

Considering LRE in Placement Decisions

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website reference <http://www.parentcenterhub.org/repository/placement-lre/>

Summarizing LRE

In basic terms, LRE refers to the setting where 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. As the Department explained in the Analysis of Comments and Changes to the final Part B regulations in the *Federal Register*: The LRE requirements in §§300.114 through 300.117 express a strong preference, not a mandate, for educating children with disabilities in regular classes alongside their peers without disabilities. (71 Fed. Reg. 46585) LRE has been a part of federal special education law from its inception in 1975. LRE's basic statutory provision has remained intact for the past 30 years.

The Core of IDEA's LRE Provisions

IDEA's LRE provisions are found at §§300.114 through 300.117. We'll be looking at these throughout this discussion. To begin, though, let's look at the core of what IDEA requires.

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.

[§300.114(a)]

What Other Settings Can Be Considered?

As already discussed, the frame within which placement determinations begin is the regular educational environment. If a child can be satisfactorily educated in that setting (with needed supplementary aids and services), then the general education class is that child's LRE. Placing this child in a segregated class or separate program would directly violate the LRE provisions in IDEA.

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. This is why schools have been, and still are, required to ensure that "a *continuum of alternative placements* is available to meet the needs of children with disabilities for special education and related services" [§300.115(a)]. These placement options include:

- instruction in regular classes,
- special classes,
- special schools,
- home instruction, and
- instruction in hospitals and institutions.

Provision must be made for supplementary services, such as resource room or itinerant instruction, in conjunction with regular class placement [§300.115(b)].

Having a continuum of placements available "is intended to ensure that a child with a disability is served in a setting where the child can be educated successfully in the LRE" (71 Fed. Reg. 46587). It also reinforces the importance of the individualized inquiry in determining what placement is the LRE for each child with a disability (Id.). As such, the requirement for a continuum of alternative placements supports the fact that determining LRE must be done on an individualized basis, considering "each child's unique educational needs and circumstances, rather than by the child's category of disability, and be based on the child's IEP" (71 Fed. Reg. 46586).

However: Placement is not an "either/or" decision, where children are either placed in a regular education classroom or they're not. The intent is for services to follow, or go with, the child, not for the child to follow services. Schools must make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.