

Least Restrictive Environment

Least restrictive environment (LRE) is the core legal mandate of the Individuals with Disabilities Education Act (IDEA). It requires that students with disabilities receive their education in the regular classroom environment to the maximum extent appropriate or to the extent such placement is not appropriate, in an environment with the least possible amount of segregation from the student's peers without disabilities.

What is the Least Restrictive Environment (LRE) Mandate?

The LRE mandate is set forth in the IDEA regulations and requires each public agency to ensure that:

- To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who do not have disabilities; and
- Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when 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.

In the landmark education case *Honig v. Doe* the US Supreme Court interpreted the Education of the Handicapped Act —the predecessor statute to IDEA—to include this legal mandate:

“(State) plans must assure that, ‘to the maximum extent appropriate,’ states will ‘mainstream’ disabled children, and they will segregate or otherwise remove such children from the regular classroom setting ‘only when the nature or severity of the handicap is such that education in regular classes ... cannot be achieved.’”



1-800-472-2670
(701) 328-2950
ND Relay 711 TTY
www.ndpanda.org
panda_intake@nd.gov

Does IDEA Mandate Full Inclusion?

Full inclusion of students with disabilities in all instances is not mandated by IDEA. There may be times a student cannot receive an appropriate education in a regular classroom environment even with supplemental aids and services. However, districts must consider inclusion during the IEP development process.

What is the Continuum of Alternative Placements?

Special education placement is not a place, but a set of services and the type of environment where services are provided that will allow the student to progress in the general education curriculum. Many factors go into this decision, such as:

- Skills needed to learn
- IEP requirements
- Individually designed instruction needed and amount of instruction
- Setting most likely to help the student achieve goals
- School facilities needed to support learning
- Anything else unique to the student

IDEA provides for a continuum of alternative placements including: instruction in regular classes, special classes, schools, home instruction, instruction in hospitals and institutions, and provisions for supplementary services to be provided in conjunction with regular class placement.

The decision not to select an inclusive setting for a student with a disability must be made on an individual basis. Categorical decisions regarding placement clearly violate IDEA.

Even if a student with a significant disability has limited potential for academic achievement in the regular classroom, they may benefit in nonacademic areas, such as social development and self-care. Courts have held that districts must consider an inclusive setting for all students to determine if an appropriate general education program with supplementary aids and services can be designed for the student. If so, the district should try that placement first before considering more restrictive placements.

What are the Various Educational Environment Settings?

- Inside regular class for more than 80% of the day
- Inside regular class no more than 79% of the day and no less than 40% of the day
- Inside regular class less than 40% of the day
- Separate school – public/private separate day school facilities for more than 50% of the day
- Residential facility – students who receive education programs and live in a public/private residential facility during the school week
- Homebound/Hospital
- Correction facilities
- Parental placement in private schools

Each year North Dakota reports how many students are in each educational environment to the Office of Special Education Programs. The state has performance goals for special education, including ensuring most students are educated in the regular classroom more than 80% of the school day.

Additional Resources

- [Insights ND Special Education Performance Information](#)
- [34 CFR 300.114](#)
- [71 FED. REG. 46585 \(2006\)](#)
- [20 U.S.C. § 1412\(5\)](#)
- [34 CFR 300.116](#)
- [34 CFR 300.115](#)