauffman, 1999) advised today's parents not to become complacent about the gains won for their children and to be vigilant on behalf of their exceptional needs. Recalling her experiences as the coordinator of the 24 federal First Chance Projects supported by the Handicapped Children's Early Education Assistance Act in 1968, she added, "It really is hard to imagine how hungry parents were for support in the early days" (p. 179).

The increase in unilateral private school placements suggests that some parents find functional exclusion from meaningful instruction to remain a threat in current classrooms. For example, a group of parents dissatisfied with public services for their children founded the Virginia Institute for Autism in the fall of 1996. One parent cited the rate of recovery for her son as the payoff for his "segregation." She remarked that so much is counterintuitive in the treatment of autism that her son's general education teachers often inadvertently hindered rather than helped him learn to cope with his classroom environment. Kotler (1994), an attorney and father of a child with autism, suggested that several placement practices collide with the issues posed by autism: Can appropriateness of programming be separated from effective methodologies? Should districts have the option of dismissing methodological approaches that are based on valid research? How does the classroom environment affect the faithful application of a particular methodological approach? The controversy surrounding various approaches to the treatment of autism does not negate these or other parents' perspectives on LRE (see Gresham & MacMillan, 1997a, 1997b; Smith & Lovaas, 1997, for discussion of the controversy).

In the early 1990s, position papers addressing the concept of full inclusion were prepared by advocacy organizations representing parents, professionals, and persons with various disabilities. Advocates for The Association for Persons with Severe Handicaps (TASH, 1993) hailed inclusive education as "a new way of thinking that embraces a sociology of acceptance of *all* children into the school community as active, fully participating members." Other advocates and professionals, representing learners with a wide range of disabilities, questioned the capacity of general education to differentiate instructional and behavioral approaches for *all* students. Their positions called for specialized instruction, not with visionary zeal but with requests for supports that are feasible to implement in schools and classrooms across a continuum of placements. These conflicting profiles of what constitutes a meaningful education for children with diverse learning needs influenced the preservation of the continuum of alternative placements and the individualized principles of LRE in the 1997 IDEA. The statute and its final regulations emphasize sensitivity to parental perspectives and now require the participation of parents in any decisions related to the instructional placement of their child.

THE VIEWPOINT OF LAW: PROVIDE EDUCATIONAL BENEFIT

Like most laws, the IDEA's LRE provision is deliberately brief and vague and left wide open to interpretation. LRE has never been an immutable rule of placement but a rebuttable presumption favoring the inclusion of nondisabled students and students with disabilities in regular classes and allowing separation in certain instances (Turnbull, 1990; Yell, 1998).

The term *least restrictive environment* is derived from the concept of the least restrictive alternative, which has its legal basis in the U.S. Constitution and serves to accommodate individual and state interests to one another.

> As long ago as 1819, Chief Justice Marshall of the United States Supreme Court, in the early landmark case of *McCullock v. Maryland*, indicated that regulation affecting citizens of a state should be both "appropriate" and "plainly adapted" to the end sought to be achieved. (Burgdorf, 1980, p. 278)

This principle has been phrased in various judicial forms, including "less drastic means for achieving the same basic purpose," "least restrictive means," and "the least burdensome method." Burgdorf summed it up like this:

> These majestic-sounding phrases have a fairly straightforward meaning. In very simple terms, the principle of least restrictive alternative means that state laws and state officials (and here would be included public education officials and public school teachers) should be no nastier than they absolutely have to be. (p. 279)

There is a history of conflict surrounding the application of this concept to education. Fred Weintraub (as cited in Crockett & Kauffman, 1999) remembered applying the LRE

concept to special education after reading an account of a wanderer picked up nightly by police and brought to St. Elizabeth's psychiatric hospital in Washington, DC. In this case, *Lake v. Cameron* (1966), the court decided that her need for safety and support could be met less restrictively in a supervised community residence. Legally, the degree of restriction depended on the severity of the problem and the skillful use of professional techniques available for her supervision. The parallels with educational practices for learners with exceptionalities were clear to Weintraub, suggesting that some students might require alternatives to the regular classroom; others might not. What was needed was a procedural mechanism to ensure both the protection of a student's liberty and the assurance of instruction providing a meaningful educational opportunity. Attorney Tom Gilhool (as cited in Crockett & Kauffman, 1999) however, calls LRE a "nefarious concept" (p. 85), finding it problematic that the phrase arose not from the right-to-education cases but rather from the very different cases that emphasized the right-to-treatment within mental health institutions. Because "schools are not a closed institution like the institutions to which people are involuntarily committed" (p. 85), he views LRE as misapplied to education. To Gilhool, equality and integration are separate and equal imperatives of the Act.

In contrast to Gilhool's perspective, Ed Martin (as cited in Crockett & Kauffman, 1999) reviewed the IDEA statute to indicate that Congress never intended the full inclusion of all students with disabilities into regular settings as essential to the provision of FAPE. Martin, Director of the Bureau for the Education of the Handicapped when the law and its regulations were written, noted that the phrase LRE is not in the original statute, but that the reference to a continuum of placements was built into the law from the start:

> LRE was an important element of the law, but it was down the list of elements. The most important element was a "free appropriate public education." The assumption was not that all children would be educated in the regular classroom with nonhandicapped children, although a statement including the word "appropriate" does appear. There is an underlying philosophy that supports that inclusion, or mainstreaming, but the intent was not "all"—just where "appropriate." Appropriate placement is based not on the philosophy of the school but on the individual IEP under the law. (p. 75)

Section 1412 (5)(B) of the original IDEA legislation is the statement on which most placement decisions have hinged. Martin (as cited in Crockett & Kauffman, 1999) noted that it is here in the original statute, "that you do find essentially the philosophical underpinnings to LRE" (p. 77). As a result of the renumbered amendments to the IDEA of 1997, this item is now found at Section 1412 (a)(5)(A). It continues to require each state to establish procedures to assure that:

> To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when 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.

In recalling the development of the statute, Martin (as cited in Crockett & Kauffman, 1999) referred to the controversy surrounding the insertion of this pivotal section. He pointed out that the qualifier referring to the removal of children with disabilities from regular classrooms, only when their progress there "cannot be achieved satisfactorily," was added later at the insistence of legal advocates who had worked on the contemporary right-to-education cases. He explained that this emphasis on social advocacy was precisely why the drafters of this educational law inserted the caveat, "to the maximum extent appropriate" into the beginning of Section 1412(5)(B):

> LRE really grew out of the interests in institutionalization and de-institutionalization. Civil rights attorneys, particularly Tom Gilhool, I would think, were very committed to that principle and extended it and wanted to extend it to the everyday life of the school. At the same time, parents and teachers who were working in the special education system never really conceived that there would only be a mainstreamed environment for children with disabilities. That is why, right through the law, there are so many references to other settings. So these two [Sections of 1412 (a)(5)(A)] clash a bit in their philosophy and have—although even this phrase says, and this was important, and I can remember the discussion that put this phrase in—"to the maximum extent appropriate." I was arguing, based on my work with deaf children and emotionally disturbed children, that it would not be appropriate for every child to be in the regular class, and it had to be clear that these options existed for children for whom it would not be appropriate. At the same time, we also knew that many children were unnecessarily segregated and, therefore, we wanted to put as much emphasis as possible on having children go into the programs that were maximally appropriate for them. In many cases, for mildly handicapped children, there was no reason they could not be in regular classes full-time or part-time. So, I would say, the larger context of this law was, in its early development and even in its current state, a law that emphasized service to children, free appropriate public education, finding the children, educating them in the environments that were appropriate to them, and, within that context, encouraging their participation in regular education. (p. 92)

Legal Trends

Comprehensive canvassing of LRE judicial decisions by legal scholars reveals an equivocating answer to the question of whether placement of a child with a disability in a regular classroom is, in fact, the LRE. The answer depends on the circumstances in each case. Says Zirkel (1996), "courts have not used a per se, or automatic, 'yes' answer any more than they have used a per se 'no' answer" (p. 5). Decisions reflect a common core of criteria including comparison of educational benefits with an overall preference for placement in the regular classroom.

In 1980, Burgdorf remarked that, "ideally, the law ought to set up a framework and some broad guidelines, within which public educators can exercise their professional discretion in selecting an educational program and placement designed to meet the needs of each individual handicapped student" (p. 273). In recent years, several significant cases have surfaced that have devised tests, or analytic frameworks, by which to evaluate whether a student is achieving satisfactorily in the regular classroom. The major frameworks include the Roncker standard, the two-pronged test from Daniel R. R., and the

four-pronged Holland test (see Crockett & Kauffman, 1999; Yell, 1998, for discussion). Turnbull and Turnbull (1998) noted that elements of these frameworks as well as directives from the Office of Special Education Programs have been incorporated into the 1997 IDEA. Currently, there is no national framework employed in placement decisions, and the Supreme Court has declined to hear any LRE cases to date.

In an effort to synthesize the various frameworks as an aid to placement decision makers, Yell (1995) suggested guiding elements to making legally and educationally sound LRE decisions. Each of these elements can be supported by the final regulations to the 1997 IDEA making it clear that the essence of the LRE provisions has been maintained in the current requirements (Crockett, 1999):

1. Determination of the LRE is based on the individual needs of the student (34 C.F.R. 300.552(b)(2); 34 C.F.R. Part 300, Appendix A (I)).
2. Good-faith efforts are required to maintain students in integrated settings, but districts are not required to actually place a student in a regular classroom, or set him or her up for failure there, before recommending a separate placement (34 C.F.R. Part 300, Appendix A (I)). (Some courts, when faced with imprecise data, have required proof by placement to rebut the presumption that a learner who is exceptional should be educated in a regular instructional setting. Consequently, schools are advised to keep impeccable records concerning their educational decision-making process, as well as data-based decision models to monitor the progress of students.)
3. Each school district must make available a complete continuum of alternative placements to meet the needs of each of its special education students (34 C.F.R. 300.551).
4. When students are placed in separate programs, they are to be integrated in regular settings to the maximum extent appropriate to their needs (34 C.F.R. 300. 554).
5. The needs of nondisabled peers may be considered in determining placement in the LRE. All of the tests consider the potential disruptive effect of the student with disabilities on the instructional environment. Courts also consider whether accommodations to ameliorate a child's disruption to the general education environment have been considered (34 C.F.R. Part 300, Appendix A, (IV) (39)).

In addition to these five enduring elements, the 1997 IDEA and its regulations instruct that a full range of supplementary supports and services that, if provided, would facilitate a child's adaptation to the regular setting, must be considered (34 C.F.R. 300.552 (e); 34 C.F.R. Part 300, Appendix A (I)). The 1997 IDEA and its final regulations, however, do not require that an all-or-nothing determination be made. Sometimes placement decisions require that IEP/placement teams rebut the presumption of regular class placement and specifically address the impact of the child's disability on his or her involvement. In these instances, LRE is a flexible mechanism that stands in the service of FAPE.

Congress, in developing the original EAHCA in 1975, viewed the regular classroom as the optimal setting but acknowledged that instruction would need to be offered in multiple environments if individual needs were to be appropriately met. In 1997, when amending the statute, Congress similarly recognized that decisions for students with disabilities are to be based on individual need but called for justification in the IEP when decisions require an alternative placement to regular classes.

THE VIEWPOINT OF EDUCATORS: ENSURE PRODUCTIVE LEARNING

Regardless of parental or professional role, placement decision makers perform a balancing act that requires them to become conversant with both the law, and the pedagogical issues at the heart of its provisions. Malloy (1997) suggested that "school reform strategies created to increase standards of academic excellence are on a collision course with strategies designed to increase the inclusion of exceptional students in general education classes" (p. 80). With regard to the emphasis on both accountability and classroom inclusion for students with disabilities, Cook, Gerber, and Semmel (1997) asked a salient question: "Is the attractive ideal of academic excellence for all more than idealistic whimsy or idle banter to enhance the political acceptability of either reform?" (p. 136). Most educators, although embracing greater inclusion of all students in the educational mainstream, fear a loss of equity for students with disabilities unless they are provided with appropriate curriculum and instruction, supportive peer and teacher interactions, and suitable organization and management of their educational environments (Crockett & Kauffman, 1998).

Sarason and Doris (1979) argued that the concept of LRE addresses a moral issue and is deeply related to the notions of social justice:

> It raises age old questions: How do we want to live with each other? On what basis should we give priority to one value over another? How far does the majority want to go in accommodating the needs of the minority? (p. 392)

Martin (E. W. Martin, personal communication, April 22, 1996) found neither a change in the philosophy nor the goals of including persons with disabilities necessary: "Where we've gone wrong in special education is that we haven't followed how kids have done. We have not interpreted 'appropriate' as empirically derived by student outcomes. We have used argument instead of data in making placement decisions." Martin cautioned that by proceeding without data, decision makers are susceptible to "the myth of mildness," or the belief that learners who are exceptional are not so different in their educational needs. "Without data," he says, "all we have are assumptions."

Scholarship and Public Policy

History suggests that special education service delivery has long been fraught with assumptions about which students should be served, which curricula and instructional methodology should be used, and where instruction should be provided. In 1941, Kirk directed his remarks to what was then an unresolved issue of who should educate students with disabilities: "One group alleges that exceptional children should be educated in special classes, while the other group maintains that exceptional children should be educated by the regular teacher in the regular grades" (p. 35). MacMillan and Hendrick (1993) observed that setting variables have preoccupied many because of concerns about educators' motives in establishing special classes. They remarked that the issue of educational placement can be viewed from multiple perspectives:

> When children are placed in a self-contained special class … it is possible to interpret the action as one motivated to best serve the child's interests through special instruction as well as protect the child from undue failure and ridicule. Alternatively, the action may be represented as malevolent segregation leading to negative stigma and lives of despair. (p. 34)

Special education was the creation of early visionaries who sought "to minimize the handicapping consequences of significant differences while supporting the effectiveness of regular classroom teaching" (Semmel, Gerber, & MacMillan, 1994, p. 41). It was also created by administrators who were short on resources yet challenged by complex operations and multiple goals. By the late 1960s, and largely influenced by civil rights legislation, the field became very sensitive to issues of equity and appropriateness in its procedures. "A scholarly field used to thinking that appropriate schools could be built up around knowledge of individual differences now faced a world in which the behavior of schools in compliance to policy determined what would be considered individual differences" (Semmel, Gerber, & MacMillan, 1994, p. 47). Elements of federal law such as "zero reject, least restrictive environment, multidisciplinary assessment, and individualized education plans were invoked to constitute a set of metaprinciples—principles that did not derive from details of any particular handicapping condition" (Cook et al., 1997, p. 131). Reflecting on placement concerns in the 1970s, for example, James Gallagher (as cited in Crockett & Kauffman, 1999) recalled the application of the term LRE as both an educational strategy and a legal principle:

> Mainstreaming was widely accepted as a concept and method of putting students in the regular program. The least restrictive environment was an attempt to use a term that said that it was what we hope will happen, but we know it does not happen with all students. And we have to have a term that fits this diversity of students some of whom may need specialized help beyond the regular classroom. So it means we are aiming for mainstreaming but we know we cannot make it with all students, and so we have to have a term that leans in that direction but which recognizes the reality of the situation. (p. 59)

The focus of thought in special education shifted from issues of identification and curriculum, with a view to long-term outcomes, to efficient and fair management of service. In the absence of a foundation that naturally flowed from scholarship about exceptionality, "national public policy had become, by consensus, a surrogate theory of public school special education" (Cook et al., 1997, p. 131). It became apparent that, for the field of special education, "a different type of scholarship was needed, one that could embrace the compensatory, reciprocal relationship between real individual differences, on one hand, and schools, and school policy, on the other" (Semmel et al., 1994, p. 47).

Education and Exceptionality

For educators confronting LRE, data suggest that conflict occurs when there is confusion about what a learning environment is restricting in the first place—educational opportunity or social integration. Although there is hope for the alignment of these values in schools and classrooms, there is persistent tension between them in practice as there is in

the law itself. Gallagher (1990) saw the dilemma of "how to integrate and diversify at the same time" (p. 35) as integral to a synthesis of the concepts of inclusion and educational excellence. With regard to educating exceptional learners, Gallagher (1994) suggested that fairness be defined more appropriately, "ensuring that the student has basic needs met and is traveling a well thought-out road to a career and a satisfying life style" (p. 528). Bateman (1994) suggested that even if individualized programming were the goal for all students, "even if one had unlimited resources, it is possible that the means of individualization that are effective for special education students might not be the same means as those for regular education students" (p. 517). Gallagher (1990) said, "it is not merely bias against handicapped children that causes educators puzzlement; it is concern about what integration means in this context and about engineering effective education for everyone given these impressive differences" (p. 35).

Zigler (1996) framed positively the difficult issue of instructional settings by asking, "What kind of transactions do we want to see in classrooms and how may disabilities affect these transactions?" (p. x). Viewed from this perspective, the provision of viable alternatives rests on rethinking schooling. This strategy negotiates the meaning of differences and captures what MacMillan et al. (1996) described as "the variability between types of disabilities, among students with the same disability, regular class teachers and classrooms, the availability of resources and services, parent attitudes and preferences, and measures of child outcomes" (p. 156).

Interface of General and Special Education

Least restrictive environment, the legal term that spawned the educational strategies of mainstreaming and inclusion, brings together all elements of educational place and practice; it is the point in policy in which both general and special education intersect. Each contemporary theorist with whom I spoke directly addressed this intersection of general and specialized instruction. Maynard Reynolds (as cited in Crockett & Kauffman, 1999) directed his remarks to administrative and organizational structures indicating that it is not appropriate to force total enrollment of children who are seriously disabled in regular classes: "A continuum of arrangements should be maintained in 'regular' schools but with as much insistence on regular-class placement as feasible" (p. 161). Dorothy Kerzner Lipsky (as cited in Crockett & Kauffman, 1999) acknowledged that LRE is a subset of FAPE but now believes that only an inclusive placement with the necessary supports meets the standard of appropriateness. Given the current educational climate, however, she favors continuation of both the FAPE and LRE requirements. Laurence Lieberman (as cited in Crockett & Kauffman, 1999) emphasized that the curriculum of preventing disabilities from developing in children with disabilities cannot always be employed in the regular classroom. He defined for whom special education was initially intended and suggested that understanding viable placement alternatives comes from making distinctions between a disability and handicap: "Special education is for people with disabilities who are in danger of becoming handicapped if they do not receive special services. … Special education is not for regular education curriculum failures. Special education is for individuals with disabilities" (pp. 163–164).

Douglas Fuchs (as cited in Crockett & Kauffman, 1999) found fault with both the case-by-case and full-inclusion models. For the most part, he thought the concept of LRE had been poorly understood, rarely observed, and frequently confounded with inclusive practices that disregard educational benefit or academic instruction. With regard to providing and ensuring viable alternatives for students with disabilities, Fuchs suggested three principles that emphasize the direct relation between effective special education and effective general education: (a) high expectations for all students, (b) valid accountability systems, and (c) implementation of validated instructional practices.

IMPLICATIONS FOR PRACTICE

The challenge is to provide a FAPE for students with disabilities. In examining the origins and interpretations of LRE in special education over time and from multiple perspectives, five themes emerge that reflect the field's scope of concern. These themes include: (a) moral and ethical tensions surrounding the provision of FAPE and LRE; (b) issues of individuality and exceptionality; (c) equity in law, finance, and public policies; (d) effective programming; and (e) productive partnerships among students, parents, and professionals.

In making placement decisions for students with disabilities, there is no substitute for implementing the IDEA with integrity. In making decisions with confidence, IEP/placement teams are encouraged to anchor their actions in the conceptual foundations of special education (cf. Bateman & Linden, 1998). The five themes derived from this analysis have been converted into principles of practice grounded in the trinity of FAPE, LRE, and validated practices to assist decision makers in determining viable alternatives for students with disabilities. These principles are offered to develop the capacity of IEP/placement teams to implement the IDEA with both confidence and integrity:

Principle 1: Make ethical and legally defensible decisions. Developing IEP/placement teams that are capable of analyzing complexities, respecting others, and advocating for child-benefit, justice, and full educational opportunity for students with disabilities.

Principle 2: Focus on individuality and exceptionality in learning. Developing IEP/placement teams that are attentive to the relation between the unique learning and behavioral needs of students with disabilities and specialized instruction to address their educational progress.

Principle 3: Provide equity under law. Developing IEP/placement teams that are committed to informed implementation of disability law and public policies that support individualized educational benefit.

Principle 4: Ensure effective programming. Developing IEP/placement teams with high expectations for both the productive learning of students and the professional use of valid instructional practices and assessment systems in addressing the academic, functional, social, and emotional/behavioral progress of individual students.

Principle 5: Establish productive partnerships. Developing IEP/placement teams that are effective in communicating, negotiating, and collaborating with others on behalf of students with disabilities and their families.

These principles are inclusive of the IDEA's prescriptions but, in practice, extend beyond its legal discourse into the daily life of schools. They direct the responsible provision of special education by facilitating the relation between a student's learning needs and the elements required to address those needs successfully.

Return to the Roots of Specialized Instruction

This discussion has returned to the roots of special education to clarify the legal principles and educational strategies that guide the provision of viable placement alternatives for students with disabilities. Essentially, special education is instruction based on individual need. As a result, it is planned with care and coordination and delivered with intensity, urgency, and a relentless drive toward clear instructional goals (cf. Zigmond, 1997). Such targeted instruction might mean different things for different students and begs curricular questions that probe educational purpose, such as what is appropriate for whom and under what circumstances is it appropriate. If special education is to be provided specifically, intensely, and effectively, then it follows that efforts of contemporary change agents beg deeper understanding about learning, exceptionality, and equity for students whose educational needs often require an extraordinary response (cf. Kauffman, 1997). Viewed from this perspective, educational programming on behalf of students with disabilities extends well beyond facilitating inclusive schools. It requires rich appreciation of multiple perspectives and greater understanding of specialized instruction and the skills required by practitioners to ensure educational benefit to students whose needs are no less significant than their nondisabled peers but qualitatively different.

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