

Section 7 Serving Students in the Least Restrictive Environment

A. Overview of Placement

1. The School District ensures the right of children with disabilities to be educated with nondisabled children to the maximum extent appropriate.
2. The child's placement shall be based on the child's IEP and shall be as close as possible to the child's home. Unless the IEP of a child with a disability requires some other arrangement, the child shall be educated in the school that he or she would attend if nondisabled. A placement determination based solely upon the category of a child's disability or on the current configuration of the School District's service delivery system is prohibited. In selecting the least restrictive environment (LRE), consideration shall be given to any potential harmful effect on the child or on the quality of services received.
3. Children with disabilities must be allowed to participate to the maximum extent appropriate with nondisabled children in nonacademic and extracurricular activities (including, but not limited to meals, recess periods, athletics, clubs, and recreational activities).
4. Parental participation shall be encouraged. Informed written parental consent is required ~~only~~ before initial special education placement. In cases in which informed written parental consent cannot be obtained, the School District may not use a due process hearing to compel for initial placement of special education and related services.

B. Participation in Regular Education Programs

1. The School District shall take steps to ensure that children with disabilities have equal access to the variety of educational programs and services available to nondisabled children.
2. Steps taken by the School District to ensure the availability of general educational programs and services to children with disabilities may include, but not be limited to:
 - a. Modification of instructional methodologies, staffing, materials and equipment to permit effective participation as appropriate; and

- b. Individualization of the instructional program including staffing, curriculum modifications, classroom accommodations, modified grading, assistive technology, and instructional materials to permit the effective participation of children with disabilities.
3. The IEP must include a statement describing how the child’s disability adversely affects the child’s participation in, and progress toward general education curriculum objectives, including:
- a. Participation in extracurricular and other nonacademic activities;
 - b. The extent to which the child will be educated and participate with nondisabled children;
 - c. An explanation of the extent, if any, to which the child will not participate with nondisabled children; and
 - d. A statement of any individual modifications in the administration of State or School District-wide assessments necessary in order for the child to participate in the assessments. If the IEP Team determines that the child cannot participate in State or School District-wide assessments, the IEP Team must explain why and describe how the child will be alternately assessed. (See Section 12, Students’ Participation in Assessments).

C. State-Operated or Nonpublic Special Education Facility

When an IEP Team determines that no less restrictive setting on the continuum of alternative placements will meet a child’s needs, the child may be placed in a State-operated or nonpublic special education facility. In such a case, the use of a State-operated program should be given first consideration if appropriate. The determination shall be based on recent diagnostic assessments and other pertinent information and made in light of other factors such as proximity to the child’s home. Before the School District places a child or refers a child to such a facility:

- 1. The School District will convene an IEP meeting and invite representative(s) of the State-operated or nonpublic school to attend to assist in identifying or verifying the appropriate placement for that child. If one or

more needed representatives cannot attend, the School District will use other methods to ensure their participation.

2. With respect to the annual review and revision of the IEP of a child with a disability placed or referred to a State-operated or nonpublic school by the School District, the School District may permit the nonpublic school to initiate IEP meetings which will be conducted as described above, provided that the Parent(s) of the child and a representative of the School District are invited to participate in any decision about the child's IEP and agree to any proposed changes in the IEP. The School District remains responsible for the development and implementation of the child's IEP and for convening any needed IEP meetings, including annual reviews.

D. Continuum of Placement Options

The School District will ensure that a continuum of alternative placement options is available to meet the needs of children with disabilities. This continuum will include instruction in general education classes, special education classes, special schools, home instruction, and instruction in hospitals and institutions. The continuum will also make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with general education class placement.

E. Determining Educational Placement

1. In determining any educational placement of a child, the School District shall ensure that:
 - a. The placement decision is made by a group of persons, including the Parent(s), and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options, and is made in conformity with the least restrictive environment requirements;
 - b. The child's placement is determined at least annually, is based on the child's IEP, and is as close as possible to the child's home;
 - c. Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school he/she would attend if nondisabled;

- d. In selecting the LRE, consideration is given to any potentially harmful effect on the child or on the quality of services that the child needs; and
 - e. A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.
2. When making a placement determination on behalf of a child with a disability between the ages of 3-5, the School District must provide a free appropriate public education (FAPE) in the least restrictive environment. The least restrictive environment alternatives may include:
- a. Providing opportunities for the participation (even part-time) of preschool children with disabilities in other preschool programs operated by public agencies (such as Head Start);
 - b. Placing children with disabilities in private school programs for nondisabled preschool children or private preschool programs that integrate children with disabilities and nondisabled children; or
 - c. Locating classes for preschool children with disabilities in elementary schools.
3. In the event the School District must remove a special education child from his/her current program because of behavior that causes serious bodily injury or due to a weapons or drug violation, the IEP Team shall identify an interim alternative educational setting (IAES). This setting will enable the child to continue to progress in the general curriculum and to receive those services and modifications as described in the child's current IEP.
4. Homebound instruction may be recommended by the IEP Team in accordance with subsection C of this Section and the eligibility requirements under 23 Ill. Admin. Code § 226.300.
- F. Nonacademic and Extracurricular Services
1. The placement decision shall permit the child to participate, as appropriate, in nonacademic and extracurricular services and activities (e.g., meals, recess, recreational activities, and clubs sponsored by the School District). According to the needs of the child, as articulated in his/her IEP, the School

District may provide service(s) to a child in order to allow him/her to access participation in nonacademic or extracurricular activities.

2. A child with a disability may be excluded from participation in nonacademic and extracurricular activities for misconduct provided the exclusion is consistent with the School District's disciplinary code, is applied to children without disabilities and takes into consideration the special needs of the child, and that the misconduct was not related to a failure to provide appropriate supplementary aids and services to a child per his/her IEP..

LEGAL REF.: 20 U.S.C. §§ 1412 (State eligibility), 1412 (a)(7), 1413 (local educational agency eligibility).

34 C.F.R. §§ 300.310 (program options), 300.322 (Parent(s) participation), 300.324 (development review and revision of IEP), 300.320 (definition of IEP), 300.114 (LRE requirements), 300.115 (continuum of alternative placements), 300.116 (placements), 300.117 (nonacademic settings).

105 ILCS 5/14-1.02 (children with disabilities), 5/15-8.02 (identification, evaluation and placement of children).

23 Ill. Admin. Code. §§ 226.240 (determination of placement), 226.300 (continuum of placement options), 226.310 (related services), 226.530 (Parent(s)' participation), 226.720 (facilities and classes), 226.220 (development, review and revision of the IEP), 226.230 (content of the IEP).

Adopted: June 2002
Revised: January 2010
Revised: December 2020