

IEP Components Series

Extent of Nonparticipation

This short article addresses the component of the IEP we'll call "extent of nonparticipation." The language at §300.320(a)(5) states the IEP must include: An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in paragraph (a)(4) of this section...

This provision is pretty self-evident and highlights the value IDEA places on educating children with disabilities, to the maximum extent appropriate, with children who are not disabled. If a child's IEP places the child outside of the regular class, involvement in the general curriculum, and/or participation in extracurricular or nonacademic activities (the meaning of the phrase "the activities described in paragraph (a)(4) of this section"), the IEP must explain why.

Since the IEP is driven by the child's needs, the explanation of nonparticipation should reflect the child's needs and not be based on the needs or convenience of the school system.

LRE as a Foundational Principle of IDEA

We would be remiss if we didn't mention the clear connection between "extent of nonparticipation" as a component of the IEP and the principle called LRE.

LRE stands for **least restrictive environment**, one of several vital concepts that guide development of a child's IEP, influencing *where* a child spends his or her time at school, *how* services are provided, and *the relationships* the child develops within the school and community. In basic terms, LRE refers to the setting where a child with a disability can receive an appropriate education designed to meet his or her educational needs, alongside peers without disabilities to the maximum extent appropriate.

The Core of IDEA's LRE Provisions

One look at IDEA's main LRE provisions will show clearly why we bring up LRE in this discussion of "extent of nonparticipation." IDEA states at §300.114(a)(2) that:

(2) Each public agency must ensure that—

(i) To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and

(ii) Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. [§300.114(a)(2)]

That's strong language, isn't it, especially when you consider the specific wording and phrases in the provision:

- Special classes
- Separate schooling
- Other removal from the regular educational environment
- **Occurs only if...**

Since its earliest days, the law has displayed a strong preference for children with disabilities to be educated alongside their peers without disabilities, to the maximum extent appropriate. It recognizes that, in many cases, *supplementary aids and services* must be provided to a child with a disability to enable him or her to be educated in the general education classroom. Simply put, then, removal of a child with disabilities from the regular education class may occur *only if* the child cannot be satisfactorily educated in the regular educational environment *with* the use of supplementary aids and services. And, as this article discusses, the extent of nonparticipation must be explained in the IEP.