Inclusion for All:
A Study and Proposed National Test to Determine the "Least Restrictive Environment" for Students Everywhere

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Introduction

"Inclusion is a right, not a special privilege for a select few".[1] Separate is not equal, therefore, access should not be denied based on disability. Children with disabilities have the right to be afforded equal opportunities.

In 1975, Congress enacted the Education for All Handicapped Children Act, largely because disabled individuals were being excluded from free and appropriate educational opportunities.[2] The passage of the Act, which was later renamed the Individuals with Disabilities Education Act (herein IDEA), requires school districts to educate all students receiving special education in the "least restrictive environment" appropriate for each student's needs.[3] This provision reflects Congress' preference that children with disabilities be educated alongside their non-disabled peers to the maximum extent possible. However, the U.S. Supreme Court has never determined how to test whether a school district has complied with this provision, so the federal circuits have developed several different tests.[4] The consequence of this lack of standardization is that a child with disabilities in one district may be placed in the general classroom, while in another district, the same child could be placed in a special education class separated from the general classroom.[5] In essence, the "least restrictive environment" considered suitable for a student may vary due to the interpretation of the law of the highest jurisdiction in his or her geographical area.

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[1] *Oberti v. Bd. of Educ.*, 999 F.2d 1204, 1212 (3d Cir. 1993)
[2] 20 U.S.C. §§ 1400-1491 (2000).
[3] Id. 1412(a)(5)(A).
[4] The Supreme Court denied certiorari on 2 cases on this issue. *Sacramento City Unified Sch. Dist.*, 14 F.3d 1398 cert. denied, 512 U.S. 1207 (1994) *Roncker v. Walters*, 700 F.2d 1058 (6th Cir.), cert. denied, 464 U.S. 864 (1983).
[5] Sarah E. Farley, *Least Restrictive Environments: Assessing Classroom Placement of Students with Disabilities Under the IDEA*, 77 WASH. L. REV. 809, 818 (2002)

The results of the Least Restrictive Environment (herein LRE) doctrine have been the subject of intense debates. As mentioned, a legal division exists among federal courts over the proper standards to employ in testing whether the LRE requirements are met. Second, a policy debate is occurring over how far the LRE provisions should go in integrating school children with disabilities. Many advocate the full inclusion of children with disabilities in the classroom while others argue that inclusion should not trump the appropriate education of a disabled child. It is important to note that the term "inclusion" refers to the placement of students with disabilities in the regular classroom with nondisabled students as a right and implies that right is an unconditional.[6] "Mainstreaming", alternatively, is the viewpoint that if the student cannot be educated in the general classroom, then the student should still spend as much time as possible integrated into regular school day activities and with peer students.[7] In other words, the student will be educated with nondisabled peers when appropriate, but not necessarily limited to general education. Inclusion or mainstreaming may be the proper term to describe a student's placement depending upon the particular disability. Further, both terms describe the goals of the IDEA, which is to ensure that children with disabilities have access to a free and appropriate education, and that states have support in providing such education.[8]

This paper first offers a description of the recent legal history of educating disabled children in public schools. Second, this paper discusses the pros and cons of inclusion and concludes with why it is appropriate to incorporate children with

[6] Katheryn Crossley, *Inclusion: A New Addition to Remedy a History of Inadequate Conditions and Terms,* 4 WASH. U. J.L. & POL'Y 239, 240 (2000)
[7] Katheryn Crossley, *Inclusion: A New Addition to Remedy a History of Inadequate Conditions and Terms,* 4 WASH. U. J.L. & POL'Y 239, 240 (2000)
[8] 20 U.S.C. §1400(d).

disabilities into the general education setting. Finally, I propose a national uniform test that should be followed by the courts that ensures that all children receive a proper educational experience.

Legal History of Educating Disabled Students

Historically in America, children with disabilities were barred from public schools or segregated within those schools so as not to disturb the learning of the general education students.[9] Students were being evaluated for suspected disabilities without notice to parents or due process.[10] Further, many disabled children who were in schools were being excluded from any meaningful educational services period. School districts had great discretion in the identification of students with disabilities. Schools were free to educate disabled students in whatever way they felt appropriate with little monitoring by the federal government.[11]

The movement towards inclusion of children with disabilities into public schools is a relatively new development. In 1954, the Supreme Court decided the landmark case of *Brown v. Board of Education,* which laid the outline for many of the cases involving discrimination in education.[12] *Brown v. Board of Education* held that "separate, but equal" schools are inherently unequal, as they deny both equality and opportunity.[13] Advocates for disabled students held onto this language and began to challenge the segregation of disabled children from regular classrooms. They used the holding and

[9] Sherman Dorn et al., *A Historical Perspective on Special Education Reform,* 35 THEORY INTO PRACTICE 12 (1996).
[10] Sherman Dorn et al., *A Historical Perspective on Special Education Reform,* 35 THEORY INTO PRACTICE 12 (1996).
[11] Nat'l Council on Disability, Individuals with Disabilities Education Act Burden of Proof 9 (2005)
[12] *Brown v. Bd. of Educ*., 347 U.S. 483, 495 (1954)
[13] *Brown v. Bd. of Educ*., 347 U.S. 483, 495 (1954)

rationale of *Brown* as the basis for arguing that disabled students were being impermissibly excluded from the regular education process.[14]

Motivated by the ideology formed in *Brown*, parents of disabled children took their grievances to court. Courts recognized that under the Fifth and Fourteenth Amendments students with disabilities could not be excluded from public school or unequally impacted when the school district complained of insufficient funds.[15]

Two cases in the early 1970s established that children with disabilities have a constitutional right to be equally included in public schools.[16] In *Pennsylvania Association for Retarded Children (P.A.R.C.) v. Pennsylvania*, thirteen children and PARC argued on behalf of all mentally disabled children who were being excluded by the Pennsylvania educational system.[17] In that case, the federal judge endorsed a consent agreement (parties settled dispute out of court) that stated because the school district could show no reasonable basis for excluding students with disabilities from school, the students had a constitutional right to public education under the Equal Protection Clause.[18] Moreover, the court held that the school district had violated parents' due process rights by failing to provide a hearing before denying the children access to public schooling.[19] The case represented the fact that the state of Pennsylvania had a duty to publicly educate mentally disabled children in a program appropriate for that individual child's capacity.[20]

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[14] *Mills v. Bd. of Educ.*, 348 F. Supp. 866, 874-75 (D.D.C. 1972)
[15] Joseph P. Shapiro, No Pity: People with Disabilities Forging a New Civil Rights Movement 167, 165-66
[16] *Pa. Ass'n for Retarded Children (P.A.R.C.) v. Pennsylvania*, 334 F. Supp. 1257 (E.D. Pa. 1971) ; *Mills v. Bd. of Educ*., 348 F. Supp. 866, 874-75 (D.D.C. 1972)
[17] *Pa. Ass'n for Retarded Children (P.A.R.C.) v. Pennsylvania*, 334 F. Supp. 1257 (E.D. Pa. 1971)
[18] *Pa. Ass'n for Retarded Children (P.A.R.C.) v. Pennsylvania*, 334 F. Supp. 1257 (E.D. Pa. 1971)
[19] *Pa. Ass'n for Retarded Children (P.A.R.C.) v. Pennsylvania*, 334 F. Supp. 1257 (E.D. Pa. 1971)
[20] *Pa. Ass'n for Retarded Children (P.A.R.C.) v. Pennsylvania*, 334 F. Supp. 1257 (E.D. Pa. 1971)

Soon after the *PARC* case, the district court in *Mills v. Board of Education* held that excluding mentally disabled children from public education violates their due process rights.[21] That case concerned seven children who sought to enjoin the District of Columbia school district from excluding them from the school system because of their mental disabilities.[22] The court held that the children had been denied equal protection and due process of law because they had not received a hearing prior to exclusion.[23] The school district's protocol of expelling and transferring students labeled "learning disabled or emotionally disturbed" without a hearing denied these students a free suitable public education without due process of law.[24] The court stated that a lack of funds was not an adequate excuse for denying services to disabled children and that the school's available funds must be spent equitably so that "the inadequacies of the District of Columbia Public School System would not bear more heavily on the handicapped child than on the normal child."[25]

To remedy the situation (with these two cases providing the impetus), Congress passed the forerunner of the IDEA, the Education for All Handicapped Children Act (EAHCA), in 1975 with the goal of assuring "all children with disabilities a free appropriate public education."[26] Congress believed that the IDEA was a necessary constitutional measure to aid disabled school children and that it integrated the principles found in the right to education cases.[27] This was Congress' first attempt to create an all-

[21] Mills v. Bd. of Educ., 348 F. Supp. 866, 874-75 (D.D.C. 1972)
[22] Mills v. Bd. of Educ., 348 F. Supp. 866, 874-75 (D.D.C. 1972)
[23] Mills v. Bd. of Educ., 348 F. Supp. 866, 874-75 (D.D.C. 1972)
[24] Mills v. Bd. of Educ., 348 F. Supp. 866, 874-75 (D.D.C. 1972)
[25] *Id*. at 876
[26] 20 U.S.C. 1400(d)(1)(A) (2000).
[27] Daniel H. Melvin II, Comment, The Desegregation of Children with Disabilities, 44 DePaul L. Rev. 599, 606 (1995)

inclusive solution to special education and to extend equal access to public schools.[28] The Senate recognized that funding was a major barrier for school districts trying to comply with court decisions mandating inclusion. In response, Congress increased federal funding for special education to help school districts meet their constitutional obligations.[29] However, EAHCA (later and currently dubbed IDEA) mandated that states receiving federal funds had to follow the federal requirements.[30]

IDEA made funding contingent on certain core requirements. First, school districts accepting funding had to provide a free appropriate public education in the least restrictive environment for all special education students stating "to the maximum extent appropriate, children with disabilities must be educated with children who are not disabled."[31] Children, therefore, "can only be removed from the regular classroom when education cannot be adequately achieved with the use of supplementary aids and services."[32] Consequently, the least restrictive environment (herein LRE) stipulation creates two requirements. Schools must attempt to educate students with supplementary aids and services in the regular integrated classroom.[33] However, if attempts to educate a disabled student in a regular classroom do not work, the school may place the student in a more segregated setting while mainstreaming the student to the maximum extent possible.[34]

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[28] Daniel H. Melvin II, Comment, The Desegregation of Children with Disabilities, 44 DePaul L. Rev. 599, 606 (1995)
[29] Education for All Handicapped Children Act of 1975, Pub. L. No. 94-142, sec. 5(a), § 615(a), 89 Stat. 773, 788.
[30] Education for All Handicapped Children Act of 1975, Pub. L. No. 94-142, sec. 5(a), § 615(a), 89 Stat. 773, 788
[31] 20 U.S.C. 1412(a)(5) (1997).
[32] 20 U.S.C. 1412(a)(5) (1997).
[33] 20 U.S.C. 1412(a)(5) (1997).

[34] 20 U.S.C. 1412(a)(5) (1997).

Another core requirement is that a school district must ensure that the education is individualized and suited to the child's unique needs, which is currently done by way of an individualized education plan (herein IEP).[35] An IEP team consisting of parents, the student, and an administrator must develop the IEP yearly.[36] It is the IEP team's responsibility to create a document reflecting the child's current levels of performance, a statement of annual goals, a list of supplementary aids and services the student needs to benefit from instruction.[37] Finally, state law must provide procedural protections to ensure all subsequent requirements are met and to ensure due process for aggrieved families.[38]

Congress has most recently amended the IDEA in 1997 and 2004. Congress amended IDEA in an effort to strengthen the Act by making use of current information about how students with disabilities can best be served. Congress continued to concentrate on ensuring improved outcomes for children with disabilities by placing a much greater emphasis on reading, early intervention, research-based instruction, and qualified teachers.[39] The 2004 amendments (which was renamed the Individuals with Disabilities Education Improvement Act, but for all intense purposes did not significantly change IDEA) attempted to increase the accountability of the school district and the state educational agencies in regards to a student's progress.[40] Another important change is that the prevailing party in a legal dispute is allowed to recover attorney fees.[41] Previously, under the IDEA, only parents could recover attorney fees when they prevailed. However,

[35] 20 U.S.C. 1412(a)(4) (1997).
[36] 20 U.S.C. 1412(a)(4) (1997).
[37] *Id*. 1414(d)(1)(B).
[38] 20 U.S.C. 1415 (1975)
[39] 20 U.S.C. § 1400(c)(5) (2000 & Supp. IV 2004)
[40] 20 U.S.C. § 1415(i)(3)(B) (Supp. 2005).
[41] 20 U.S.C. § 1415(i)(3)(B) (Supp. 2005).

there is some trepidation that this change will have an unsettling effect on parents who might have justifiable reasons for bringing suit.[42] Finally, IDEA (IDEIA) has some association with the No Child Left Behind Act because both acts require schools to fully educate their students with disabilities and hold schools responsible for the students' success.[43]

Notwithstanding, the two main requirements of IDEA are the free appropriate public education and the LRE provisions. It is within these two provisions where many disagreements over the placement of children in various school programs have occurred. Courts resolving IDEA disputes have defined both a free appropriate public education (herein FAPE) and LRE.

Cases involving FAPE and LRE

The Supreme Court in *Board of Education v. Rowley* provided the definition of FAPE as it is used in the IDEA cases today. The Court established a two-prong test to be used to decide whether a child has been denied FAPE.[44] First, it is necessary to determine whether "the State complied with the procedures set forth in the Act."[45] Second, it must be determined whether "the individualized educational program developed through the Act's procedures is reasonably calculated to enable the child to receive educational benefits."[46] The Court explained that the intent of Congress in enacting the Act was "to provide a basic floor of opportunity consistent with equal protection."[47]

[42]Eileen M. Blackwood, Special Education: Will the "Improvements" Decrease Protections for Parents and Students?, 32 Vt. B.J. & L. Dig. 52, 54 (2006).
[43] 20 U.S.C. § 1415(i)(3)(B) (Supp. 2005).
[44] *Bd. of Educ. v. Rowley*, 458 U.S. 176, 206 (1982)
[45] *Bd. of Educ. v. Rowley*, 458 U.S. 176, 206 (1982)
[46] *Bd. of Educ. v. Rowley*, 458 U.S. 176, 206 (1982)
[47] *Bd. of Educ. v. Rowley*, 458 U.S. 176, 206 (1982)

Although the Supreme Court interpreted the IDEA's FAPE provision in *Rowley*, the Court has not yet heard a case involving the LRE provision, thereby leaving the circuit courts to devise their own tests.[48] The tests formed by the different circuits have put emphasis on different aspects of the LRE provision.

In *Rockner v. Walters*, mainstreaming was the issue as the school district sought to place a severely mentally handicap boy in a school exclusively for handicapped children.[49] The court emphasized the feasibility of providing supplementary services and developed its own test, holding that "in a case where a segregated facility is considered superior, the court should determine whether the services which make that placement superior can feasibly be provided in a non-segregated setting. If they can, the placement in the segregated school would be inappropriate under the Act."[50] Essentially the court stated that, if possible, school districts should implement programs available in segregated settings in regular schools. The court affirmed the preference for mainstreaming.

In *Daniel R.R. v. State Bd. of Educ*., the court created another test for determining an "appropriate" education with regard to mainstreaming.[51] The test employed a two-part framework derived from the language of IDEA. The first part is "whether education in the regular classroom, with the use of supplemental aids and services, can be achieved

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[48] *Roncker v. Walter*, 700 F.2d 1058, 1063 (6th Cir. 1983); *Daniel R.R. v. State Bd. of Educ.*, 874 F.2d 1036, 1046 (5th Cir. 1989); *Sacramento City Unified Sch. Dist. v. Rachel H*., 14 F.3d 1398, 1404 (9th Cir. 1994).
[49] *Roncker v. Walter*, 700 F.2d 1058, 1063 (6th Cir. 1983)
[50] *Id*. at 1063.

[51] *Daniel R.R. v. State Bd. of Educ.*, 874 F.2d 1036, 1046 (5th Cir. 1989)

satisfactorily for a given child."[52] The second is "whether the school has mainstreamed the child to the maximum extent appropriate."[53]

Finally, in *Sacramento City Sch. Dist. v. Rachel H.*, the court in the Ninth Circuit adopted the four part test that is a combination of the tests and factors used in *Daniel R.R.* test and the *Roncker*.[54] The court ruled that in determining the appropriate placement, the educational benefits of the general education classroom with supplemental aids and services must be compared to the educational benefits of the special classroom.[55] The nonacademic benefits of interaction with nondisabled students also must be considered.[56] Further, the effect of the student's presence on the teacher and other students in the regular classroom must be evaluated.[57] Finally, the costs of supplementary aids and services associated with this placement must be weighed.[58]

Arguments For and Against Inclusion

IDEA contains a clear preference for inclusion. However, Congress has also recognized that regular classrooms would never be a suitable setting for the education of *all* students with disabilities.[59] The arguments for and against full inclusion have been widely articulated. The subject of the inclusion of students with disabilities not only concerns disagreements in following IDEA's requirements FAPE, LRE, and IEP, but also is about what the ultimate goals or level of achievement should be for students with disabilities.

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[52] *Id*. at 1048
[53] *Id*. at 1049
[54] *Sacramento City Unified Sch. Dist. v. Rachel H*., 14 F.3d 1398, 1404 (9th Cir. 1994).
[55] *Sacramento City Unified Sch. Dist. v. Rachel H*., 14 F.3d 1398, 1404 (9th Cir. 1994).
[56] *Holland*, 14 F.3d at 1404.
[57] *Id.* At 1404
[58] *Id.*
[59] Anne Proffitt Dupre, *Disability and the Public Schools: The Case Against "Inclusion,"* 72 WASH. L. REV. 775, 779-88 (1997).

One of the main arguments that critics for inclusion point to is that not every child will succeed in a regular classroom and that the IDEA's limiting phrase, "to the maximum extent appropriate," is recognition of that fact.[60] Those that argue against full inclusion point to research that reveals that many students with disabilities are not receiving enough individualized attention and are struggling academically in the regular classroom.[61] The argument can be made that these struggles may be just as detrimental to a student's self-esteem as the social stigmatization of being separated from a regular classroom. Those who challenge full inclusion note that disabled students, who face medical and physical problems, will not see their difficulties disappear simply because they are put into a different classroom.

Another strong argument is that a teacher may shorten a complicated lesson or the pace of learning in the general classroom may be slowed down to accommodate the disabled student leaving the general student feeling unchallenged.[62] A related concern is the increased time and attention that teachers may be forced to spend on the disabled student which takes away from either the general student or other disabled students in the classroom.[63]

An additional argument against inclusion is that the stigma of the disabled student in the general classroom may be perpetuated because of the special accommodations and

[60] Joanne L. Huston, Inclusion: A Proposed Remedial Approach Ignores Legal and Educational Issues, 27 J.L. & Educ. 249, 251 (1998)
[61] Anne Proffitt Dupre, Disability and the Public Schools: The Case Against "Inclusion," 72 Wash. L. Rev. 775, 824 (1997)
[62] Anne Proffitt Dupre, Disability and the Public Schools: The Case Against "Inclusion," 72 Wash. L. Rev. 775, 824 (1997)
[63] Joanne L. Huston, Inclusion: A Proposed Remedial Approach Ignores Legal and Educational Issues, 27 J.L. & Educ. 249, 251 (1998)

supplementary aids.[64] The disabled student may be embarrassed by the special treatment while at the same time the general student may become resentful which causes the gap between the two types of students to widen despite their proximity of being in the same classroom.

Finally, detractors always call attention to the cost of full inclusion. The lack of necessary funds constantly plagues school systems, and the costs of supplementary services for a mainstreamed, disabled child can be a heavy burden that schools cannot afford. Some research suggests that the cost of educating a disabled child is close to two-and-one-half times more than the cost of educating a nondisabled child.[65]

Supporters of inclusion not only believe that the overarching goal of providing all students with the same educational opportunities in one classroom is morally and legally correct, but educating all students together increases the general understanding of disabilities.[66] Further, inclusion in the general classroom creates an immense social benefit for disabled students because students with disabilities often learn through observing their peers and emulating the behavior of others, which in the end, will help develop the social skills necessary to succeed.[67]

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[64] Anne Proffitt Dupre, Disability and the Public Schools: The Case Against "Inclusion," 72 Wash. L. Rev. 775, 824 (1997)
[65] Whitmire, supra note 6 (reporting study of Council for Educational Development). In 1993, per-pupil costs for special education were 2.3 times the cost of regular education. Stephen Chaikind et al., What Do We Know About the Cost of Special Education? A Selected Review, 26 J. Special Educ. 344, 345 (1993).
[66] Jean B. Crockett and James M. Kauffman, The Least Restrictive Environment: Its Origins and Interpretations in Special Education, 27 (Lawrence Erlbaum Assocs. 1999).
[67] Jean B. Crockett and James M. Kauffman, The Least Restrictive Environment: Its Origins and Interpretations in Special Education, 27 (Lawrence Erlbaum Assocs. 1999).

Further, the integration of disabled students into the general classroom diminishes the stigma that disabled students may feel by being separated from their peers.[68] The social harm caused by separating disabled students from their peers outweighs even academic concerns because this further perpetuates the stigmatization of being disabled and pushes those students out to the fringes of society.[69]

In addition, proponents argue that every student generally tries to live up to the expectations that are placed on them therefore, the disabled students who are in the general classroom will want to perform more complex tasks because they will feel the natural inclination to be included in the advanced activities.[70] Consequently, the disabled student will take the initiative to raise the bar and their performance in the general classroom will increase as compared to being placed in a separate private classroom.

Finally, those that support full inclusion advance the position that spending more now will save money in the future. The basis of this theory is that disabled students will benefit more in the long run with an inclusive education because they are more likely to become productive citizens in the future and not an economic burden.[71]

Solutions

In the end, inclusion should be considered to be a basic right of the student, not a privilege. Inclusion is justified for no other reason than the regular classroom is where the

[68] S.W. Educ. Dev. Laboratory, supra n. 155 (citing E.J. Erwin, The Philosophy and Status of Inclusion, Envision: A publication of the Lighthouse National Center for Vision and Development, 1, 3-4 (Winter 1993).
[69] S.W. Educ. Dev. Laboratory, supra n. 155 (citing E.J. Erwin, The Philosophy and Status of Inclusion, Envision: A publication of the Lighthouse National Center for Vision and Development, 1, 3-4 (Winter 1993).
[70] S.W. Educ. Dev. Laboratory, supra n. 155 (citing E.J. Erwin, The Philosophy and Status of Inclusion, Envision: A publication of the Lighthouse National Center for Vision and Development, 1, 3-4 (Winter 1993).
[71] Melissa George, A New IDEA: The Individuals with Disabilities Education Act after the 1997 Amendments, 23 L. & Psychol. Rev. 91, 110 (1999)

majority of students are located. "Segregation has no justification; it is simply unfair and morally wrong to segregate any students, including those defined as disabled, from the mainstream of regular education."[72] If our society truly considers all persons equal, then a dual-system in which disabled students are segregated from their peers is unjustifiable. Further, separating disabled students from the general classroom leads to harmful effects which include lower expectations from educators and lower confidence and self-esteem for students. It is my opinion that school districts should continue to follow the mandate and programs(like IEP) of the IDEA and that the utilization of all resources in one educational system would allow all students to be served with greater efficiency than the operation of several categorical programs at once. There needs to be further collaboration and partnerships between students, educators, and parents to increase not only learning individually but collectively as part of the general classroom. However, to resolve the dilemma between LRE and *appropriateness* there is a dire need for a national test put in place to help parent, educators, and the courts.

Proposed National Test

The starting point for any test should be the language of IDEA, which purports a "free and appropriate education" for all children.[73] Since IDEA contains a clear preference for inclusion **part one** of my test starts with an automatic presumption of inclusion for all students in the general classroom. The **second part** of my test asks if adequate provisions in the form of supplemental aids and services have been provided to the disabled student in order to help acclimate him or her in the classroom.

[72] Stainback & Stainback & Bunch, 1989
[73] 20 U.S.C. §§ 1400-1491 (2000).

If the first two steps/parts of the test are established and the disabled student is still not progressing academically then you go to the **third part** of the analysis which is a balancing test. This balancing test shall be done on a case-by-case basis and it shall consider whether the academic deficiencies suffered by the disabled student outweigh the student's social learning needs and progress. Equal weight will be given to testimony of educators that have developed a professional relationship with the student as well as the child's parents. Therefore, inclusion is the main setting and a student can only be removed if the student is having difficulty in which supplemental aids and services are not sufficiently helping.

It is important to note that this test does not factor the cost of educating the disabled student since the language of IDEA asserts a "free and appropriate education" for all children. Finally, this test does not factor in the effect the disabled student has on the teacher and students in the general classroom. The rationale behind that decision is that factoring a disabled student's effect on others in the general classroom is inherently discriminatory. There should be no special test in place that allows for the removal of a disabled student on the basis of effects on others. Instead, it should be the general rule that any student, disabled or not, that has substantial or frequent disturbances on others in the classroom can be removed. The disturbances must truly inhibit the learning of others in the classroom because the presumption is for the inclusion of all students in the general classroom.

Inclusion is not a model proposed to meet only the needs of the disabled, but instead calls for meeting the needs of all in the school community. This includes not only disabled students, but also non-disabled students and educators. The role of the LRE

requirement is to guarantee that, in addition to special services to support both academic and social learning, schools provide an educational environment that presents opportunities for learning from relations between all children.