

Least Restrictive Environment (LRE): An English Translation of Key Legal Requirements

IDEA REGULATION

§300.114(a)(2) General LRE requirements

- (i) Each public agency shall ensure—
 - (ii) That to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and
- (2) That special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

§300.115 Continuum of Alternative Placements

- (a) Each public agency must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.
- (b) The continuum required in paragraph (a) of this section must—
 - (1) Include the alternative placements listed in the definition of special education under §300.38 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and
 - (2) Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

COMMON TRANSLATION

The “public agency” is the school. The school is responsible for making sure that children with disabilities are educated alongside children without disabilities as much as appropriate. “Appropriate” means that the education fits the child’s special needs and allows the child to make educational progress.

The regular education classroom is the first placement choice the IEP team must consider.

When an IEP team considers where a child will be educated, they must ask, What can we provide so this child can stay in the regular education classroom or activity? They must consider what “supplementary aids and services”—what extra supports—will allow the child to be placed in a regular classroom environment. Examples might include assistive equipment, special behavior strategies, use of a resource room, or changes in the curriculum or assignments.

If the IEP team decides a child cannot be educated in the regular classroom even with supplementary aids and services, then they must consider other options: special classes, special schools, home instruction, or instruction in hospitals or other institutions.

The school is required to make the appropriate option available, based on the child’s individual needs and the services required to meet those needs.

IDEA REGULATION

§300.116 Placements

In determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency shall ensure that—

- (a) The placement decision—
 - (1) Is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and
 - (2) Is made in conformity with the LRE provisions of this subpart, including §§300.114-300.118;
- (b) The child’s placement—
 - (1) Is determined at least annually;
 - (2) Is based on the child’s IEP; and
 - (3) Is as close as possible to the child’s home;
- (c) Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled;
- (d) In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of

services that he or she needs; and

(e) A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

§300.117 Nonacademic settings

In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth in §300.107, each public agency must ensure that each child with a disability participates with nondisabled children in those extracurricular services and activities to the maximum extent appropriate to the needs of that child. The public agency must ensure that each child with a disability has the supplementary aids and services determined by the child's IEP Team to be appropriate and necessary for the child to participate in nonacademic settings.

§300. 320(a) Participation with Nondisabled Children

(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.

COMMON TRANSLATION

Parents, as members of the IEP team, help decide what educational placement and services are appropriate for their child. The team must discuss educational placement at least once a year when a new IEP is written. Placement decisions must be based on the child's individual needs for specific educational services.

The IEP team must consider whether the proposed placement will have any possible harmful effects on the child or on the quality of the services the child receives.

Further, children with disabilities should be educated in their home schools whenever possible, and they must not be removed from the regular classroom simply because they need a modified curriculum.

Children with disabilities must have an equal opportunity to participate in all activities sponsored by the school: counseling services, athletics, transportation, special interest groups and clubs, music, and other services and activities.

Anytime a child with disabilities has education or other school activities that include only other children with disabilities, the school must provide an explanation in the IEP.