



LEGISLATION



Section 300.114

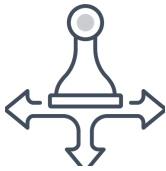
Least Restrictive Environment (LRE) Requirements

Section Overview:

- Participation in general education
- Removal from general education
- State funding of educational settings



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Section 300.114: LRE Requirements

Original Source

(a) General.

(1) Except as provided in §300.324(d)(2) (regarding children with disabilities in adult prisons), the State must have in effect policies and procedures to ensure that public agencies in the State meet the LRE requirements of this section and §§300.115 through 300.120.

(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.

(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.



Key Takeaways

Section 300.114

LRE Requirements:

- Schools are expected to educate students with disabilities to the maximum extent possible in general education classes.
- Removal from the general education classroom can only occur if education in that environment cannot be achieved satisfactorily. This means the expectation is that students begin in general education, and can only be removed from that setting if data shows the student is not making progress despite the presence of appropriate services, accommodations and modifications in that environment.
- State funding lines cannot be used to provide placements that violate LRE. An example of this would be automatically placing a child with an intellectual disability into a separate classroom specifically labeled with that category of disability.



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Section 300.116

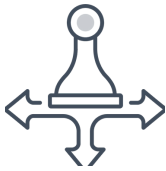
Placements

Section Overview:

- Placement decisions
- Placement requirements



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Section 300.116: Placements

Original Source

In determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency must ensure that –

(a) The placement decision –

(1) Is **made by a group of persons, including the parents, and other persons knowledgeable about the child**, the meaning of the evaluation data, and the placement options; and

(2) Is made in conformity with the LRE provisions of this subpart, including §§300.114 through 300.118;

(b) The child's placement –

(1) Is **determined at least annually**;

(2) Is **based on the child's IEP**; and

(3) Is **as close as possible to the child's home**;

(c) Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled;

(d) In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs; and

(e) A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.



Key Takeaways

Section 300.116

LRE placement decisions:

- Are the responsibility of the IEP team, which includes the student's parents, and must be made on an annual basis.
- Are based on the IEP. This means all other parts of the IEP should be complete before discussing placement (ie: student strengths, student needs, present levels of performance, annual goals, modifications, accommodations, etc.).
- Should be as close as possible to the child's home.
- Should include consideration of potential harm to the student.
- Should include consideration of the quality of services the student needs.
- A child must not be removed from a regular classroom solely because they require modifications to the general education curriculum.



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Section 300.117

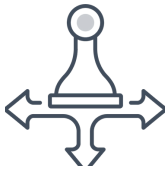
Nonacademic Settings

Section Overview:

- Requirements for nonacademic settings and extracurricular activities



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Section 300.117: Nonacademic Settings

Original Source

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**.



Key Takeaways

Section 300.117

Nonacademic Settings:

- Include school activities outside of academic classes (ie: field trips, school assemblies, after school care, etc.).
- Include extracurricular activities such as school clubs, athletics and more.
- Include the supplementary aids services listed in the student's IEP.



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Least Restrictive Environment (LRE)

Additional Resources



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