

PROGRAMMING IN THE LEAST RESTRICTIVE ENVIRONMENT

Determinations regarding least restrictive programming may be made by the student's Individual Educational Program (IEP) in the following manner:

A. The IEP Team should first assess whether education in the regular classroom, with the use of supplementary aids and services, can be achieved satisfactorily. In making that determination, the IEP Team should assess each of the following factors:

1. What supplementary aids and services may assist the student in obtaining a satisfactory education in the regular classroom.

Supplementary aids and services may include, but are not limited to, resource room services, itinerant services, assistive technology services, modifications of curriculum, use of teacher aides, and consultation services from special educators.

When assessing supplementary aids and services, the IEP Team need not order placement in the regular classroom if it would require modification of the regular curriculum beyond recognition or would result in the student not having to learn any of the skills normally taught in that regular education curriculum.

2. A comparison of the benefits the student would receive in the regular education classroom with those that the student would receive in a more restrictive setting, such as a self-contained program.

The assessment of benefits should consider both academic, functional, and social benefits of participation in the placement at issue. The IEP Team should also assess academic and social detriments for the student that may arise from the placement at issue.

In some circumstances, large social benefits of regular education may outweigh small academic benefits, just as large academic benefits of a more restrictive setting may outweigh small social benefits of a regular education placement.

3. What effect would placement of the student in the regular classroom have on other students in the classroom?

The IEP Team need not place a student in the regular classroom when the student's behavior, even with supplementary aids and services, would be so disruptive that the education of other students is significantly impaired. Nor would the IEP Team need to place the student in the regular classroom when the student would require so much of the teacher or the aide's time that the rest of the class suffers.

4. What the financial impact would be of the supplementary aides and services accompanying an appropriate placement in the regular classroom.

Placement in the regular classroom may not be rejected under this factor simply because it would be incrementally more expensive than placement in a more restrictive setting. Yet the school unit need not educate a student in the regular classroom if the cost of such a placement would adversely affect the education of other students. In most circumstances, the school unit need not place a student in the regular classroom if such placement requires that the student have his/her own full-time teacher.

- B. If the IEP Team determines after assessing the above factors that the student is unable to be educated appropriately in the regular classroom with supplementary aids and services, the IEP Team shall then determine the maximum extent of mainstreaming that the student may receive.

In making this determination, the IEP Team shall consider the full continuum of alternative placements—such as placing the student in regular education for some academic classes and in special education for others, mainstreaming the student for nonacademic classes only, or providing interaction with non-disabled students during non-instructional times.

In making placement determinations, the IEP Team shall attempt to give preference to placements in the student's neighborhood school district. When the special services needed by the student are sufficiently specialized or expensive that they are provided by the school unit only in a school building other than the student's neighborhood school, the IEP Team may place that student in the school where the specialized services exist, rather than replicate those services in the neighborhood school. This

determination should not impact, in most circumstances, on the IEP Team's determination regarding the extent to which the student is able to participate in regular education.

Placements in residential programs shall be made only when the IEP Team determines that the student is not otherwise able to receive some educational benefit from a day program.

Legal Reference: 20 USC § 1412(a)(5)
34 CFR §§ 300.550-.552
Ch. 101 §§ 11.1-11.3 (Nov. 1999) (Maine Dept. of Education Rules)

Adopted: October 6, 2009