

## Justification for Placement

**§300.320 Definition of individualized education program(5)** An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in paragraph (a)(4) of this section;

The IEP team must provide a written justification regarding their decision to place a student in any setting outside the regular classroom. Removal from the regular educational classroom shall occur only when the nature or severity of the child's needs is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

### Accept/Reject Format:

The IEP team must provide a written description of the options considered and the reasons why those options were rejected for **EACH** option on the continuum of alternative placements from the least restrictive to most restrictive down to the option chosen. Then describe why the chosen option was accepted.

Written descriptions are NOT required for options on the continuum that are more restrictive than the one accepted by the IEP team.

For Example:

General classroom with modifications: Rejected – Describe why

Resource room: Rejected – Describe why

Self-contained classroom: Accepted – Describe why

### Specify Instructional Needs:

- The written descriptions should describe the student's **instructional needs** that resulted in the team's decision to remove the student from the general classroom setting. Do not restate the students Present Levels of Academic Achievement and Functional Performance (PLAAPFs) or the supplementary aids and services. For the options rejected, discuss the instructional strategies that were attempted and failed in that setting. For the option selected, specify the student's instructional needs that will be met in this placement category that cannot be met in the general education setting.
- The justification statement goes beyond a description of a preferred option such as "student needs better ratio than this option can provide". The justification tells why this placement option is essential to student's unique learning needs and describes those needs.
- The justification must clearly outline the IEP team's discussion, with serious consideration given to the "*potential harmful effects*" of removing the student from the general education setting and from their peers.

**Unacceptable Justifications Reflect:**

- decisions based on non-academic reason
- decisions based on non-individualized reason
- administrative convenience
- decision based on disability category
- decision identical to all other students in that placement
- decisions based on availability of related services
- decision based on availability of services
- decisions based on availability of space

General Classroom with Modifications 80%-100%	<input type="checkbox"/> Accept	(Student) has not shown adequate progress in this setting. Student needs more structure and opportunities to have concepts re-taught.
	<input checked="" type="checkbox"/> Reject	
Resource Room 40%-79%	<input checked="" type="checkbox"/> Accept	(Student) needs a combination of large and small-group instruction. The small-group instruction is needed to reinforce concepts taught in the large group and provide student with opportunities to ask questions and get immediate feedback.
	<input type="checkbox"/> Reject	

**Example #2**

General Classroom with Modifications 80%-100%	<input type="checkbox"/> Accept	(Student) was unable to gain confidence and participate in the daily activities. Limited removal was insufficient to meet all academic needs.
	<input checked="" type="checkbox"/> Reject	
Resource Room 40%-79%	<input type="checkbox"/> Accept	Limited progress was noted when receiving services in the resource room. Additional time and immediate feedback is needed for (student) to reach potential.
	<input checked="" type="checkbox"/> Reject	
Self-Contained Classroom 0%-39%	<input checked="" type="checkbox"/> Accept	(Student) requires small-group or one-to-one instruction using flexible repetitive teaching strategies to facilitate development of academic skills. Due to self-esteem issues, a quiet environment away from peers is needed to allow for answering questions with confidence and provide immediate feedback during academic instruction.
	<input type="checkbox"/> Reject	

**Example #3**

General Classroom with Modifications 80%-100%	<input type="checkbox"/> Accept	(Student) was unable to maintain appropriate behaviors within the general classroom which resulted in negative attention drawn to student.  The general education setting did not provide the needed structured environment.
	<input checked="" type="checkbox"/> Reject	
Resource Room 40%-79%	<input type="checkbox"/> Accept	(Student) is unable to maintain appropriate behaviors when in the general classroom and resource room. The difference in the classroom schedules, structures and pace of learning are not conducive to meet student's behavioral needs.
	<input checked="" type="checkbox"/> Reject	
Self-Contained Classroom 0%-39%	<input type="checkbox"/> Accept	(Student) is unable to maintain appropriate behaviors within the self-contained setting within the public school. Even though in a controlled environment, (Student) posed a risk of injury to other students.
	<input checked="" type="checkbox"/> Reject	
Separate Day School	<input checked="" type="checkbox"/> Accept	(Student) needs an educational environment which provides intensive therapy and highly-structured environment to learn appropriate behavior, learn coping techniques and incorporate these skills into his/her daily routine.
	<input type="checkbox"/> Reject	

**Example #4**

General Classroom with Modifications 80%-100%	<input type="checkbox"/> Accept	Daily educational activities in the general classroom setting became a distraction, resulting in lack of concentration and deterioration of behavior.
	<input checked="" type="checkbox"/> Reject	
Resource Room 40%-79%	<input type="checkbox"/> Accept	This placement assisted in stabilizing (student) behaviors; however, limited amount of removal and instruction time did not produce desired educational gains.
	<input checked="" type="checkbox"/> Reject	
Self-Contained Classroom 0%-39%	<input type="checkbox"/> Accept	This setting was providing the educational supports and instruction needed by (student) until the accident occurred. Due to the current medical needs, this placement is no longer appropriate.
	<input checked="" type="checkbox"/> Reject	
Separate Day School	<input type="checkbox"/> Accept	(Student's) health, therapy and educational needs do not

	<input checked="" type="checkbox"/> Reject	allow student to participate within this school setting.
Residential Facility	<input checked="" type="checkbox"/> Accept	(Student's) health, daily living skills and therapy services are the major focus of student's daily program. (Student) needs a neutral setting to provide these services without drawing attention from peers. (Student) also needs intensive daily therapy and 24-hour medical monitoring. (Student) needs educational services provided through a shortened 1-hour school day. Instruction will be provided in short intermittent increments increasing as stamina increases to a 4-hour school day.
	<input type="checkbox"/> Reject	

**Under certain situations** IEP teams may write one reject statement for a group of placement options. For example, if the student's placement is a residential setting, it would be appropriate to write one rejection statement for the general education with modifications, resource room, self-contained classroom and separate day school.

Another example is when a student becomes eligible due to a traumatic brain injury. Depending upon the significance of the injury, it may not be reasonable to attempt each placement option on the continuum sequentially. Therefore, the team may decide the student requires a self-contained program immediately.

**Example #5**

General Classroom with Modifications 80%-100%	<input type="checkbox"/> Accept	(Student's) intensive medical and rehabilitative needs cannot be met in these settings. The settings do not allow sufficient room or privacy for his/her needs to be met.
	<input checked="" type="checkbox"/> Reject	
Resource Room 40%-79%		A separate school setting and residential facility do not allow for sufficient medical and rehabilitative services.
Self-Contained Classroom 0%-39%		
Separate Day School		
Home/Hospital	<input checked="" type="checkbox"/> Accept	(Student's) intensive medical, rehabilitation and therapy needs can be met in this setting. Educational services can also be provided in this setting as the (Student's) energy and strength allow.

### **Example #6**

**Regular Classroom with Modifications: Accepted:** (Student) requires flexible instruction practices at his level, individual assistance and small group instruction to reinforce concepts taught. Large group instruction provides student with opportunities to ask questions and get immediate feedback. He learns best with limited distractions and with material that supports his level of instruction.

### **Example #7**

**Regular Classroom with modifications-Reject:** 15 minutes twice per week in the RR with one to one reading intervention and immediate feedback did not result in the desired progress in reading.

**Resource Room Accepted:** (Student) requires additional repetitive reading interventions that allow time for self-correction and repeated drill and practice to master concepts at each level before introducing a new skill level. (Student) requires additional time to speak without being interrupted or hurried.

### **Example #8**

**Regular Classroom with Modifications: Rejected:** Instruction with peer tutoring and accommodations in the general education setting affected her self-esteem. (Student) requires more intense instruction on concepts and additional practice.

**Resource Room: Rejected:** This setting did not meet (student's) educational needs. Even with the modifications to the curriculum and one to one re-teaching of skills, he/she could not maintain the pace and level of learning. She needs a curriculum which focuses on functional concepts.

**Self-Contained: Accepted:** (Student) requires a more functional curriculum and practical daily experiences that will lead to greater future independence. (Student) needs an individualized program tailored to learning style with additional practice to master skills and extended support in managing her adaptive behavior.

### **Example #9**

**General Classroom w/ modifications –Rejected:** The team rejects this setting because the student needs more structure and direct instruction.

**Resource Room – Rejected:** The team rejects this setting because the student needs an alternate curriculum in a highly structured setting.

**Self-Contained Classroom – Accepted** The team accepts this placement because it offers the alternative curriculum and direct instruction with additional time for re-teaching tailored to the students learning rate.

### **Example #10**

**General Classroom w/modification – Accepted** The team accepts this placement as the student needs direct instruction with repeated drill and practice in a distraction free environment in order to master sounds and language skills without drawing attention to himself/herself.

### **Example #11**

**General Classroom w/modification-Rejected** The team rejects this placement because the student lacks the skills necessary for participating independently and successfully in large group general classroom settings.

**Resource Room-Accepted** The team accepts this placement because it will provide an educational program tailored to provide direct instruction at the student’s instructional level and learning rate.

### **Examples for 3-5 year old students:**

Although the three to five year old placement categories are not technically a continuum, the district must use the reject/accept format. However, the IEP team may write one reject/accept statement for a group of placement options.

#### **Example 1:**

0325 Early Childhood setting Less than 10 hrs/week (B1)	<input type="checkbox"/> Accept	Team rejected this setting because (Student) parent/guardians prefer to have special education services on an individual basis outside the regular preschool program.
	<input checked="" type="checkbox"/> Reject	
0330 Early Childhood setting Less than 10 hrs/week (B2)	<input checked="" type="checkbox"/> Accept	Team accepted this placement because (Student) is in a preschool program, where the majority of children are typically developing, for 9 hours per week (and receives all special education services in other location)
	<input type="checkbox"/> Reject	

#### **Example 2:**

0310 Early Childhood setting 10 hrs/week	<input type="checkbox"/> Accept	Team rejected this setting because student needs immediate feedback when working on developmental skills and behaviors.
	<input checked="" type="checkbox"/> Reject	
0315 Early Childhood setting 10 hrs/week	<input type="checkbox"/> Accept	Team rejected this setting because student needs immediate feedback when working on developmental skills and behaviors.
	<input checked="" type="checkbox"/> Reject	

0325 Early Childhood setting Less than 10 hrs/week	<input type="checkbox"/> Accept	Team rejected this setting because student needs immediate feedback when working on developmental skills and behaviors.
	<input checked="" type="checkbox"/> Reject	
0330 Early Child setting Less than 10 hrs/week	<input type="checkbox"/> Accept	Team rejected this setting because student needs immediate feedback when working on developmental skills and behaviors.
	<input checked="" type="checkbox"/> Reject	
0335 Separate Class	<input checked="" type="checkbox"/> Accept	Team accepted this placement because (Student) can receive a highly structured program which includes peer models. He/she can receive the immediate feedback when working on his goals and behaviors.
	<input type="checkbox"/> Reject	

**Example 3:**

0310 Early Childhood setting 10 hrs/week	<input type="checkbox"/> Accept	Team rejected this setting because student needs immediate feedback when working on developmental skills and behaviors.
	<input checked="" type="checkbox"/> Reject	
0315 Early Childhood setting 10 hrs/week	<input checked="" type="checkbox"/> Accept	(Student) attends Head Start and for the remainder of his/her day is at a private daycare setting. Previous special education instruction was provided in the Head Start environment. However, because of the distraction in that setting progress was minimal and so the team decided to remove him/her to work on his/her goals in a distraction free environment.
	<input type="checkbox"/> Reject	

**Example 4:**

0310 Early Childhood setting 10 hrs/week	<input type="checkbox"/> Accept <input checked="" type="checkbox"/> Reject	Student does not attend preschool or daycare due to health issues.
0315 Early Childhood setting 10 hrs/week		
0325 Early Childhood setting Less than 10 hrs/week		
0330 Early Child setting Less than 10 hrs/week		
0355 Residential		

Facility		
0365 Home	<input checked="" type="checkbox"/> Accept <input type="checkbox"/> Reject	(Student) receives special education services and the related services in his/her home due to (Student's) low immune system and fragile medical condition. Team feels this is the best placement at this time because prolonged exposure to others may compromise his/her health.

**Example 5:**

0310 - Early Childhood setting 10 hrs/week	<input type="checkbox"/> Accept	Parent/guardian prefers that the child does not attend a preschool until the child is at least 4 years old. At this time parent/guardian provides many opportunities for developmental growth within their daily activities within the home.  Because (Student's) developmental growth, except articulation, are on target the team rejected separate classroom and school.  The team rejected home placement because it is more restrictive and because of distraction from his/her siblings within that setting.
0315 - Early Childhood setting 10 hrs/week	<input checked="" type="checkbox"/> Reject	
0325 - Early Childhood setting Less than 10 hrs/week		
0330 - Early Child setting Less than 10 hrs/week		
0335 - Separate Class		
0345 - Separate School		
0355 - Residential Facility		
0365 – Home		
0375 Service Provider Location	<input checked="" type="checkbox"/> Accept <input type="checkbox"/> Reject	The service provider location will provide a quiet environment with fewer distractions, which is needed in order for (Student) to acquire his/her articulation sounds.

**Statements That Represent Instructional Need**

- Student needs a combination of large and small group instruction.
- Student needs multiple instructional methods and repetitive teaching strategies to acquire and maintain skills.

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- Student needs direct strategy instruction with the opportunity to apply these skills in the general classroom/curriculum.
- Student needs skill practice, repetition and guided instruction in the assigned goal area(s).
- Without small group assistance, student may not develop skills needed to be successful in the general education classroom.
- Student lacks the skills necessary for participating independently and successfully in the large group setting.
- Student needs an individualized program tailored to learning style and needs additional practice to master skills.
- Student needs direct instruction to attain the identified goal(s).
- Student needs extended support in managing his/her behavior.
- Student requires small group instruction with repetition and immediate feedback to responses in the goal area(s).
- Student has need for consistency and behavioral monitoring throughout the day.
- Student needs a more intense behavioral intervention program.
- Student needs a setting that provides a therapeutic intervention, immediate feedback for all behaviors, and consistency in programming across the entire day.
- Student needs immediate intervention to process inappropriate behavior.
- Student needs an alternate curriculum in a highly structured setting.
- Student needs an alternate setting to address transition goal(s).
- Student needs direct instruction with an opportunity to apply these skills in the general curriculum/classroom.
- Students developmental needs require direct instruction.
- Student needs more structure and small group instruction.
- Student needs specialized instruction with skill practice, repetition, and guided instruction in assigned goal area(s).
- This placement provides guided activities to stimulate growth in developmental areas.
- This placement provides learning opportunities in developmental areas as identified in the goal(s).
- This placement provides peers to model language skills and usage.
- Student needs extended support in developing study and organizational skills.
- Student needs an educational program tailored to the student's instructional level and learning rate.