



Considering LRE in Placement Decisions

A handout in CPIR's e-module series on *Least Restrictive Environment*

April 2021 | *Additional eLearning Hub Resource*
from the Center for Parent Information and Resources
<https://www.parentcenterhub.org/placement-lre/>

Least Restrictive Environment...

...or LRE as it is more commonly called, is one of several vital parts in the development of a child's IEP and plays a critical role, influencing where a child spends his or her time at school, how services are provided, and the relationships the child develops within the school and community. Indeed, LRE is a foundational element in building an appropriate IEP that can improve outcomes for a child—in school and in life.

Summarizing LRE

In basic terms, LRE refers to the setting where a child with a disability can receive an appropriate education designed to meet his or her educational needs, alongside peers without disabilities to the maximum extent appropriate. As the Department explained in the *Analysis of Comments and Changes* to the final Part B regulations in the *Federal Register*:

The LRE requirements in §§300.114 through 300.117 express a strong preference, not a mandate, for educating children with disabilities in regular classes alongside their peers without disabilities. (71 Fed. Reg. 46585)

LRE has been a part of federal special education law from its inception in 1975. LRE's basic statutory provision has remained intact for the past 30 years.

The Core of IDEA's LRE Provisions

IDEA's LRE provisions are found at §§300.114 through 300.117. We'll be looking at these throughout this discussion. To begin, though, let's look at the core of what IDEA requires.

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. [§300.114(a)]



Key Terms in LRE

The core of IDEA's LRE provisions contains many key terms and phrases that, together, reveal the law's strong preference for where children with disabilities are to be educated: **the regular educational environment**. Consider the specific wording and phrases in the provision:

- Special classes
- Separate schooling
- Other removal from the regular educational environment
- Occurs only if...

Since its earliest days, the law has displayed a strong preference for children with disabilities to be educated alongside their peers without disabilities, to the maximum extent appropriate. It recognizes that, in many cases, *supplementary aids and services* must be provided to a child with a disability to enable him or her to be educated in the general education classroom. Supplementary aids and services can play a pivotal role in supporting the education of individual children with disabilities in the regular educational environment.

Simply put, removal of a child with disabilities from the regular education class may occur **only if** the child cannot be satisfactorily educated in the regular educational environment with the use of supplementary aids and services.

Considering the Meaning of “Regular Educational Environment”

The use of the term “regular educational environment” is longstanding in IDEA’s regulations. In response to a public comment on the scope of the LRE provision, the Department explained that the term “encompasses regular classrooms and other settings in schools such as lunchrooms and playgrounds in which children without disabilities participate” (71 Fed. Reg. 46585).

The settings in a school where children without disabilities participate are many and varied; all are considered part of the “regular educational environment.”

Considering the Meaning of “Satisfactorily Educated”

There isn’t a specific standard or level set within IDEA for determining what it means for the education of a child with a disability to be “achieved satisfactorily.” Rather, each child’s IEP is the measuring tool. The IEP team determines if a child’s education is appropriate and if it is being achieved satisfactorily.

The IEP may be reviewed and revised, enabling the IEP team to respond to concerns that the child’s education in the regular educational environment “cannot be achieved satisfactorily” and to make necessary and appropriate adjustments or modifications, especially regarding the type of supplementary aids and services provided to support the child’s education in a regular classroom setting.

Considering “Supplementary Aids and Services”

Providing supplementary aids and services is essential for many children with disabilities to progress and learn. But just what *are* supplementary aids and services?

The term “supplementary aids and services” is defined at §300.42, as follow:

Supplementary aids and services means aids, services, and other supports that are provided in regular education classes, other education-related settings, and in extracurricular and nonacademic settings, to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with §§300.114 through 300.116.

Supplementary aids and services can be accommodations and modifications to the curriculum under study or the manner in which that content is presented or a child's progress is measured. But that's not all they are or can be. Supplementary aids and services can also include:

- direct services and supports to the child, and
- support and training for staff who work with that child.

Determining what constitutes appropriate supplementary aids and services for a particular child is made **on an individual basis**. If you'd like to know more about these vital supports, please read CPIR's web article [Supplementary Aids and Services](#). Examples can include:

- providing students with extra time to take tests or complete assignments
- giving shorter or different assignments
- providing feedback more frequently than other children
- providing slower-paced instruction
- providing physical adaptations
- providing a note-taker or another assistant to a student
- equipping the student with a home set of class materials
- allowing breaks
- preferential seating
- digitalized books and class materials
- allowing the use of the computer for certain assignments
- altering instruction (how it's presented, its pace, or its difficulty)



Supplementary aids and services are intended to be provided in regular education classes, other education-related settings, and extracurricular and other nonacademic settings. This pretty much covers the gamut of school settings where children might be engaged in learning, interaction, and development. As we've said, their intent is to help integrate children with disabilities with nondisabled children in all facets of school.

Suppose a child needs a specific supplementary aid or service that's typically provided in separate environments, not in the regular education classroom? Does this mean that the needed supplementary aid or service doesn't have to be provided? Or that the child's placement may then be somewhere other than the regular educational environment?

No, to both questions. As mentioned above, the school system is responsible for providing the supplementary aids and services that the IEP team determines the child needs and lists in the child's IEP in order to enable the child to be educated in regular education settings.

As stated in the language of the LRE provision, supplementary aids and services are to enable the child with a disability to be educated in regular classes with nondisabled children to the maximum extent appropriate. The fact that supplementary aids and services often play a decisive role in whether or not the child can be satisfactorily educated in the regular educational environment makes it all the more important that the school system meet its responsibility to provide them and to educate the child in the LRE to the maximum extent appropriate.

If the IEP team has determined that the child *can* be satisfactorily educated in the regular classroom with the support of a given supplementary aid or service, those aids or services must be specified in the child's IEP and must be provided to the child. Section 300.116 is sufficiently clear that placement decisions must be based on the individual needs of each child with a disability. Therefore, school systems must not make

placement decisions based on their needs or available resources, including budgetary considerations and the ability of the school system to hire and recruit qualified staff. (71 Fed Reg. 46588)

What Other Settings Can Be Considered?

As already discussed, the frame within which placement determinations *begin* is the regular educational environment. If a child can be satisfactorily educated in that setting (with needed supplementary aids and services), then the general education class is that child's LRE. Placing this child in a segregated class or separate program would directly violate the LRE provisions in IDEA.



However, the IEP team may determine that the child cannot be educated satisfactorily in the regular education classroom, even when supplementary aids and services are provided. An alternative placement must then be considered.

This is why schools have been, and still are, required to ensure that “**a continuum of alternative placements** is available to meet the needs of children with disabilities for special education and related services” [§300.115(a)]. These placement options include:

- instruction in regular classes,
- special classes,
- special schools,
- home instruction, and
- instruction in hospitals and institutions.

Provision must be made for supplementary services, such as resource room or itinerant instruction, in conjunction with regular class placement [§300.115(b)].

Having a continuum of placements available “is intended to ensure that a child with a disability is served in a setting where the child can be educated successfully in the LRE” (71 Fed. Reg. 46587). It also reinforces the importance of the individualized inquiry in determining what placement is the LRE for each child with a disability (Id.). As such, the requirement for a continuum of alternative placements supports the fact that determining LRE must be done on an individualized basis, considering “each child’s unique educational needs and circumstances, rather than by the child’s category of disability, and be based on the child’s IEP” (71 Fed. Reg. 46586).

However: Placement is not an “either/or” decision, where children are either placed in a regular education classroom or they’re not. **The intent is for services to follow, or go with, the child**, not for the child to follow services. Schools must make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

Who Decides Placement?

The group that determines the educational placement for a child with a disability must include individuals with specific expertise or knowledge:

- the child’s parents;
 - personnel who know the variety of placement options available to meet the child’s needs, and
 - individuals who understand the significance of the data used to develop the child’s IEP.
- [§300.116(a)]

Often, but not always, this may be the same group of people comprising the IEP team.

How Does the Group Decide Placement?

A child's placement:

- is determined each and every year;
- is based on the child's IEP;
- is as close as possible to the child's home;
- places the child in the school he or she would normally attend if not disabled (unless the child's IEP requires some other arrangement). [§300.116(a)-(c)]

Notifying Parents

Although the parents of the child are part of the group determining the child's placement and are likely to be well informed as to the placement decision, schools must still provide parents with prior written notice about the placement decision a reasonable time before it implements that decision (§300.503).

Should the parents disagree with the placement decision, they have recourse to IDEA's procedural safeguards, which include mediation and due process procedures, as a way of resolving the conflict. A parent of a child with a disability can also file a State complaint. And it's always a good idea for parents in this situation to get in touch with their Parent Center, which can provide assistance in understanding LRE, placement decisions, and how to use IDEA's dispute resolution mechanisms if necessary.

To find the Parent Center serving your region of the state or locality, use CPIR's *Find Your Parent Center* locator, available online at:

<https://www.parentcenterhub.org/find-your-center/>



Highly Rated Resource! This resource was reviewed by 3-member panels of Parent Center staff working independently from one another to rate the quality, relevance, and usefulness of CPIR resources. This resource was found to be of "High Quality, High Relevance, High Usefulness" to Parent Centers.



The CPIR is made possible through Cooperative Agreement Number H328R180005 between OSEP and the Statewide Parent Advocacy Network (SPAN). The contents of this document do not necessarily reflect the views or policies of the Department of Education, nor does mention of trade names, commercial products, or organizations imply endorsement by the U.S. Government.