

1.3 LRE

Defining LRE

Since the Education for All Handicapped Children Act was passed in 1975, schools have been required to provide children with disabilities a free appropriate public education (FAPE) in the least restrictive environment (LRE). LRE is another key principle of the Individuals with Disabilities Education Act (IDEA) and an integral part of the IDEA's FAPE guarantee.

The conceptual core of IDEA's LRE provisions is located at §300.114(a) (2), which appears below. Additional provisions continue through §300.120.

▪ **LRE Provisions: §300.114(a) (2).**

(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.

This provision is included in rule 3301-51-09(B) (2) of the Administrative Code.

As IDEA has been reauthorized, its LRE principles have been further bolstered and supported. The 1997 amendments to IDEA made progressive changes by helping to ensure children with disabilities access to the general education curriculum. That reauthorization first introduced IEP requirements with direct connections to regular education, such as including a regular education teacher on the IEP team and requiring an explanation in the IEP of the extent, if any, to which a child will *not* participate in the regular education class and nonacademic activities with children who do not have disabilities.

Defining Regular Education Class and General Education Curriculum

“Regular Education Class” refers to the educational environments where children without disabilities receive instruction and participate in activities throughout the school day. It includes instruction that occurs outside of the actual classroom such as within the school or community where interaction occurs with persons without disabilities (e.g., assemblies, field trips and community transition services).

“General education curriculum” refers to the content of the instruction that is to be taught to children in each grade and subject area. In Ohio, the general education curriculum consists of the Ohio Academic Content Standards or the Early Learning Content Standards. The general education curriculum may be used in many different settings, including classrooms where only children with disabilities are taught.

The term “regular education class” is used instead of “general education class” in this document and other Ohio Department of Education, Office for Exceptional Children (ODE/ OEC) documents. Using the term “regular education class” separates the setting from the “general education curriculum” that may be provided in various types of settings including classrooms where only children with disabilities receive instruction.

Determining a Child's LRE

IDEA's LRE provisions clearly state a strong preference for educating children with disabilities in regular education environments. In fact, a child's placement in the regular education classroom is the *first* option the IEP team must consider when determining where a child with a disability will receive his or her special education and related services.

To decide that question, however, the IEP team must make an *individualized* inquiry into the possible range of supplementary aids and services that are needed to satisfactorily educate the child in the regular education environment. If the IEP team determines that the child *can* be adequately educated in that environment, then a regular education placement is the LRE for that child.

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. Accordingly, IDEA requires school systems to ensure that a "continuum of alternative placements" is available to meet the needs of children with disabilities for special education and related services.

Although a school district is not responsible for ensuring that every school building in the district can provide all the special education and related services necessary for all types and severities of disabilities (*Federal Register*, August 14, 2006, pg. 46588), the school district is responsible for having the full continuum of options available. If an option is not available in the district and the LRE of a child with disability indicates that placement, the school district must either create the placement, alter an existing one or send the child to another public or private placement that meets the child's needs. If the school district puts a child in another public or private placement, the cost of that placement is paid by the school district.

(See [IEP - 7.4 Development of IEP.](#))

A Continuum for Children's Varying Needs

In IDEA, the provisions at §300.115 contain the public agency's obligation to make available a range of alternative placements for children. Those provisions are:

- **§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 §300.38 (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.

Ohio's rules include this requirement in rule 3301-51-09(C) of the Administrative Code.

The continuum of alternative placements reinforces the importance of the individualized evaluation instead of a one-size-fits-all approach in determining which placement is the LRE for each child with a disability.

Nonacademic Environments

The IDEA also addresses nonacademic settings in §300.117. Ohio's rules have adopted this same requirement at rule 3301-51-09(E) of the Administrative Code.

- **§300.117 Nonacademic settings.**

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 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.

This provision again invokes the LRE language in the requirement that a public agency "must ensure that each child with a disability participates with nondisabled children to the maximum extent appropriate to the needs of the child." Additionally, this provision reinforces the required use of supplementary aids and services to ensure the participation of children with disabilities in nonacademic and extracurricular services and activities.

(See [IEP - 7.4 Development of IEP.](#))

Placement- Neutral Funding

LRE provisions were substantially revised in IDEA 1997. That reauthorization of IDEA introduced what's called *placement- neutral funding*, a requirement of law that is maintained in IDEA 2004. Included within the provisions, at §300.114, where the conceptual core of LRE also is found, is an additional requirement that prohibits states from using a funding mechanism that results in placements violating LRE requirements. States also may not use any funding mechanism that distributes funds based on the type of setting in which a child is served.

(b) *Additional requirement — State funding mechanism*

(1) *General.*

(i) A State funding mechanism must not result in placements that violate the requirements of paragraph (a) of this section; and

(ii) A State must not use a funding mechanism by which the State distributes funds on the basis of the type of setting in which a child is served that will result in the failure to provide a child with a disability FAPE according to the unique needs of the child, as described in the child's IEP.

(2) *Assurance.* If the State does not have policies and procedures to ensure compliance with paragraph (b) (1) of this section, the State must provide the Secretary an assurance that the State will revise the funding mechanism as soon as feasible to ensure that the mechanism does not result in placements that violate that paragraph. [§300.114(b)]

Summary

Basically, LRE refers to the setting in which 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. LRE is one of several vital components 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.

References

Kupper, L. (2007, July). The Top 10 Basics of Special Education (Module 1). *Building the legacy: IDEA 2004 Training curriculum*. Washington, DC: National Dissemination Center for Children with Disabilities. Available online at: <http://www.nichcy.org/training/contents.asp>

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