

Q&A: The Least Restrictive Environment

When does a school¹ have to make a placement decision for a student?

A school must make a placement decision for a student after an appropriate evaluation has been conducted under either Section 504 or the IDEA. For more information about evaluations, see our Evaluation Q&A.

What is an appropriate placement and facility under Section 504?

For **academic settings**, schools must:

- Educate each qualified student with a disability with students who do not have disabilities to the maximum extent appropriate based on the needs of the student with a disability; and
- Place students with disabilities in the regular educational environment operated by the school unless it is demonstrated by the school that the education of the student in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily.

In providing or arranging for the provision of **nonacademic and extracurricular services** and activities, schools must ensure that students with disabilities participate with students without disabilities to the maximum extent appropriate. Nonacademic and extracurricular services and activities include:

- Counseling and health services
- Employment of students, including employment by the recipient and assistance with outside employment
- Recess, recreational activities, and athletics
- Special interest groups or clubs sponsored by the recipient
- Referrals to agencies that provide assistance to persons with disabilities
- Meals and transportation

Under Section 504, if a school operates a facility that is identifiable as being for persons with disabilities, the school must ensure that the facility and the services and activities provided in the facility are **comparable** to the other facilities, services, and activities of the school.

What is an appropriate placement and facility under the IDEA?

Schools must ensure a continuum of alternative placements that can meet a student's needs for special education and related services. This includes the least restrictive environment (LRE) to the most restrictive environment for:

- Regular classes
- Special classes
- Special schools
- Home instruction
- Instruction in hospitals
- Instruction in institutions

Under the IDEA and Section 504, a student with a disability must be placed in the LRE. This mandates that students be educated with nondisabled peers to the maximum extent appropriate. When deciding the LRE in the context of the IDEA, the placement team must consider:

- The continuum of educational placements;
- The supplementary aids and services a student needs to be satisfactorily educated in the LRE; and
- The factors that determine the restrictiveness of placement, such as the student's behavior.

¹ In this document, "school" is a term used to include public K-12 schools, including charter schools.

Finally, before being placed outside of a regular classroom environment, the placement team must consider if supplementary aids and services can be provided that would enable education in a regular educational setting.

Examples of aids and services include:

- Extra time to complete assignments or tests
- Shorter or different assignments
- Providing more frequent feedback
- Providing slower-paced instruction
- Providing physical adaptations
- Providing a note-taker or assistance
- Giving a student with a home set of materials
- Allowing breaks
- Preferential seating
- Digitized books and materials
- Allowing computer use for assignments
- Altering instruction

Are there any safeguards to ensure appropriate placement of students?

Yes. Under Section 504, a school **must establish and implement** – with respect to actions regarding the identification, evaluation, or educational placement of students with disabilities – **a system of procedural safeguards** that includes:

- Notice of the action being taken regarding identification, evaluation, or educational placement;
- An opportunity for the parents or guardian of the student to examine relevant records;
- An impartial hearing with opportunity for participation by the student’s parents or guardian and representation by counsel; and
- A review procedure (i.e., an opportunity to appeal the hearing decision).

Under the IDEA, schools must have a complete explanation of all safeguards available under IDEA. Schools must send the procedural safeguards notice to parents once every year. In addition, schools must give a copy to parents:

- In their child’s initial referral for evaluation, or when the parents ask for such an evaluation; and
- When a parent requests a copy of the procedural safeguards notice.

What can I do if my school is not following the proper evaluation and placement procedures?

If you need help or have questions about your rights, you can contact [Disability Law Colorado](#). You also have the right under IDEA to obtain an [Independent Educational Evaluation](#), which is an evaluation conducted by a qualified examiner not employed by the school.

For Section 504 violations, you have a right to file a complaint with the [U.S. Department of Education’s Office for Civil Rights](#) (within 180 days of the alleged discrimination) or the [U.S. Department of Justice](#). For IDEA violations, you can pursue dispute resolution through the [Colorado Department of Education](#) (CDE). A state complaint must be filed within 1 year of the alleged violation, and a due process complaint must be filed within 2 years of the alleged violation. Mediation is also available through CDE.

Where can I go for more information?

- 34 Code of Federal Regulations Sections 104.34 and 300.114
- OCR’s [Policy Guidance Portal](#)
- CDE’s [Special Education Rules & Regulations](#)
- Department of Education’s [Dear Colleague Letter](#)