



Guidance

Preschool in the Least Restrictive Environment

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Introduction

This document is focused on children in preschool to ensure Individualized Education Program (IEP) Teams are aware of the following:

- The least restrictive environment (LRE) requirements and how those requirements apply to preschool.
- What a preschool continuum may look like and how placement decisions should be made.

What does LRE Mean for Preschool?

LRE refers to the federal Individuals with Disabilities Education Act (IDEA) requirement that “children with disabilities not be placed in special classes or separate schools unless the nature and severity of their disability is such that education in regular classes with supplementary aids and services cannot be achieved satisfactorily.” This means the child should be educated with their nondisabled peers to the maximum extent appropriate, including after school and extracurricular activities. [34 CFR §300.114](#)

Additional IDEA regulations regarding LRE include:

- [34 CFR §300.115](#) which requires districts to ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services. The continuum must include the alternative placements listed in the definition of special education under [34 CFR §300.39](#) (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and make

provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

- [34 CFR §300.116](#) in determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency must ensure that:
- the placement decision is 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; and is made in conformity with the LRE provisions, including [34 CFR §§300.114](#) through [300.118](#);
- the placement is determined at least annually; is based on the child's IEP; and is as close as possible to the child's home;
- unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled;
- in selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs; and
- A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

Under IDEA, districts have the obligation to apply LRE requirements to preschool aged students in the same manner as applied to school aged students. Children ages two years, six months through five years who are eligible for special education preschool services under IDEA will have an Individualized Education Program (IEP). This individualized program of specialized instruction can take place in many different environments.

What Type of Settings are Available?

In contrast to school age students who are served within the context of a defined school district, children ages three through five are served within a broader, more diverse system. The mixed delivery system often results in a child participating in a setting or program that does not align with resident district boundaries. The LRE requirements state the public agency must have available a continuum of alternative placements in accordance with [34 CFR §300.115](#) placement determinations, and students with disabilities must have access to and can participate fully in nonacademic and

extracurricular activities. The obligation to have a continuum of alternative placements "available" does not mean that a district is required to create special schools, residential programs, or other specialized placements for students with IEPs. A district can satisfy this requirement by either operating the special education program or by contracting with another Intermediate School District (ISD)/Regional Educational Service Agency (RESA) and/or another Local Education Agency (LEA) consistent with [MCL 380.1751b](#).

The district must ensure children receive a free appropriate public education (FAPE) in the LRE where the child's unique needs can be met, even if the district does not operate public preschool programs for children without disabilities. These options include but are not limited to in-home childcare, private childcare, and publicly funded early childhood programs. Examples of publicly funded programs include, but are not limited to, Great Start Readiness Program, Head Start, and Early Head Start.

What are the Additional LRE Requirements?

IDEA requires that a child's placement (the settings in which the child receives special education and related services) be determined every year, be as close as possible to the child's home, and be the school the child would attend if the child did not have a disability (unless the IEP says otherwise). If the IEP Team proposes a placement other than a regular preschool program, it must provide Prior Written Notice in accordance with [34 CFR §300.503](#), explaining the placement options that were considered and the reasons for rejecting those options. The IEP Team must document the reason for a placement other than the one the child would have if they did not have a disability.

What are Some Placement Considerations?

If a district does not operate a public preschool program, it must explore options to make sure the child is educated in the LRE. If the school decides a placement in a private preschool is needed to provide FAPE, it must be provided at no cost to the parent.

If the child is identified as having a disability and is already attending a regular preschool program, including one not operated by the district, the IEP Team as defined by [34 CFR §300.321](#) must consider whether:

- there are any potential harmful effects on the child or on the quality of services the child needs, before removing the child from the current setting to a more restrictive setting
- the district, in collaboration with the regular preschool program, can ensure the child receives all the special education and related services and supplementary aids and services included in their IEP to meet their unique disability-related needs

For children already attending a private preschool program, the district is only responsible for the costs associated with the delivery of special education and related services in that setting. It is not required to pay the cost of tuition to attend the program unless it is part of the offer of FAPE.

If FAPE for the child cannot be provided in a regular preschool program, even with supplementary aids and services, then other settings on the district's continuum of alternative placements must be explored, including special education preschool classes that may be offered by the district or a private special education preschool program. The district must consider all available options which may include, but are not limited to:

- preschool programs operated by public agencies other than LEAs such as Head Start or community-based childcare
- private preschool programs
- preschool classes in regular public elementary schools
- regular preschool program with early childhood special education services ([R 340.1755](#))
- early childhood special education (classroom) programs ([R 340.1754](#)) and regular preschool program such as Great Start Readiness Programs
- full day early childhood special education (classroom) programs ([R 340.1754](#))
- early childhood special education services may be provided in appropriate early childhood, school, community, or family settings

IEP Development

The IEP process includes requirements and actions to ensure the IEP Team has the information needed to discuss and consider access to and participation in high-quality inclusive settings for every young child with a disability during IEP placement discussions. The following resources can support IEP Teams in making decisions for preschool placement:

- The [Early Childhood Technical Assistance \(ECTA\) Center](#) has designed a [Team Decisions for Preschool Special Education Services Guiding Questions](#) designed to help IEP Teams make placement decisions to ensure FAPE in preschool settings.
- [ECTA Center: Making Sound Preschool LRE Decisions](#) is organized by important actions within the IEP process and includes references to the corresponding IDEA rules and regulations to each action. Within each action, a guiding principle is listed, followed by additional guidance and resources. Most of the principles in this document are from ECTA Center's [Key Principles](#) and [Key Practices](#).