

Least Restrictive Environment

Before enactment of special education law, students with disabilities were often lumped together in generic, segregated classrooms away from the 'normal' children. Frequently they were taught in basements, trailers, and closets. And it was all perfectly legal. Recognizing the harm done to these students by years of segregated education, Congress included in special education law a strict mandate that they be educated alongside their non-disabled peers to the maximum extent appropriate. This is referred to as the **Least Restrictive Environment (LRE)** mandate. The regulation is found at 34 CFR § 300.114(a)(2) and reads:

Each public agency [school] 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 non-disabled; 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.

Note that the regulations require students to be included in regular education programming to the maximum extent 'appropriate,' not to the maximum extent 'physically possible.' This is an important distinction, intended to safeguard the rights of all students to a quality education. Sometimes schools will tell parents that the LRE mandate requires them to keep a student in a mainstream in-district classroom regardless of any other factors. This is incorrect. Parents may have to remind the school that the law requires placement in the LRE that is most appropriate for the student. For many students a mainstream in-district placement will be their LRE, for others a private out-of-district school may be their LRE.

Also note that the law requires schools to try adding supplemental aids and services to a student's program before moving them to a less mainstreamed setting. This could include additional

accommodations or modifications to curriculum or instructional methodology, or even a one-to-one aide. Parents who are concerned by a school's decision to move their child to a 'more restrictive setting' should always ask the school Team: "have we tried all the possible supplemental aids and services that might allow the student to remain in a less restrictive environment?"

Other relevant regulations include:

In selecting the LRE, consideration [must be] given to any potential harmful effect on the child or on the quality of services that he or she needs.

34 CFR 300.116(d)

A child with a disability [may not be] removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

34 CFR 300.116(e)

In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods . . . each [school] must ensure that each child with a disability participates with non-disabled children in the 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.

34 CFR 300.117

As with most laws, there are exceptions to the LRE mandate. These include for students in adult prisons and for those who have been properly suspended or expelled from school.

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