



ECSE Priority Area 1:

# **Least Restrictive Environment (LRE)**

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Oregon’s Early Childhood Special Education (ECSE) programs are committed to providing services to preschool-aged children with disabilities in the least restrictive environment (LRE), as required by Part B of the Individuals with Disabilities Education Act (IDEA). In accordance with 34 CFR §§ 300.114–300.118 and OAR 581-015-2845, children eligible for ECSE must receive services in settings where they have access to typically developing peers to the maximum extent appropriate. Placement decisions must be made individually, based on the child's needs as identified in the IFSP, and must prioritize participation in inclusive early childhood environments such as Head Start, Preschool Promise, private preschool, or child care.

# Ensuring Access to Inclusive Learning Environments

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The purpose of this priority area is to ensure that placement decisions for children receiving ECSE services are individualized, data-informed, and made in collaboration with families and knowledgeable professionals. Teams must consider each child's strengths, needs, and access needs when determining placement, and must ensure that removal from inclusive settings is not based solely on the need for modifications or supports. The IFSP must include clear documentation of the placement decision process, including nonparticipation justifications, harmful effects considerations, and the use of supplementary aids and services to support access and inclusion. Oregon's LRE requirements emphasize the value of inclusive early learning environments in supporting children's development, social-emotional growth, and school readiness.

By using this protocol, the ECSE ODE team will review placement decisions made by the programs and supporting documentation to determine compliance with LRE requirements. The questions within this section are designed to evaluate whether children are being served in appropriate, inclusive settings and whether their IFSPs include the necessary explanations and supports required under IDEA. If noncompliance is identified, it is recommended that the program correct the findings as soon as possible. In all cases, noncompliance must be fully corrected within one year of receiving written notification from the Oregon Department of Education (ODE). Additionally, when noncompliance significantly affects a child's access to inclusive services, the program must address the issue within a shortened timeline as required by ODE.

Record Review Item	Potential Documentation
<p><b>The child’s educational placement:</b></p> <ul style="list-style-type: none"> <li>• <b>Was determined by a group of individuals, including the parent(s), and persons knowledgeable about:</b> <ul style="list-style-type: none"> <li>○ <b>The child</b></li> <li>○ <b>The meaning of the evaluation data</b></li> <li>○ <b>Placement options</b></li> </ul> </li> <li>• <b>If the parent did not participate, there is documentation that they were invited</b></li> <li>• <b>Was based on the child’s current IFSP</b></li> <li>• <b>Was made in conformity with the requirements of Least Restrictive Environment (LRE)</b></li> <li>• <b>Is as close as possible to the child’s home, or</b> <ul style="list-style-type: none"> <li>○ <b>If not, documentation includes consideration of supplementary aids and services attempted to support a placement closer to home</b></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• IFSP</li> <li>• Special Education Placement Page</li> <li>• Prior Written Notice</li> <li>• Parent invitation to placement meeting</li> <li>• Meeting notes</li> <li>• Contact or communication logs</li> </ul> <p><b>Check for the following:</b></p> <ul style="list-style-type: none"> <li>• Placement decision was made by a team including the parent and individuals knowledgeable about the child, evaluation data, and placement options</li> <li>• If the parent did not attend, documentation shows they were invited with sufficient notice and offered participation in another format (e.g., phone or virtual meeting)</li> <li>• Placement was determined after the most recent IFSP was developed</li> <li>• Placement decision was reviewed and made within 365 days of the previous decision</li> <li>• Documentation shows that the child’s placement is in a setting with access to typically developing peers, to the maximum extent appropriate</li> <li>• If placement is not close to the home, documentation addresses why and describes supplementary aids and services that were considered</li> </ul>

## Evidence of Compliance

YES

Mark  **YES** if there is evidence that all of the following are true:

- Placement was determined by a group including the parent and knowledgeable professionals
- Documentation shows the parent participated or was invited with sufficient advance notice
- Placement was made after the most recent IFSP
- Placement decision occurred within the last 365 days
- Placement reflects the LRE requirements and includes consideration of settings with typically developing peers
- If not placed close to home, documentation explains the decision and describes supplementary aids and services considered

NO

Mark  **NO** if there is evidence that any of the following are true:

- Parent was not invited or did not participate, with no documentation of outreach
- Placement was made before the most recent IFSP
- Placement decision is more than 365 days old
- There is no documentation showing that LRE considerations were part of the decision
- There is no explanation for a placement that is not close to home or lacks documentation of supplementary supports

**Record Review Item: LRE -2. 34 CFR § 300.320(a)(6)(i)**

Record Review Item	Potential Documentation
<p><b>Accommodations and supports enable participation in the general education curriculum.</b></p>	<ul style="list-style-type: none"><li>• IFSP Present Levels of Development (PLOD)</li><li>• Supplementary Aids and Services section</li><li>• Accommodations and/or Specially Designed Instruction sections</li><li>• Evaluation results</li><li>• List of accommodations provided to teacher(s)</li><li>• Classroom observation notes or reports</li><li>• Teacher interview or communication logs</li><li>• Team meeting notes</li></ul> <p><b>Check for the following:</b></p> <ul style="list-style-type: none"><li>• Accommodations, modifications, and/or supports are listed in the IFSP and are linked to the child's identified needs</li><li>• The supports described are designed to facilitate the child's participation in age-appropriate routines and learning activities</li><li>• Evidence exists that teachers or providers were informed of accommodations and supports</li><li>• Classroom observations or teacher interviews confirm that the accommodations are in use and support access to the general education curriculum</li><li>• Accommodations are not generic but are individualized based on the child's evaluation and team planning</li></ul>

## Evidence of Compliance

### YES

Mark  **YES** if there is evidence that all of the following are true:

- The IFSP lists accommodations or supports that address the child's specific developmental and learning needs
- Documentation confirms that accommodations were provided to classroom staff
- Observations or teacher reports indicate that accommodations are implemented and effective
- The supports are designed to enable participation in general education activities or routines with typically developing peers

### NO

Mark  **NO** if there is evidence that any of the following are true:

- Accommodations or supports are not documented in the IFSP
- Accommodations listed are vague, not individualized, or do not relate to general education participation
- There is no documentation that teachers or service providers were informed of the accommodations
- Observations or teacher feedback indicate accommodations are not being implemented

**Record Review Item: LRE –3.** 34 CFR §§ 300.116 & 300.320(a)(5); OAR 581-015-2845

Record Review Item	Potential Documentation
<p><b>In determining the child’s least restrictive environment (LRE), the team:</b></p> <ul style="list-style-type: none"> <li>• <b>Considered the modifications and supports needed to implement the child’s IFSP</b></li> <li>• <b>Considered the level of support needed for participation in age-appropriate settings</b></li> <li>• <b>Considered the potential harmful effects of the placement on the child or the quality of services</b></li> <li>• <b>Did not remove the child from an age-appropriate classroom or setting solely because of needed modifications</b></li> </ul>	<ul style="list-style-type: none"> <li>• Special Education Placement Determination form</li> <li>• Placement considerations and non-participation justification</li> <li>• Prior Written Notice</li> <li>• IFSP: PLOD, Special Factors, Supplementary Aids and Services, Accommodations, and/or Specially Designed Instruction</li> <li>• Evaluation report</li> <li>• Meeting notes</li> <li>• Service trackers or service delivery records</li> </ul> <p><b>Check for the following:</b></p> <ul style="list-style-type: none"> <li>• The placement form or team notes reflect discussion of harmful effects, including on the child or the quality of services</li> <li>• The team considered whether the child could remain in an age-appropriate general education setting with supports</li> <li>• Documentation shows that modifications, accommodations, and supplementary aids and services were considered before a more restrictive setting was chosen</li> <li>• If the child is not placed with typically developing peers, the documentation provides justification beyond the need for modifications (i.e., not excluded solely due to support needs)</li> <li>• IFSP content aligns with the placement decision and includes individualized supports</li> </ul>

## Evidence of Compliance

YES

Mark  **YES** if there is evidence that all of the following are true:

- The team considered modifications, supports, and harmful effects in determining LRE
- Documentation shows that the child's need for modifications did **not** result in removal from an inclusive setting
- IFSP and placement documentation align and reflect individualized planning
- Prior Written Notice or meeting notes include rationale for the placement decision, including LRE considerations

NO

Mark  **NO** if there is evidence that any of the following are true:

- There is no documentation that harmful effects or needed supports were considered
- The child was removed from a general education or age-appropriate setting solely because of the need for modifications
- The team failed to consider or document supplementary aids and services before deciding on a more restrictive placement
- Placement decisions are not clearly tied to IFSP content or individualized needs

**Record Review Item: LRE -4. 34 CFR § 300.320; OAR 581-015-2815**

Record Review Item	Potential Documentation
<p><b>The current ECSE IFSP contains a Non-Participation Explanation that includes:</b></p> <ul style="list-style-type: none"><li>• <b>A statement of the amount of time, if any, the child is not participating with nondisabled children in a regular early childhood program</b></li><li>• <b>An individualized explanation of the reason why the child is not participating for the specified amount of time</b></li></ul>	<ul style="list-style-type: none"><li>• IFSP – Non-Participation Justification section</li><li>• Placement decision form</li><li>• Team meeting notes</li><li>• Prior Written Notice</li></ul> <p><b>Check for the following:</b></p> <ul style="list-style-type: none"><li>• IFSP clearly indicates whether the child is participating with typically developing peers for all or part of the services</li><li>• If the child is not participating fully, the IFSP includes:<ul style="list-style-type: none"><li>○ The specific amount of time per week the child is not in a setting with nondisabled peers (do not use ranges)</li><li>○ A clear, individualized reason for the nonparticipation</li></ul></li><li>• The explanation must not be substituted by service amounts or frequency in the services summary</li><li>• IFSP services are considered to be with typical peers if provided in a setting with at least 50% nondisabled children</li><li>• If the child receives all services in a regular early childhood program, mark this item as N/A</li></ul> <p>Note: The response must be consistent with LRE-related standards such as IFSP 6, which requires participation from a regular preschool teacher if the child is or may be in a regular early childhood program.</p>

## Evidence of Compliance

YES

Mark  **YES** if there is evidence that all of the following are true:

- The IFSP includes the specific amount of time the child will not participate with typically developing peers
- The IFSP provides an individualized explanation for why the child will not fully participate in a regular early childhood program
- Documentation reflects a team decision and is consistent with the LRE provisions and related IFSP components

NO

Mark  **NO** if there is evidence that any of the following are true:

- IFSP does not specify the amount of time the child will be separated from typical peers
- The reason for nonparticipation is vague, missing, or generic
- The nonparticipation explanation is missing or replaced by service summary details
- Documentation is inconsistent with LRE-related expectations (e.g., IFSP 6)

Mark  **N/A** if:

- The child receives all ECSE services in a regular early childhood program with at least 50% nondisabled peers