

PROGRAMMING IN THE LEAST RESTRICTIVE ENVIRONMENT ADMINISTRATIVE PROCEDURE

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

- A. The IEP 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 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 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 and social benefits of participation in the placement at issue. The IEP 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 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 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 cost 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 district need not educate a student in the regular classroom if the cost of such a placement would significantly impact upon the education of other students. In most circumstances, the school district 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 determines after assessing the above factors that the student is unable to be educated satisfactorily in the regular classroom with supplementary aids and services, the IEP shall then determine the maximum extent of mainstreaming that the student may appropriately receive.

In making this determination, the IEP 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 lunch and recess.

In making placement determinations, the IEP 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 district only in a school building other than the student's neighborhood school, the IEP 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'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 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 §§ 10.2 (August 2017) (Me. Dept. of Ed. Rules)

Adopted: May 3, 2007

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