STATE BOARD OF EDUCATION
STATE DEPARTMENT OF EDUCATION
DIVISION OF SPECIAL EDUCATION SERVICES
ADMINISTRATIVE CODE

CHAPTER 290-8-9
SPECIAL EDUCATION SERVICES

290-8-9-.06 Least Restrictive Environment (LRE).

Each public agency must ensure that, to the maximum extent appropriate, children with disabilities ages 3-21, including children in public or private institutions or other care facilities, are educated with children who are nondisabled, and 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 education classes with the use of supplementary aids and services cannot be achieved satisfactorily.

(1) LRE Determination. In determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency must develop and implement procedures to ensure that the child's placement is:

(a) Determined at least annually, by a group that includes the parents of the child,

(b) Based on his or her IEP,

(c) As close as possible to the child's home,

(d) In the school where he or she would be educated if nondisabled, unless the IEP requires some other arrangement,

(e) Selected, giving consideration to any potential harmful effect on the child or the quality of services that he/she needs,

(f) In age-appropriate regular classrooms and not removed based solely on needed modifications in the general education curriculum, and

(g) Is made in conformity with the LRE provisions in this section.

(2) 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 these rules, education agencies

must ensure that each child with a disability participates with nondisabled children in extracurricular services and activities to the maximum extent appropriate to the needs of the 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.

(3) LRE Continuum. Public agencies must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services. Provisions must be made for supplementary aids and services in conjunction with placement in the regular education class placement. The continuum of alternative placements must include instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions.

(4) Service Delivery. Students who are provided special education services in settings other than the student's general education classroom (i.e., resource, self-contained) must be provided services as follows:

(a) Elementary students with disabilities may only be served with other elementary school-aged students.

(b) Secondary students with disabilities may only be served with other secondary school-aged students.

Author: Joseph B. Morton
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