

## **Title 6. Education**

### **Chapter I. Division of Elementary and Secondary Education**

#### **Subchapter E. Special Education**

#### **Part 130. Procedural Requirements and Program Standards**

#### **Subpart 13. Least Restrictive Environment**

##### **6 CAR § 130-1301. General LRE requirements.**

Each public agency must ensure:

(1) 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 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.

##### **6 CAR § 130-1302. Continuum of alternative placements.**

(a) Each public agency must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.

(b) The continuum required in subsection (a) of this section must:

(1) Include the alternative placements listed in the definition of special education under 34 C.F.R. § 300.38 and 6 CAR § 130-268 (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.

##### **6 CAR § 130-1303. Placements.**

In determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency must ensure that:

(1) The placement decision is made:

(A) By a group of persons, including the parents and other persons knowledgeable about the:

(i) Child;

(ii) Meaning of the evaluation data; and

(iii) Placement options; and

(B) In conformity with the LRE provisions of 6 CAR § 130-1301 and 34 C.F.R. §§ 300.114 – 300.118;

(2) The child's placement is:

(A) Determined at least annually;

(B) Based on the child's IEP; and

(C) As close as possible to the child's home;

(3) Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled;

(4) In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs; and

(5) A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

**6 CAR § 130-1304. Nonacademic settings.**

(a) 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 34 C.F.R. § 300.107, each public agency must ensure that each child with a disability participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of that child.

(b) 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.

**6 CAR § 130-1305. Technical assistance and training activities.**

Each public agency must carry out activities to ensure that teachers and administrators under its jurisdiction are:

- (1) Fully informed about their responsibilities for implementing LRE; and
- (2) Provided with technical assistance and training necessary to assist them in this effort.