



## What Constitutes the Least Restrictive Environment for a Deaf or Hard of Hearing Student?

The Individuals with Disabilities Education Act<sup>1</sup> requires states to ensure that all eligible students receive a Free Appropriate Public Education<sup>2</sup> in the Least Restrictive Environment (LRE)<sup>3</sup> LRE is determined through the Individualized Education Program (IEP)<sup>4</sup> development process. The IEP for a deaf or hard of hearing student must support his language and communication needs and opportunities. In developing the IEP, the IEP team must consider:

- the child's language and communication needs,
- opportunities for direct communications with peers and professional personnel in the child's language and communication mode,
- academic level, and
- full range of needs, including opportunities for direct instruction in the child's language and communication mode.<sup>5</sup>

LRE is not one particular place, but a setting which meets the unique needs of the student.

The LRE is not predetermined, but is decided through the IEP process, as follows:

- the student's academic and functional needs are assessed,
- academic and functional goals are set,
- services to support the student in meeting those needs are documented
- placement decision occurs.<sup>6</sup>

The placement decision must be made by a group of persons, including the parents and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options.<sup>7</sup>

***Any setting that does not meet the communication and related needs of a child who is deaf does not allow for the provision of FAPE and cannot be considered the LRE for that child.***

States and local education agencies are required to ensure that a continuum of alternative placements is available,

<sup>1</sup> 34 C.F.R. Part 300.

<sup>2</sup> 34 C.F.R. § 300.17, 34 C.F.R. § 300.101-113.

<sup>3</sup> 34 C.F.R. § 300.114-120.

<sup>4</sup> 34 C.F.R. § 300.22

<sup>5</sup> 34 C.F.R. § 300.324(a)(2)(iv).

<sup>6</sup> 34 C.F.R. § 300.320.

<sup>7</sup> 34 C.F.R. § 300.116(a)(1).

including instruction in regular classes, special classes, and special schools.<sup>8</sup>

In fact, placement outside the general education setting is required when the student's needs cannot be met in that setting:

"Any setting that does not meet the communication and related needs of a child who is deaf does not allow for the provision of FAPE and cannot be considered the LRE for that child. Just as the IDEA requires placement in the regular education setting when it is appropriate for the unique needs of a child who is deaf, it also requires placement outside of the regular education setting when the child's needs cannot be met in that setting."<sup>9</sup>

For many students, the LRE is a specialized school for the deaf:

"Schools for the deaf provide immersion in an environment that emphasizes communication access, language development, specialized instruction, and social and emotional development opportunities for all students . . .

"[T]eachers at specialized schools are specially trained in language and communication as well as evidence-based teaching methodologies. Schools for the deaf provide a critical mass of age level and communication peers for the students, as well as adult deaf role models . . ."<sup>10</sup>

"Children thrive in language rich environments . . . where they can internalize, use, and share language. Language rich settings allow children to develop social language, academic language, reasoning skills, and numeracy as well as identity. LREs should allow children (and adults) to engage in reflective and projective thinking and to share that thinking via common language with those around them. Children lacking language skills, or opportunities to fully engage using language, run the risk of becoming stymied and objectified. Thus, students with unique needs, predictably, struggle in settings which do not match their strengths and needs."<sup>11</sup>

"IEP teams should be aware of the resources, personnel, and programs available at schools for the deaf so that they can make informed decisions about placement. Accurate information about schools for the deaf should be shared with parents to help them with decision making."<sup>12</sup>

**10 Essential Principles**  
To Optimize the Education of Students who are Deaf or Hard of Hearing

1. Each student is unique.
2. High expectations drive educational programming and future employment opportunities.
3. Families are critical partners.
4. Early language development is critical to cognition, literacy, and academic achievement.
5. Specially designed instruction is individualized.
6. Least Restrictive Environment (LRE) is student-based.
7. Educational progress must be carefully monitored.
8. Access to peers and adults who are deaf or hard of hearing is critical.
9. Qualified providers are critical to a child's success.
10. State leadership and collaboration is essential.



<sup>8</sup> 34 C.F.R. § 300.115.

<sup>9</sup> U.S. Department of Education, Letter to Stern, September 30, 2011, <https://www2.ed.gov/policy/speced/guid/idea/letters/2011-3/stern093011re3q2011.pdf>.

<sup>10</sup> National Association of State Directors of Special Education (NASDSE) (2018). *Optimizing Outcomes for Students who are Deaf or Hard of Hearing*, third edition, p. 36, <http://nasdse.org/LinkClick.aspx?fileticket=9v8pO3R7Nzk%3d&tabid=36>.

<sup>11</sup> Rochester Institute of Technology/National Technical Institute for the Deaf, *Raising and Educating Deaf Children, Least Restrictive Environment (LRE) and Deaf Students*, <http://www.raisingandeducatingdeafchildren.org/2016/04/01/least-restrictive-environment-lre-and-deaf-students/>.

<sup>12</sup> National Association of State Directors of Special Education, p. 36.