**Least Restrictive Environment**

**Legal Standard**

Under IDEA each public agency must ensure that:

1. 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
2. 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.

34 CFR § 300.114.

**Trending Position**

Congress has made it an overall priority that a student with a disability is to be educated in the regular classroom to the maximum extent possible.

**Realistic Tension in the Act**

Courts have noted the delicate balancing act required by the IEP team with regard to Least Restrictive Environment.

Thus, there is a tension within the Act between two goals: mainstreaming and meeting each child’s unique needs. Greer By & Through Greer v. Rome City Sch. Dist., 950 F.2d 688, 691 (11th Cir. 1991) opinion withdrawn, 956 F.2d 1025 (11th Cir. 1992) and opinion reinstated in part, 967 F.2d 470 (11th Cir. 1992).

“Regular classes, however, will not provide an education that accounts for each child's particular needs in every case. The nature or severity of some children's handicaps is such that only special education can address their needs. For these children, mainstreaming does not provide an education designed to meet their unique needs and, thus, does not provide a free appropriate public education.”

Daniel R.R. v. State Bd. of Educ., 874 F.2d 1036, 1044 (5th Cir. 1989)

**Test**

* Ask whether education in the regular classroom, with the use of supplemental aids and services, can be achieved satisfactorily.
* If it cannot and the school intends to provide special education or to remove the child from regular education, we ask whether the school has mainstreamed the child to the maximum extent appropriate.

Greer By & Through Greer v. Rome City Sch. Dist., 950 F.2d 688, 696 (11th Cir. 1991) opinion withdrawn, 956 F.2d 1025 (11th Cir. 1992) and opinion reinstated in part, 967 F.2d 470 (11th Cir. 1992)(citing Daniel R.R. v. State Board of Education, 874 F.2d 1036, 1049 (5th Cir.1989)).

**Required Continuum**

* The IDEA requires that a district develop a "continuum of alternative placements." A continuum of alternative placements is the range of potential placements in which a district can implement a student's IEP. The continuum begins with the regular classroom and continues to get more restrictive at each placement on the continuum. 34 CFR § 300.115(a).
* The IDEA requires that the continuum:
	1. Include the alternative placements listed in the definition of special education under [[34 CFR § 300.39](http://www.specialedconnection.com/LrpSecStoryTool/servlet/GetReg?cite=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 §300.115](http://www.specialedconnection.com/LrpSecStoryTool/servlet/GetReg?cite=34+CFR+300.115) (b).