

Extent of Nonparticipation

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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:

(5) 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.

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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



IDEA strongly prefers educating children with disabilities in the regular class, alongside peers without disabilities.

(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.

To learn more about LRE's role in determining a student's placement, visit the [Placement](#) section of our website.

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Would you like to read about another component of the IEP?

If so, use the links below to jump there quickly.

Present Levels

How is the child currently doing in school? How does the disability affect his or her performance in class? This type of information is captured in the "present levels" statement in the IEP.

Annual Goals

Once a child's needs are identified, the IEP team works to develop appropriate goals to address those needs. *Annual goal* describe what the child is expected to do or learn within a 12-month period.

Benchmarks or Short-Term Objectives

Benchmarks or short-term objectives are required only for children with disabilities who take alternate assessments aligned to alternate achievement standards. If you're wondering what that means, this article will tell you!

Measuring and Reporting Progress

Each child's IEP must also contain a description of how his or her progress toward meeting the annual goals will be measured and when it will be reported to parents. Learn more about how to write this statement in this short article.

Special Education

The IEP must contain a statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child. This article focuses on the

first element: a statement of the special education that will be provided for the child.

Related Services

To help a child with a disability benefit from special education, he or she may also need extra help in one area or another, such as speaking or moving. This additional help is called *related services*. Find out all about these critical services here.

Supplementary Aids and Services

Supplementary aids and services are intended to improve children's access to learning and their participation across the spectrum of academic, extracurricular, and nonacademic activities and settings. The IEP team must determine what supplementary aids and services a child will need and specify them in the IEP.

Program Modifications for School Personnel

Also part of the IEP is identifying the program modifications or supports for school personnel that will be provided. Read more here.

Extent of Nonparticipation (you're already here!)

The IEP must also include an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in other school settings and activities. Read how this connects to IDEA's foundational principle of LRE.

Accommodations in Assessment

IDEA requires that students with disabilities take part in *state or districtwide assessments*. The IEP team must decide if the student needs accommodations in testing or another type of assessment entirely. In this component of the IEP, the team documents how the student will participate.

Service Delivery

When will the child begin to receive services? Where? How often? How long will a "session" last? Pesky details, but important to include in the IEP!

Transition Planning

Beginning no later than a student's 16th birthday (and younger, if appropriate), the IEP must contain transition-related plans designed to help the student prepare for life after secondary school.

Age of Majority

Beginning at least one year before the student reaches the age of majority, the IEP must include a statement that the student has been told about the rights (if any) that will transfer to him or her at age of majority. What is "age of majority" and what does this statement in the IEP look like?

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