

# “Appropriate” vs. “Available” Placement and Services: Meeting the Needs of Individuals With Emotional Disturbance

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## **EXECUTIVE SUMMARY**

*Aaron, a seventeen-year-old junior, has recently moved in with a family friend after his biological mother no longer wanted him to live with her. The staff at Aaron’s new high school, which only offers a full inclusion programming model, indicates that they cannot meet his needs. There are concerns about appropriate placement within a full inclusion model, but out-of-district placement in a residential setting may be too restrictive. Aaron’s prior district does not understand the new high school’s inability to provide services to him in a smaller class setting. The high school does not understand why Aaron’s prior district is not actively seeking and supporting a residential educational setting. The state has recently assigned an educational surrogate to Aaron’s case. The educational surrogate has been introduced to the individualized education program team, and she is entering this debate on appropriate versus available placements. The educational surrogate tries to piece together the case and ultimately do what is best for Aaron.*

## **INTRODUCTION**

The provision of Free and Appropriate Public Education (FAPE) for students with disabilities is a crucial aspect of ensuring equal opportunities and access to education for all students. The Education for All Handicapped Children Act of 1975, later renamed, The Individuals with Disabilities Education Act (IDEA), established this provision as a legal right for students with disabilities in the United States.

However, the implementation and interpretation of this provision has been the subject of much litigation and debate. The 2017 ruling in *Endrew v. Douglas County School District* clarified that individualized education programs (IEPs) must be designed to ensure that students with disabilities make meaningful progress and receive more than a minimal or trivial educational benefit (Yell & Bateman, 2017, p.10). This ruling is seen as a potential turning point in special education, with the hope that evidence-based instructional practices and interventions will guide decisions about placement and services for students with disabilities (Kauffman et al., 2019). The Council for Exceptional Children’s (CEC) special education leadership standards emphasize the importance of results-driven accountability in providing a continuum of specialized instruction and related services that guarantee access, equity, and opportunity for FAPE in the least restrictive environment (LRE) (CEC, 2022). Overall, the provision of FAPE for students with disabilities remains a critical issue in education. Ongoing efforts are needed to ensure that all students receive the education and support they need to succeed.

The FAPE provision often encompasses discussions about the LRE, which some interpret as meaning solely mainstreaming or inclusion in general education settings (Fuchs et al., 2022). However, the law does not explicitly state this; instead, it mandates that students with disabilities be educated alongside their peers from general education to the maximum appropriate extent (Brigham et al., 2016; Yell & Bateman, 2017). Determining this extent requires consideration of a student’s individual needs and whether evidence-based support is provided for academic, behavioral, and social progress under an IEP.

Schools can struggle to find suitable placements for students with disabilities, as they may lack adequate resources and qualified teachers (Council of Administrators of Special Education, 2018). This is especially true for students with social-emotional challenges and mental health issues since schools have not traditionally been equipped to address these needs. Providing high-quality services for students with emotional disturbance (ED) requires skilled teachers who can cater to their specific needs, which might not be met within a full inclusion model (Gage et al., 2010; Grosche & Volpe, 2013).

Over the past three decades, there has been a growing trend of placing students with ED in general education classrooms (McClesky et al., 2012). As these students

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