
Least Restrictive Environment Related to Individual Educational Plans

Technical Assistance Paper

INTRODUCTION

Provision of services for children with disabilities in the Least Restrictive Environment (LRE) is a critical component of the Individuals with Disabilities Education Act—P.L. 105–17 (IDEA). Children with disabilities must be served in the general education environment unless the nature or severity of the disability is such that education in the general environment with the use of supplementary aids and services cannot be achieved satisfactorily. The decisions regarding the educational placement, including participation in non-academic and extracurricular activities, of each child with a disability must be based on the individualized needs of each child as determined and documented through the individual educational program (IEP) process.

PURPOSE

The purpose of this technical assistance paper (TAP) is to discuss that IEP teams must adhere to all legal requirements related to placement in the LRE. This TAP will also address other considerations that must be addressed when determining the most appropriate placement for a child with a disability.

Federal Requirement

Language regarding least restrictive environment is found in the Individuals with Disabilities Education Act Amendments of 1997, Section 1412(a)(5)(A), and Section 300.550(b)(1)(2) of Title 34 of the Code of Federal Regulations.

LEGAL REQUIREMENT

The statute and regulations state:

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 not disabled, and special classes, separate schooling, or other **removal** of children with disabilities from the general educational environment occurs only when the nature or severity of the disability of a child is such that education in general classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Section 1400(b)(5) of the IDEA Amendments of 1997 states:

Over 20 years of research and experience has demonstrated that the education of children with disabilities can be made more effective by having high expectations for such children and ensuring their access in the general curriculum to the maximum extent possible, and by providing

appropriate special education and related services and aids and supports in the general classroom to such children, whenever appropriate.

Intent of the Law

IDEA recognizes that IEP teams must make individualized decisions about the services and modifications provided to a child with a disability. However, a strong preference within IDEA is that children with disabilities be educated in general classes with their peers, with appropriate supplementary aids and services provided to facilitate such placement. Consequently, every time the IEP team meets to review or develop the child's IEP, the team should begin with the general education class as the first placement option considered. The provision of special education and related services, accommodations and modifications, supplementary aids and services, and other supports for school personnel should be considered and individually determined so that the child with a disability can:

- be involved in and progress in the general education classroom
- achieve the goals and objectives on the IEP
- successfully demonstrate his or her competencies in state and district-wide assessments

Only when it is necessary to meet the measurable annual goals, including benchmarks or short-term objectives, and provide the appropriate special education services should the child with a disability be removed from the general education classroom.

Further emphasizing the participation of children with disabilities in the general curriculum, IDEA requires that the following IEP components must include references to the general curriculum:

- The present level of educational performance statement includes how the child's disability affects his or her involvement and progress in the general curriculum.
- The measurable annual goals, including benchmarks or short-term objectives, must be related to meeting the child's needs that result from the disability to enable the child to be involved in and progress in the general curriculum.
- Special education and related services, supplementary aids and services, program modifications or supports for school personnel will be provided for the child, "...to be involved and progress in the general curriculum and to participate in extracurricular and other non-academic activities..."
- The IEP must also include an explanation of the extent to which the child will not participate with nondisabled children in the general class. Stated another way, the IEP must include an explanation of why the child cannot be educated in a general education setting.

The IEP Process

Through the IEP process, the IEP team identifies and documents the child's present level of educational performance, including how the disability affects the child's involvement and progress in the general curriculum. The effect of the disability may then become the priority educational need of the child. The

corresponding measurable annual goals, including short-term objectives, are developed to address the needs stated in the present level of educational performance statement. Decisions made concerning present levels and goals, including objectives, are based on the individualized needs of the child and will assist the IEP team in identifying appropriate special education and related services, supplementary aids and services, accommodations and modifications, or supports for school personnel that will be provided for the child in the most appropriate setting.

The IEP team must also consider opportunities for the child to participate with nondisabled children in non-academic and extracurricular activities and must identify on the IEP services that will be provided to allow participation to the maximum extent appropriate. Ultimately, these decisions will be considered in identifying the appropriate placement for the child.

Location of services should also be addressed if the child with a disability is found to be eligible for extended school year services.

The Placement Decision

In determining the educational placement of a child with a disability, including a preschool child with a disability, the following procedures must be addressed:

- The placement decision is made by a group of persons, including the parents and other persons.
- The IEP team is knowledgeable about the child and placement options, and utilizes meaningful data from a variety of sources.
- A continuum of alternative placements is available to meet the needs of children with disabilities, including instruction in general classes, resource rooms, special classes, hospital/homebound, special schools, residential facilities, and juvenile justice programs.
- The child's placement is determined at least annually based on information in the child's IEP and is as close as possible to the child's home.

The following factors should be considered as placement decisions are made:

- The child is educated in the school that he or she would attend if nondisabled.
- In selecting the appropriate location for services, consideration must be given to any harmful effects on the child or on the quality of services he or she needs.
- A child with a disability is not removed from education in age-appropriate general classrooms solely because of needed modifications in the general curriculum.
- The child's location for services must not be based solely on the child's eligibility category, disabling condition, administrative convenience, or label.
- The school must ensure that each child with a disability has the opportunity to participate as appropriate in non-academic and extracurricular services and activities.

Non-academic and Extracurricular Services and Activities

Children with disabilities must have the opportunity to participate in non-academic and extracurricular services and activities with other children to the maximum extent appropriate. No child may be excluded from participation in these services and activities based on his or her disability. Each school shall take steps to provide non-academic and extracurricular services and activities as needed to provide an equal opportunity for all children with disabilities to participate in those services and activities. Regardless of the appropriate placement for a child with a disability (resource room, special class, etc.), the school must include the child in school programs, activities, and services with other children based on the needs of the individual child.

IEP teams must consider the needs of each child and provide the appropriate services to enable children with disabilities to participate in non-academic and extracurricular services and activities. Non-academic and extracurricular services and activities include recess periods and athletics; food services and meals; social and recreational activities; special interest groups or clubs sponsored by the school; referrals to outside agencies or organizations; and employment and employment assistance.

Questions to Ask

Before decisions are made that identify the frequency and location of all the services and modifications and the location for services of the child, the IEP team should consider the following questions every time the child's IEP is reviewed:

1. Do the measurable annual goals, including benchmarks or short-term objectives, appropriately address the child's academic, social, emotional, behavioral, communication, physical, and career needs?
2. What supplementary aids and services, program modifications, or supports for school personnel are necessary in order for the child to be involved in and progress in the general curriculum?
3. Will the child satisfactorily achieve the goals and benchmarks or objectives in the IEP if the child is educated in the general class with the support of the supplementary aids and services?
4. What positive effect will the child's presence have on other children and the teacher in the general classroom? What negative effect will the child's presence have on other children and the teacher in the general classroom?
5. Are the child's needs for interaction with nondisabled peers appropriately addressed?
6. How will the child have opportunities to participate in non-academic and extracurricular activities?

SUMMARY

The purpose for the LRE provision is to ensure that the child with a disability is served in a setting in which the child can be educated successfully. IDEA does not mandate general class placement for every

child with a disability but presumes that the first placement option considered for each child is the general classroom in the school the child would attend if not disabled. If a decision is made that a child with a disability cannot be educated satisfactorily in the general educational environment, even through the provision of supplementary aids and services, then the child may be placed in a setting other than the general classroom. Placement decisions must be individually made on the basis of each child's abilities and needs. These decisions **should not** be based on factors such as disabling condition or label, degree of disabling condition, availability of services or space, configuration of the service delivery system, or administrative convenience. Schools must provide evidence that the general classroom placement **is not** appropriate for the child, rather than other individuals (parents, teachers) having to prove that the general classroom is appropriate. The information contained in the IEP for each child should form the basis for the placement decision.

References:

Individuals with Disabilities Education Act, P.L. 105-17 and Part 300 Regulations, June 1997.

Least Restrictive Environment Considerations Related to Individual Education Plans, Florida Department of Education, June 2000.

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