



Key points:

- **IDEA requires students with disabilities to be mainstreamed to maximum extent 'appropriate,' not 'possible'**
- **Make sure general ed teachers document all behavioral incidents in class**
- **Consider if student's behavior impedes learning of other students in class**

Use caution when removing student with challenging behavior from general ed classroom

The IDEA's [least restrictive environment](#) mandate requires students with disabilities to be educated with their nondisabled peers to the maximum extent appropriate. [34 CFR 300.114](#) (a)(2)(i).

"This often gets misunderstood as the maximum extent possible," said Robin Ballard, a school attorney with [Schenck, Price, Smith & King, LLP](#) in Florham Park, N.J. "The general education classroom is not going to be the least restrictive setting for every child with disabilities."

In particular, a student's behavior plays a major role in determining whether the general education setting is appropriate for her. "Behavioral issues are a big problem these days," Ballard said. "Trashing classrooms, ripping things off the walls, going on a rampage, throwing furniture -- that type of behavior [from a student] could potentially warrant removal from the general education classroom." See, for example, *In re: Student with a Disability*, [71 IDELR 120](#) (SEA LA 2017).

That said, not all behavioral issues rise to the level that would justify removal from the general education setting, Ballard said. Use these guidelines to inform placement determinations:

- **Allow time for behavior to change.** Among the first steps a district should take is to conduct a functional behavioral assessment and develop a behavioral intervention plan, Ballard said. "If the student is able to access the general education curriculum, even if it's modified, then arguably the student should remain in that setting, and you need to look at supports that can be put in place," she said. For example, you may consider increasing staff members in the classroom or devising strategies to replace problem behaviors with functionally equivalent replacement behaviors.

"The problem with that is, once you start intervening with behaviors, they often get worse before they get better," Ballard said. "That can be difficult. Teaching staff get frustrated, the other

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students get frustrated, and the parents [of the other students] get frustrated. [However], an FBA, a BIP, and giving it time to work are things that better position a district in having justification for removing the child from the general education setting."

- **Document problem behavior.** Make sure general education teachers keep a record of all behavioral incidents, Ballard said. "I've had calls from districts saying, 'This child has been in general education and has been causing consistent problems and needs to go to a more restrictive setting,' but when I ask for documentation, they may only give me an oral list of things the child has done," she said. To have substantive basis to reconsider a student's placement, you must have sufficient documentation, she said.

- **Balance needs of student with disability, other students in class.** It can be especially difficult if a student's behavior impedes the learning of other students in the class, Ballard said. But remember that all students have rights -- even students with behavioral issues -- and it's important for teachers to know how to balance both sides' needs while the issues are being resolved, she said.

"Ensuring the other students' safety is paramount," Ballard said. "Proactively build in lessons about tolerance of differences, because if the children are more understanding of the problem, they may have an easier time in those situations." Coach teachers not to say things to the other students like, "[The student with the behavioral issues] won't be in this class anymore next week," because if a dispute over a change in placement arises, the IDEA's stay-put provision might require the student to remain in the class until the dispute is resolved, Ballard said. Also make sure teachers are in regular communication with the student's special education team about all behavioral incidents, she said.

- **Know options in cases of extreme behavior.** Keep in mind that a district may request an expedited due process hearing to order the disciplinary removal of a student with a disability if the district believes that maintaining the student's current placement is substantially likely to result in injury to the student or others. [34 CFR 300.532.](#)

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