

WAC 392-172A-02050 Least restrictive environment. Subject to the exceptions for students in adult correctional facilities, school districts shall ensure that the provision of services to each student eligible for special education services, including preschool students and students in public or private institutions or other care facilities, shall be provided:

(1) To the maximum extent appropriate in the general education environment with students who are nondisabled; and

(2) Special classes, separate schooling or other removal of students eligible for special education services from the general educational environment occurs only if the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily.

(3) The public agency responsible for providing FAPE to a preschool child with a disability must ensure that FAPE is provided in the least restrictive environment where the child's unique needs (as described in the child's IEP) can be met, regardless of whether the local education agency operates public preschool programs for children without disabilities. Least restrictive environment must be determined based on each individual child's needs and should not automatically be developmental preschool.

(4) For children ages three to five, a general education environment is a regular early childhood program as defined in WAC 392-172A-01152.

[Statutory Authority: RCW 28A.155.090. WSR 21-19-065, § 392-172A-02050, filed 9/14/21, effective 10/15/21. Statutory Authority: RCW 28A.155.090(7) and 42 U.S.C. 1400 et. seq. WSR 07-14-078, § 392-172A-02050, filed 6/29/07, effective 7/30/07.]