



Guidance

Least Restrictive Environment: Nonacademic Settings

Michigan Department of Education Office of Special Education
December 2023

Introduction

The purpose of this document is to build awareness and assist districts in developing a deeper understanding of the Individuals with Disabilities Education Act (IDEA) least restrictive environment (LRE) requirement governing nonacademic settings, including but not limited to meals, recess periods, transportation, and extracurricular activities.

Although the IDEA presumes the general education classroom to be LRE for students with disabilities, the general education classroom may not be an appropriate setting for some students. Receiving specially designed instruction in another setting does not mean a student with a disability will not or cannot participate in other opportunities with nondisabled peers. Individualized Education Program (IEP) Teams have an obligation to consider the needs of each student with a disability and determine not only the learning environment that is most appropriate for the student but what supplementary aids and services can be provided so the student can participate with nondisabled peers in nonacademic settings, including extracurricular activities to the maximum extent appropriate. This document will review LRE requirements, will discuss what is considered a nonacademic setting.

LRE Includes Access to Nonacademic Settings

The concept of the least restrictive environment (LRE) is an important principle in special education and is closely tied to inclusion and providing students with disabilities the opportunity to be educated alongside non-disabled peers to the maximum extent appropriate. The LRE requirements under the IDEA are a set of requirements that must be implemented as a whole package and not in isolation. Specifically, the LRE requirements are [34 CFR §§300.114](#) through [300.120](#).

LRE, in summary, means students with disabilities are educated, to the maximum extent appropriate, alongside their nondisabled peers, while still meeting their unique educational needs. According to [34 CFR §300.114\(a\)\(2\)](#), each public agency must ensure:

- (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.

However, LRE is not limited to a classroom and must be a consideration of IEP Teams for both academic and nonacademic settings. According to [34 CFR §300.117](#) of the IDEA, which is specific to nonacademic settings, districts must provide opportunities for each student with a disability to participate in nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth in [34 CFR §300.107](#), with nondisabled students to the maximum extent appropriate to the needs of the student.

Nonacademic and Extracurricular Services and Activities

The IDEA, as part of the LRE requirements in [34 CFR §300.117](#), mandates:

- Districts ensure students with disabilities have access to participate in the same nonacademic services and extracurricular activities as their nondisabled peers to the maximum extent appropriate to the needs of each individual student, and
- IEP Teams determine the supplementary aids and services appropriate and necessary for each student with a disability to be able to participate in nonacademic settings.

According to [34 CFR §300.107\(b\)](#), nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the public agency, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the public agency and assistance in making outside employment available.

Important to note, the list of nonacademic and extracurricular services and activities in [34 CFR §300.107\(b\)](#) provides examples of services and activities that may afford students with disabilities an equal opportunity for participation and is not an exhaustive list.

IEP and Free Appropriate Public Education (FAPE) Requirements

When developing an IEP and offer of a FAPE for a student with a disability, the IEP Team must consider social, emotional, and behavioral needs, as well as academic needs. This may involve an IEP Team identifying and providing appropriate social, emotional, and behavioral supports in nonacademic settings such as the lunchroom, playground, and/or extracurricular activities. These supports include the provision of supplementary aids and services.

According to [34 CFR §320\(a\)\(4\)](#), the IEP must include a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided to enable the child to be involved in and make progress in the general education curriculum and to participate in extracurricular and other nonacademic activities.

Under [34 CFR §300.42](#), supplementary aids and services mean 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 [34 CFR §§300.114](#) through [300.116](#).

[34 CFR §300.107\(a\)](#) states that each public agency must take steps, including the provision of supplementary aids and services determined appropriate and necessary by the child's IEP Team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities.

Under [34 CFR §300.117](#), 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 [34 CFR §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.

Together these requirements mean during an IEP Team meeting, when considering LRE, the IEP Team must consider the whole student and the student's entire educational environment. In addition to core classes, students may also have electives, lunch, recess, passing time, unscheduled activities, and scheduled but inconsistent activities, including mandatory drills (fire, tornado, lockdown, etc.), assemblies, camps, field trips, etc. As the IDEA states in [34 CFR §300.117](#), a district must ensure each student with a disability participates with their nondisabled peers in nonacademic and extracurricular services and activities. Discussing nonacademic activities and the necessary supplementary aids, services and supports, is essential to the development and progress of the student and is a requirement for FAPE.

During an IEP Team meeting, an IEP Team will consider student needs that may require the provision of supplementary aids and services to allow the student to participate in extracurricular activities. However, at the time of the meeting, the IEP Team may not be aware of the actual extracurricular activities a student may be interested in participating in for the upcoming year, especially if an IEP spans two different school years. Therefore, the IEP Team is reminded of the obligation to review and revise a student's IEP when student needs change. In the case of a student who decides they want to participate in a nonacademic service or extracurricular activity that was not part of the original LRE consideration, the IEP Team may need to reconvene to review and/or revise the IEP for consideration of the supplementary aids and services the student may need to participate with their nondisabled peers.

Further, opportunity to participate in extracurricular activities does not guarantee a student with a disability a position on a competitive team as long as requirements are uniformly applied to students with and without disabilities, as required by [34 CFR §300.320\(a\)\(4\)](#).

Resource

[Dear Colleague letter: Students with Disabilities in Extracurricular Athletics \(January 25, 2013\) Background and Fast Facts](#)