



Least Restrictive Environment: The Requirements Package

Michigan Department of Education

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Table of Contents

Least Restrictive Environment (LRE): The Requirements Package	3
Purpose of this Document.....	3
Suggested Use of this Document	3
The IEP Team and LRE Requirements.....	4
34 CFR §300.321 IEP Team	4
34 CFR §300.114 LRE requirements	5
34 CFR §300.115 Continuum of alternative placements	5
34 CFR §300.116 Placements	6
34 CFR §300.117 Nonacademic settings	6
34 CFR §300.119 Technical assistance and training activities	7
34 CFR §300.120 Monitoring activities	7

Least Restrictive Environment (LRE): The Requirements Package

Purpose of this Document

The *Individuals with Disabilities Education Act* (IDEA) requires state education agencies (SEAs) to carry out activities to ensure that teachers and administrators in all public agencies are fully informed about their responsibilities for implementing the least restrictive environment (LRE) requirements under 34 CFR §300.114; and are provided with technical assistance and training necessary to assist them in ensuring all teachers and administrators are fully informed of their responsibilities for implementing LRE requirements. The LRE requirements include the availability of a continuum of alternative placements, placement determinations, and nonacademic and extracurricular activities.

The Michigan Department of Education Office of Special Education (OSE) has developed this requirements package document as a training and awareness building tool for public agencies to use with general education and special education teachers and administrators.

Suggested Use of this Document

34 CFR §300.114 of the IDEA states that each public agency must ensure to the maximum extent appropriate that children with disabilities are educated with children who are nondisabled. Additionally, 300.114 states 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.

When the IDEA uses the term public agency the term includes general education teachers and administrators, special education teachers and administrators, and even the board of education of the public agency. The IDEA presumes general education to be the LRE for students with disabilities and so ensuring general education staff understand to what extent a student with a disability is expected to participate and have access to general education and under what specific circumstances other more restrictive options

can be considered is imperative to ensure a free appropriate public education (FAPE) in the LRE for students with disabilities.

The OSE encourages districts and intermediate school districts to utilize this LRE requirements package document with district teams comprised of general education and special education staff as a professional learning opportunity, as a resource to build awareness of LRE requirements for all staff, to ensure LRE decisions are made consistent with IDEA requirements, and to ensure each student receives a FAPE in the LRE.

The IEP Team and LRE Requirements

34 CFR [§300.321 IEP Team](#)

- (a) **General.** The public agency must ensure that the IEP Team for each child with a disability includes -
- (1) The parents of the child;
 - (2) Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);
 - (3) Not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child;
 - (4) A representative of the public agency who -
 - (i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
 - (ii) Is knowledgeable about the general education curriculum; and
 - (iii) Is knowledgeable about the availability of resources of the public agency.
 - (5) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in paragraphs (a)(2) through (a)(6) of this section;
 - (6) At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
 - (7) Whenever appropriate, the child with a disability.

34 CFR [§300.114 LRE requirements](#)

(a) **General.**

(1) Except as provided in 34 CFR [§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 34 CFR [§§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.

34 CFR [§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 34 CFR [§300.39](#) (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.

34 CFR [§300.116 Placements](#)

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 34 CFR [§§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.

34 CFR [§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

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.

34 CFR [§300.119 Technical assistance and training activities](#)

Each SEA must carry out activities to ensure that teachers and administrators in all public agencies -

- (a) Are fully informed about their responsibilities for implementing 34 CFR [§300.114](#); and
- (b) Are provided with technical assistance and training necessary to assist them in this effort.

34 CFR [§300.120 Monitoring activities](#)

- (a) The SEA must carry out activities to ensure that 34 CFR [§300.114](#) is implemented by each public agency.
- (b) If there is evidence that a public agency makes placements that are inconsistent with 34 CFR [§300.114](#), the SEA must
 - (1) Review the public agency's justification for its actions; and
 - (2) Assist in planning and implementing any necessary corrective action.