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[Jason S. Long](#), [Jennifer S. Caradine](#)

Considerations for Least Restrictive Environment Determinations of Students with Autism

Unquestionably, more students are receiving special education services for autism than ever before and the occurrence of autism spectrum disorder continues to rise. As a result, the impact on public education with regard to the Individuals with Disabilities Education Act ("IDEA") and the need to provide a Free and Appropriate Public Education ("FAPE") must achieve the appropriate balance with the consideration for the Least Restrictive Environment ("LRE").

Included are some tips that we often find helpful when assisting county boards of education in making LRE determinations for students with autism.

- LRE does not trump FAPE. The significant question is always what is the least restrictive environment where this student can receive meaningful educational benefit. The general educational setting is required to the maximum extent appropriate, not the maximum extent possible.
- Specifically identify the student's needs (academic and non-academic) and target skills and prioritize them, accounting for the nature and severity of the student's disability and the student's age.
- Establish the level of services and supports necessary to meet the defined needs and to support progress on the goals and objectives.
- Ascertain whether the student's needs can be satisfactorily met in the regular education classroom with or without supplementary aids and services.
- Recognize the efforts the school has made to educate in the regular classroom in conjunction with supplemental services provided and a review of progress data.
- If the student's needs cannot be or have not been satisfactorily met in the regular education classroom, gradually move along the continuum of alternative placements beginning with the less restrictive options and moving to the most restrictive to determine where meaningful benefit can be received.
- If the parents dispute the school's LRE recommendation, define the academic and nonacademic benefits of the proposed placement versus the parents' desired placement (using a contrast/compare approach).
- If the ultimate determination is removal from the regular classroom, identify what alternative mainstreaming opportunities can be made available and maximize on them (physical education, art, music, electives, lunch, non-academic and extracurricular activities).

Should you have any questions on this issue or any issues please feel free to contact a member of Dinsmore & Shohl's [Education Law Practice Group](#).

(1) The checklist is adapted from a presentation by Julie J. Weatherly, Resolutions in Special Education, Inc.