

# Least Restrictive Environment (LRE): A Simplified Guide to Key Legal Requirements

## IDEA REGULATION

## EXPLANATION

### §300.114(a)(2) General LRE requirements

(2) Each public agency must ensure that—

(i) 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

(ii) 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.

The “public agency” is the school. It is responsible for making sure that children with disabilities are educated alongside children without disabilities to the extent appropriate for the child.

“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 Individualized Education Program (IEP) team must consider. When an IEP team, which always includes the parents, considers where a child will be educated, it must ask what can be provided so the child can stay in the regular education classroom or activity. It must consider what “supplementary aids and services” (extra supports) will allow the child to be placed in a regular classroom environment. Examples might include assistive technology, special behavior strategies, use of a resource room, or accommodations or modifications in the curriculum or assignments.

### §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 §300.39 (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.

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

The school is required to provide the appropriate options and services that meet the child’s individual needs.

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### §300.116 Placements

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In determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency must 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 through 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

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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.

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## EXPLANATION

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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.

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Children with disabilities must have an equal opportunity to participate in all activities sponsored by the school. Supplementary aids and services should be considered when needed for the child to participate academically as well as in nonacademic activities.

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**IDEA REGULATION**

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**§300. 320(a) Participation with Nondisabled Children**

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(a) As used in this part, the term individualized education program or IEP means a written statement for each child with a disability that ...must include:

(4) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided for the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided to enable the child ---

(iii) to be educated and participate with other children with disabilities and nondisabled children in the activities described in this section;

(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.

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**EXPLANATION**

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Anytime a child with disabilities will be excluded from education or other school activities that include children without disabilities, the school must explain in the IEP why the child will not participate.