<div align="center">

Justification for Placement
A Technical Assistance Document

</div>

---

§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 which 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 (PLAAFPs) 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

Example #1

General Classroom with Modifications 80%-100%	☐ Accept **X** Reject	(Student) has not shown adequate progress in this setting. Student needs more structure and opportunities to have concepts re-taught.
Resource Room 40%-79%	**X** Accept ☐ Reject	(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.

Example #2

General Classroom with Modifications 80%-100%	☐ Accept **X** Reject	(Student) was unable to gain confidence and participate in the daily activities. Limited removal was insufficient to meet all academic needs.
Resource Room 40%-79%	☐ Accept **X** Reject	Limited progress was noted when receiving services in the resource room. Additional time and immediate feedback is needed for (student) to reach potential.
Self-Contained Classroom 0%-39%	**X** Accept ☐ Reject	(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.

Example #3

General Classroom with Modifications 80%-100%	☐ Accept **X** Reject	(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.
Resource Room 40%-79%	☐ Accept **X** Reject	(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.
Self-Contained Classroom 0%-39%	☐ Accept X Reject	(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.
Separate Day School	X Accept ☐Reject	(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.

Example #4

General Classroom with Modifications 80%-100%	☐Accept **X** Reject	Daily educational activities in the general classroom setting became a distraction, resulting in lack of concentration and deterioration of behavior.
Resource Room 40%-79%	☐Accept **X** Reject	This placement assisted in stabilizing (student) behaviors; however, limited amount of removal and instruction time did not produce desired educational gains.
Self-Contained Classroom 0%-39%	☐Accept X Reject	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.
Separate Day School	☐Accept **X** Reject	(Student's) health, therapy and educational needs do not allow student to participate within this school setting.
Residential Facility	**X** Accept ☐ Reject	(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.
Home/Hospital	☐Accept	

Example #5

General Classroom with Modifications 80%-100%	☐Accept **X** Reject	(Student's) intensive medical and rehabilitative needs cannot be met in this setting. The setting does not allow sufficient room or privacy for his/her needs to be met.
Resource Room	☐Accept	Even though this setting would allow for

40%-79%	**X** Reject	more privacy for medical needs, (Student) needs specialized medical and rehabilitative services which cannot be met in this setting. Limited time outside the classroom would also not be enough time to address all the medical and rehabilitative needs.
Self-Contained Classroom 0%-39%	☐Accept X Reject	(Student's) medical and rehabilitative services in a neutral setting take priority. This setting does not allow for the level of intensive services he/she needs.
Separate Day School	☐Accept **X** Reject	A separate school setting does not allow for the 24 hour medical and rehabilitative services he/she needs.
Residential Facility	☐ Accept X Reject	Although this is a 24 hour facility, (Student) needs more medical and rehabilitative services than this setting can provide.
Home/Hospital	**X** Accept	(Student's) intensive medical, rehabilitation and therapy needs can be met in this setting. Educational services can be provided in this setting as (Student's) energy and strength improve.

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: Rejected:
The instruction environment did not reduce distracting stimuli when the student was engaged in writing activities.
Resource Room: Accepted:
Student needs specialized instruction with skills practice, repetition, and guided instruction in assigned goal area(s). Student requires writing practice with feedback to increase the quality of sentence structure.

Example #8

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 #9

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.

Examples for 3-5 year old students:

Example 1:

0315 Early Childhood setting 80-100%	☐ Accept **X** Reject	Team rejected this setting because student needs immediate feedback when working on developmental skills and behaviors.
0325 Early Childhood setting 40-79%	☐ Accept **X** Reject	Team rejected this setting because student needs immediate feedback when working on developmental skills and behaviors.
0330 Early Child setting 0-39%	☐ Accept **X** Reject	Team rejected this setting because student needs immediate feedback when working on developmental skills and behaviors.
0335 Separate Class	X Accept ☐ Reject	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.

Example 2:

0315 Early Childhood setting 80-100%	**X** Accept ☐ Reject	(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. But 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.

Example 3:

0315 Early Childhood setting 80-100%	☐Accept **X** Reject	Student does not attend preschool or daycare due to health issues.
0325 Early Childhood setting 40-79%	☐Accept **X** Reject	Student does not attend preschool or daycare due to health issues.
0330 Early Child setting 0-39%	☐Accept **X** Reject	Student does not attend preschool or daycare due to health issues.
0335 Separate Class	☐Accept **X** Reject	Student does not attend preschool or daycare due to health issues.
0345 Separate School	☐Accept **X** Reject	Student does not attend preschool or daycare due to health issues.
0355 Residential Facility	☐ Accept **X** Reject	Student does not attend preschool or daycare due to health issues.
0365 Home	**X** Accept ☐ 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 4:

0315 Early Childhood setting 80-100%	☐ Accept X Reject	Parent prefers that the child does not attend a preschool until the child is at least 4 years old. At this time parent provides many opportunities for developmental growth within their daily activities within the home.
0325 Early Childhood setting 40-79%	☐ Accept **X** Reject	Parent prefers that the child does not attend a preschool until the child is at least 4 years old. At this time parent provides many opportunities for developmental growth within their daily activities within the home
0330 Early Child setting 0-39%	☐ Accept **X** Reject	Parent prefers that the child does not attend a preschool until the child is at least 4 years old. At this time parent provides many opportunities for developmental growth within their daily activities within the home
0335 Separate Class	☐ Accept **X** Reject	Because (Student's) developmental growth, except articulation, are on target the team rejected separate classroom.
0345	☐ Accept	Because (Student's) developmental growth,

Separate School	**X** Reject	except articulation, is on target the team rejected this placement.
0355 Residential Facility	☐ Accept **X** Reject	Because (Student's) developmental growth, except articulation, is on target the team rejected this setting.
0365 Home	☐ Accept **X** Reject	The team rejected this placement because it is more restrictive and because of distraction from his/her siblings within that setting.
0375 Service Provider Location	**X** Accept ☐ Reject	The team considered preschool but the parent prefers that the child does not attend a preschool until the child is at least 4 years old. At this time parent provides many opportunities for developmental growth within their daily activities within the home.

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.
- 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.