



## Least Restrictive Environment (LRE)

The Individuals with Disabilities Education Act (IDEA) requires school districts to ensure:

"... to the maximum extent appropriate, children with disabilities, ... are educated with children who are not disabled and that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when 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." [20 U.S. Code 1412(5) (B)]

Children with disabilities should, in most cases:

- Ride the same school buses
- Go to the same schools
- Be assigned to the same classrooms
- Participate in the same extracurricular activities as other children in their schools

## Supplementary Aids and Services

A common fear among parents and educators is that children with disabilities will not learn in regular education programs. Supplementary aids and services make it possible for a child to participate in regular school activities. Examples include assistive technology, such as a computer or communication device, an itinerant (visiting) special education teacher, or an individual classroom aid. The need for these devices/services should be discussed in the Individualized Education Program (IEP).

The IEP team should consider and discuss the following in determining the LRE for each student:

- How the nature and severity of the student's disability affects his/her educational performance (as documented in evaluation data and the student's present levels of performance as documented on the current IEP).
- Whether the presence of this student in a regular education classroom substantially and consistently creates disruption that adversely affects the educational performance of the other students.

- The need for supplementary aids and services that are reasonably calculated to give educational benefit in the regular education environment.
- The academic, nonacademic, and extracurricular activities in which the student will participate with age-appropriate, students without disabilities.
- Whether the program/service recommended is as close as possible to the student's home.
- Whether any harmful effect on the student (or on the quality of services) could result from the student being placed in the recommended program.

## Selecting the Appropriate Placement

When choosing the LRE option for the student, the IEP team should consider each of the program options available:

- Regular class with supportive services (i.e. itinerant special education teacher visiting the regular classroom/or one or more periods in special education "resource" classes)
- Self-contained class (with some participation with non-disabled peers)
- Special school (schools for only students with disabilities)
- Hospital/medical homebound
- Homebased
- Community Residential Facility
- Other

The student's placement should be based on the student's IEP and determined at least annually. LRE also applies to placement determinations for preschool age students with IEPs. As school districts do not have to create preschool programs, alternatives can be considered such as Head Start programs, a private preschool, classes within the school district, and homebased. For more information on preschool age students, see this 1/9/2017 US Department of Education Dear Colleague Letter at:

<https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/preschool-lre-dcl-1-10-17.pdf>

### Advocacy Tip:

The school must prove that a particular placement will not benefit the child and/or cannot be done. The IEP team must give serious consideration to what supplemental aids and services would allow the student to be in a regular class before deciding that the student needs to be in a separate class or school.

The school says it will cost too much money for my child to be in regular education.

A school district may not decide to educate a child with a disability in a special education classroom because it would be more expensive to place the child in a regular class.

On the following pages, there is a worksheet to help you give input when your child's IEP team meets to discuss and determine the most appropriate placement for your child.

### Worksheet:

Use the following questions to help you consider the placement decision for your child's education. If you disagree with the school's recommendation, these questions will help you be prepared.

Is this the same school where neighborhood children without a disability attend?

If not:

- Will attendance at a different school really benefit my child? Educationally? Socially?
- Will attendance at a different school significantly increase time on the bus?
- Will attendance at a different school significantly decrease my child's opportunity to interact with his or her peers, those with disabilities and those without disabilities?

Is this the same class my child would be in if she or he did not have a disability?

If not:

- Has the same class been tried?
- Has the same class been tried with supplementary aids and/or services?
- If the child has a behavior problem that might cause undue disruption in the class for the other children, has a functional behavioral assessment been done and a behavior intervention plan been put in place?
- Have the teachers been provided appropriate training about working with a child with disabilities in a regular education classroom?

Does the nature or severity of my child's disability make it better for him/her to receive some or part of the educational program in a more restrictive or "pull-out" setting – such as a resource room?

If so:

- Is the resource room in the school that the child would regularly attend?
- Is the pull-out scheduled for a time which is the least disruptive to the child's regular educational program?
- Do the resource room teacher and classroom teacher regularly compare notes about a child's progress and make sure work being done fits together?
- Is the pull-out time limited to just those subjects where extra educational assistance is needed?

Does the "nature or severity of the disability" make it better for my child to receive his or her academic/educational program in a separate setting?

If so:

- What opportunities will my child have to mix socially with students who do have disabilities?
- Is the segregated classroom in the school that my child would normally attend?
- Will lunch time be at a segregated table or at a segregated time?
- Will there be time to attend classes, such as music or physical education with other students?
- What needs to be done so that my child has extracurricular activities, such as field trips or after-school clubs?

### Advocacy Tip:

Be prepared! The IEP team should decide the educational placement of your child with input from you. The parent is as an equal member of the IEP team. Remember, school is more than just academics. The social development of your child is equally important!

This publication provides legal information, but is not intended to be legal advice. As the law may change, please contact Disability Rights South Carolina for updates. Please let us know if you would like this information in an alternative format.

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## Disability Rights South Carolina

 1-866-275-7273

 1-866-232-4525

 [www.disabilityrightssc.org](http://www.disabilityrightssc.org)

 [info@disabilityrightssc.org](mailto:info@disabilityrightssc.org)