

Division of Special Education/Early Intervention Services  
**Placement Determination of  
*Preschool Students with Disabilities, 3 – 5 years old,*  
in the Least Restrictive Environment (LRE)**

**1. What does placement determination mean?**

The placement determination identifies the settings where a student's Individualized Education Program (IEP) will be implemented. Placement decisions must be made consistent with 34 CFR §300.552 that requires:

- The student's placement decision be made by the student's IEP team;
- The placement to be in the least restrictive environment (LRE) based on and consistent with the student's IEP; and
- That unless the student's IEP requires some other setting, the student is to be educated in the early childhood setting the student would attend if not disabled, and as close as possible to his or her home.

[34 C.F.R. §300.552; COMAR 13A.05.01.10C(1)]

**2. What is the Least Restrictive Environment (LRE) for preschool students with disabilities ages 3 through 5 years old?**

The LRE is the early childhood setting in which a student with a disability is able to receive a free appropriate public education (FAPE) designed to meet his or her individual needs while being educated with peers without disabilities to the maximum extent appropriate. Each public agency shall ensure that preschool students with disabilities are educated with nondisabled preschool students. Special classes, separate schooling, or other removal of a student with a disability from a typical early childhood setting occurs only if the nature or severity of the disability is such that participation in typical early childhood settings with the use of supplementary aids and services cannot be satisfactorily achieved. LRE defines the settings **WHERE** a preschool student with a disability receives special education services, and how much **TIME** is spent in those settings, **NOT WHAT SERVICES** the student is to receive.

The determination of whether a placement or setting is less or more restrictive is based on how often a student is able to receive access to, and be involved in the local school systems early learning curriculum, and have meaningful interaction with his or her nondisabled peers. The more time a student with a disability receives his or her specialized instruction in early childhood

settings designed for nondisabled preschoolers, the less restrictive the placement. Conversely, the more time a student with a disability is segregated from his or her nondisabled peers, the more restrictive the placement.

The placement where the student receives service is to be as close as possible to the student's home. Unless the preschool student's IEP requires some other arrangement, the student is to be educated in the community setting or school the student would attend if not disabled. A student with a disability is never removed from age-appropriate settings solely because of needed modifications to the early learning curriculum or activities.

In the case of preschoolers with disabilities, if a local school system does not operate a preschool program for nondisabled students, there may be no comparable option. Therefore, it is important to note that placement in a general education preschool program in another district or in a privately operated program in the local community is a less restrictive placement option than a local school system's separate preschool classroom for students with disabilities.

[20 U.S.C. §1412(a)(5); 34 C.F.R. §§300.550(b); 300.552(e); COMAR 13A.05.01.10A]

### **3. What constitutes the continuum of alternative placements?**

Each public agency shall ensure that a continuum of alternative placements is available to meet the needs of preschool students with disabilities for special education and related services. The continuum required must include instruction in:

- Early childhood settings designed for nondisabled preschoolers;
- Part time early childhood/part time early childhood special education settings;
- Early childhood special education settings;
- Home;
- Special schools;
- Instruction in hospitals and institutions; and
- Provision for supplementary services, such as itinerant instruction, to be provided at the home school or in conjunction with participation in a typical early childhood setting.

The continuum of alternative placements is, just that, a continuum. The continuum begins with consideration of instructional settings with nondisabled preschoolers. Placement in separate settings designed for students with disabilities, public or nonpublic day or residential facilities should only be used when a student's IEP cannot be implemented in a less restrictive setting.

[20 U.S.C. §1412(a)(5); 34 C.F.R. §300.551; COMAR 13A.05.01.10B]

### **4. How frequently must the placement for a student with a disability be reviewed?**

The placement of each preschool student with a disability is determined at least annually, based on the student's IEP. The preschool student's parents, teacher, or other service provider can initiate a review of the student's IEP at any time. If the IEP is revised as a result of an IEP review meeting, the IEP team must review the preschool student's placement to determine if a change in

placement is needed to reflect the revised IEP.

[20 U.S.C. §1412(a)(5); 34 C.F.R. §300.552; COMAR 13A.05.01.08B(3) and .10C(1)]

**5. What are the relevant factors an IEP team needs to consider in determining a student's placement in the LRE?**

In determining if a placement is appropriate, the following factors are relevant:

- The educational benefits to a preschool student with a disability in a typical early childhood setting, when supplemented with appropriate aids and services, in comparison to the educational benefits to a preschool student with a disability in an early childhood special education setting; and
- The non-academic benefits to a preschool student with a disability interacting with nondisabled peers and the degree of disruption of the education of other students, resulting in the inability to meet the unique needs of the preschool student with a disability.

However, local school systems **MAY NOT** make placements based solely on factors such as the following:

- Category of disability;
- Significance of the disability;
- Configuration of delivery system;
- Availability of educational or related services;
- Availability of space; or
- Administrative convenience.

[Appendix A to 34 C.F.R. Part 300, Notice of Interpretation, page 12471]

**6. What is the relationship between the IEP and the determination of a preschool student's placement in the LRE?**

The relationship between the IEP process and the LRE requirements is critical. A preschool student's IEP forms the basis for the student's placement decision. All services and the student's placement that will reasonably promote the student's educational success, must be individually determined and based on the student's unique abilities and needs. This requires the IEP team to explore the full range of supplementary aids, services, and supports needed to facilitate the provision of specialized instruction in a typical early childhood setting before a more restrictive placement is considered.

At the student's IEP team meeting, the extent that the student will be able to participate in general education classes, services, and activities is one of the most important matters to be addressed by the IEP team before the student's IEP is finalized. This process includes:

1. The review of the student's present levels of performance that describes how the student's disability affects the student's involvement and progress in the general curriculum.
2. The development or review of a student's measurable annual goals and benchmarks or short-term objectives. These goals and benchmarks must be related to how the student's disability affects the student's participation in appropriate activities.
3. The consideration of the relationship between the student's identified present levels of performance and the other components of the IEP, including:
  - Goals and benchmarks or short term objectives; and
  - Special education and related services to be provided to the student, including location, duration, and frequency of services.
4. The consideration of the supplementary aids, supports, services, and accommodations to be provided to facilitate the student's participation in activities with nondisabled peers.
5. The consideration of whether placement in a typical early childhood setting will result in any potential harmful effect on the student or on the quality of services that the student needs.
6. The consideration of whether placement in a typical early childhood setting, even with appropriate behavioral interventions, will significantly impair the learning of others.

The determination of a student's placement in the LRE is based on the student's IEP goals and objectives, and must be made after the goals and objectives on the IEP are developed. Goals and objectives should never be developed to "fit" the placement.

[20 U.S.C. §§1412(a)(5); 1414(d)(3) and (4)(B); 34 C.F.R. §§300.346; 300.347; 300.550 – 300.552; COMAR 13A.05.01.09A and .10C; Appendix A, to 34 C.F.R. Part 300, Notice of Interpretation, page 12471; question 39, page 12479]

**7. What must be documented in a student's IEP concerning the IEP team's placement determination in the LRE?**

IDEA requires that the IEP of each disabled student must contain, among other components:

- A statement of the student's present levels of performance, including how the student's disability affects the student's participation in appropriate activities;
- A statement of the annual measurable goals and benchmarks or short-term objectives related to meeting the student's needs that result from the student's disability to enable the student to participate in appropriate activities;
- A statement of specific special education and related services to be provided to the student and the extent that the child will be able to participate in typical early childhood settings;
- A statement of the supplementary aids, services, supports, accommodations, to be provided for the student or on behalf of the student;
- A statement of the program modifications or supports for early care and education personnel

that will be provided for the student;

- An explanation of the extent the student **WILL NOT** participate with nondisabled peers in typical early childhood settings and, if appropriate, nonacademic and extracurricular activities and **WHY NOT**.

[34 C.F.R. §300.347; COMAR 13A.05.01.09]

**8. How will a child with disabilities be accommodated in a typical early childhood setting, i.e., an early childhood setting designed primarily for students without disabilities?**

IDEA requires that a student with a disability be provided with "supplementary aids and services" as needed to enable him or her to succeed in the LRE. These supplementary aids and services can be provided in a typical early childhood settings to enable preschool students with disabilities to be educated with preschool students without disabilities. These aids and services may include, but are not limited to, instructional accommodations, alternatives, modifications, assistance of a consultant teacher with early childhood special education training, computer-assisted devices, additional time for assessment, and/or preferential seating.

[ 34 C.F.R. §300.347(a)(3); COMAR 13A.05.01.08A and .09A]

**9. How does the IEP team determine placement in the LRE for a preschool student with a disability?**

The IEP team for a student with a disability is to first consider the typical instructional setting that would be provided for a student without a disability. For preschool-age students this may be an early childhood setting designed for students without disabilities. In the consideration of a typical early learning setting with nondisabled peers, the IEP team needs to document **HOW** special education and related services, including supplementary aids, services, supports, accommodations, and modifications will be provided. If the IEP team determines that the student needs a more restrictive setting for the delivery of services, the IEP team must document **WHY** the less restrictive setting is inappropriate and describe the extent to which the student **WILL NOT** participate with nondisabled peers. This includes the participation of preschool students with disabilities with nondisabled peers in age-appropriate early childhood activities, including meals, recess, and other services available to all students in the setting. The IEP team's determination of a student's placement in the LRE is a description of **WHERE** and **HOW** special education service and related services can be delivered with nondisabled peers through the use of supplementary aids, services, supports, accommodations, and modifications to appropriately meet the preschool student's identified instructional needs.

[34 C.F.R. §§300.347(a)(2) – (4); 300.553; COMAR 13A.05.01.09A(1)(e)]

## Data Coding and Reporting

### 10. Is there a relationship between the manner in which a school schedules classes and services and the reporting of LRE data on the Special Services Information System (SSIS)?

No. The LRE for each student with a disability is reported as the percentage of time a student is segregated from nondisabled peers in typical early learning settings. School systems are not to "average," "adjust," or "alter" the reporting of the LRE data for students. The goal is to increase the participation of students with disabilities in typical early learning settings with nondisabled peers throughout a school year. Data is not to be manipulated in any way that would mask what actually occurs within schools.

### 11. How is LRE data reported to the State?

LRE data is reported as an alpha code for each student with a disability's program as described by the IEP that represents the percentage of time outside of general education settings. Refer to the SSIS Manual of Instructions for a complete list of LRE setting codes. Please see attachment.

### 12. How often is LRE data reported to the State?

LRE data is reported through the SSIS as part of the annual child count and exit data reporting. The annual child count is a collection of information that represents single point in time data for all students with disabilities that receive special education and related services at the time of the data collection. The data collected is neither cumulative nor longitudinal. Beginning with the 2003-2004 school year the annual child count will occur on the last Friday of October.\* The second data submission, Exit Data, is reported on June 30, annually. Exit Data is a collection of data on all students who exit special education service from July 1 of the previous year to June 30 of the current year. This data is reported to the federal Office of Special Education Programs annually.

[34 C.F.R. §§300.750 – 300.754]

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\* Prior to the 2003-2004 school year, the required child count has been collected annually on December 1.

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MARYLAND STATE DEPARTMENT OF EDUCATION

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Delay also includes atypical development or a diagnosed condition.

LRE - Least Restrictive Environment (1 position alpha)

Description: The setting in which student, **age 3 - 21**, receives program.

Codes: CODES A THROUGH D MAY BE USED FOR STUDENTS AGES 6-21

**A = OUTSIDE GENERAL EDUCATION SETTINGS LESS THAN 21%** - includes student enrolled in a comprehensive school who receives special education and related services OUTSIDE GENERAL EDUCATION SETTING for less than 21% of the school day.

ELIGIBILITY 3 STUDENTS MUST BE LRE A.

**B = OUTSIDE GENERAL EDUCATION SETTINGS BETWEEN 21 AND 60%** - includes student enrolled in a comprehensive school who receives special education and related services OUTSIDE GENERAL EDUCATION SETTING for at least 21%, but no more than 60% of the school day.

**C = OUTSIDE GENERAL EDUCATION SETTINGS MORE THAN 60%** - includes student enrolled in a comprehensive school who receives special education and related services OUTSIDE GENERAL EDUCATION SETTING for more than 60% of the school day.

**D = HOMEBOUND PLACEMENT** - student who receives special education instruction at home.

CODES E THROUGH I MAY BE USED FOR STUDENTS AGES 3-21

**E = HOSPITAL PLACEMENT** - student who receives special education in a medical treatment facility on an in-patient basis.

**F = PUBLIC SEPARATE DAY SCHOOL**

**STUDENTS AGES 3-5** - student who received ALL of their special education and related services in educational programs in public day schools specifically for children with disabilities.

**STUDENTS AGES 6-21** - student who receives special education and related services for greater than 50% of the school day in a public separate day facility that *does not house programs for students without disabilities.*

**G = PRIVATE SEPARATE DAY SCHOOL**

**STUDENTS AGES 3-5** - student who received ALL of their special education and related services in educational programs in private day schools specifically for children with disabilities.

**STUDENTS AGES 6-21** - student who receives special education and related services for greater than 50% of the school day in a private separate day facility that *does not house programs for students without disabilities.*

*SSJS Service Record***H =PUBLIC RESIDENTIAL FACILITY**

**STUDENTS AGES 3-5-** student who receives **ALL** of their special education and related services in a publicly operated residential facility or residential medical facility on an inpatient basis.

**STUDENTS AGES 6-21-** student who receives special education and related services for greater than 50% of the school day in a public residential facility.

**I = PRIVATE RESIDENTIAL FACILITY**

**STUDENTS AGES 3-5-** student who receives **ALL** of their special education and related services in a privately operated residential facility or residential medical facility on an inpatient basis

**STUDENTS AGES 6-21-** student who receives special education and related services for greater than 50% of the school day in a private residential facility.

**CODES J THROUGH O MAY BE USED FOR STUDENTS AGES 3-5**

**J = HOME** - 3 to 5 year old who received **ALL** of their special education and related services in the principal residence of the child's family or caregivers.

**K =ITINERANT SETTING** - 3 to 5 year old who receives all of their special education and related services at a school, hospital facility on an outpatient basis, or other location for a short period of time (i.e., no more than 3 hours per week). These services may be provided individually or to a small group of children. This may include, but is not limited to: speech instruction up to 3 hours per week in a school, hospital, or other community-based setting.

**L = REVERSE MAINSTREAMING** - includes 3 to 5 year old who receives special education in class designed for disabled student where over 50% of the students are not disabled.

**M =EARLY CHILDHOOD SETTING** - includes 3 to 5 year old who receives all of their special education and related services in educational programs designed primarily for children **without** disabilities. **NOTE:** No education or related services are provided in separate special education settings. This may include, but is not limited to: regular kindergarten classes; public or private preschools; Head Start Centers; child care facilities; preschool classes offered to an eligible pre-kindergarten population by the public school system; home/early childhood combinations; home/Head Start combinations; and other combinations of early childhood settings.

**N = EARLY CHILDHOOD SPECIAL EDUCATION SETTING** - includes 3 to 5 year old who receives all of their education and related in educational programs designed primarily for children **with** disabilities housed in regular school buildings or other community-based settings. **NOTE:** No education or related services are provided in early childhood settings. This may include, but is not limited to: special education classrooms in regular school buildings; special education classrooms in child care facilities; hospital facilities on an outpatient basis, or other community-based settings; and special education classrooms in trailers or portables outside regular school buildings.

*SSIS Service Record*

- O = PART-TIME EARLY CHILDHOOD/PART-TIME EARLY CHILDHOOD SPECIAL EDUCATION SETTING-** includes 3 to 5 year old who receives services in multiple settings, such that:
- (1) general and/or special education and related services provided at home or in educational programs designed primarily for children **without** disabilities, and
  - (2) special education and related services are provided in programs designed primarily for children **with** disabilities. **NOTE:** This may include, but is not limited to: home/early childhood special education combinations; Head Start, child care, nursery school facilities, hospital facilities on an outpatient basis, or other community-based settings with special education provided outside of the regular class; regular kindergarten classes with special education provided outside of the regular class; separate school/early childhood combinations; and residential facility/early childhood combinations.

ESY (1 position numeric)

**Description:** The individualized extension of specific special education and related services that are provided beyond the normal school year of the public agency, in accordance with the IEP, at no cost to the parents. Facilities which already provide year round services (DJJ facilities, adult correctional facilities, some residential programs) cannot provide ESY.

**Codes:** **1 = Yes**, service is provided during Extended School Year.  
**2 = No**, service is not provided during Extended School Year.