

Shortened School Day

October 11, 2023



Attendance

Under Wisconsin's compulsory school attendance law:

- All children between age 6 and 18 must attend a public or private, or a home-based private educational program (home schooling)
- Unless the student is excused under the law or has graduated with a regular diploma.



Attendance

- The law requires a child who is enrolled in 5-year-old kindergarten in a public or private school to regularly attend kindergarten during the school year. There is no distinction in the type of 5K program. Districts may still offer full-day, part-day, or both full and part-day 5K programs.
- Attendance is mandatory for whatever program the child is enrolled in.



Attendance

- Students with disabilities must attend school for the same number of hours and minutes as non-disabled students
- Unless a student's individualized education program (IEP) team determines otherwise based on a student's unique, disability-related needs.



Shortened School Day

It is an IEP team decision to determine if a shortened school day is required to address the student's unique disability-related needs.

Parents are equal members of the team.



Caution

While an option, IEP teams need to proceed with caution.

- Very restrictive
- Impact on student
- Impact on families



Consideration of Other Options

Before considering a shortened school day, what other options, did the IEP team consider?

- Modified schedule of activities or academic demands
- Choice and voice
- High interest activities
- Goals and services
- Other placement options
- More...



Shortened School Day

As long as the decision to shorten a student's school day is based on the student's disability related needs, those IEP decisions of why the student needs a shortened school day are left to local level IEP team decision making.



Disability-related Need

Identify the student's disability-related needs, with a clear understanding of how and why a shortened day address the student's needs.

- What skill or knowledge is the student lacking to successfully attend the full school day?
- How is the IEP team going to address the student's need to gain the skill or knowledge given the shortened day?



Shortened Day



Shortened School Days are allowed for reasons related to physical or mental health.



Shortened School Days are not allowed to manage a student's behavior.

Shortened School Day

IEP teams may not shorten a student's school day solely to accommodate regularly scheduled non-school medical or therapeutic appointments.

When absences are frequent, the IEP team should meet to determine how to ensure the continued provision of FAPE in order for the child to continue to progress and meet the annual goals in the IEP.

Shortened School Day in the IEP

When a student's school day is shortened, the IEP team must discuss and document:

- an explanation of why the student's disability-related needs require a shortened day
- educational needs of the student and continued progress in general education curriculum
- a plan to meet more frequently to review student data and determine whether the student is able to return to school full-time

IEP Team

The IEP should include goals and/or services designed to address the disability-related needs that result in a decision to shorten the student's school day.

- Identify skill or knowledge the student needs to develop.
- Interventions, measures of effectiveness



IEP Team

Specifically discuss indicators of progress and how they will be measured

- If appropriate, include or add a short term objective or annual goal to the IEP

Consider a task analysis

- Start with the goal and work backwards
 - Break down into observable, measurable steps
 - Make clear to everyone when it's been achieved

IEP Team

How will the IEP Team plan for:

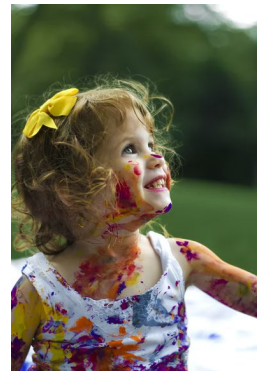
- Missed instruction
- Missed experiences
- Missed peer interactions



Behavioral Treatment

The district must consider a physician's recommendation for ABA therapy or behavioral treatment, however the IEP team determines whether those services are necessary for FAPE.

Districts have discretion in deciding whether to release or excuse students with disabilities from school so they can attend private ABA therapy or behavioral treatment.



<https://unsplash.com/>

Behavioral Treatment

Districts should note, however, that such excusals, even with a doctor's note, do not relieve them of their duty to provide FAPE.

A district can be liable for an IDEA violation if it makes an exception to its attendance policy that results in a student missing services required by the IEP.



Exception

Confidential Mediation

- If they parent and district come to a legally binding resolution, they may identify a course of action outside of the IEP, such as allowing student to attend the out-of-school behavioral treatment without following up on truancy and parent essentially agrees that the current IEP provides FAPE for those services provided when student is in school.

De Facto Suspension

Sending a child home on a regular basis due to behavior or other issue, could constitute a de facto suspension and a violation of FAPE.

If there are frequent disciplinary removals, suspension or otherwise, the district will want to consider if the number of suspension days constitutes a change in educational placement and if so, provide services to the extent necessary to enable the child to continue to participate appropriately in the general curriculum.

Alternatives to Exclusionary Practices

IDEA requires IEP Teams consider the use of positive behavioral interventions and supports to address behaviors that interfere with a student's learning or the learning of others. This requirement applies to all students, aged 3-21, regardless of the student's category of disability.



Reasons for Shortened Day?


- X “Standard” shortened days for all students, or group of students with disabilities
- X Transportation
- X Parent request
- X Administrative convenience (ex. staffing shortage)
- X Medical appointments and private therapies
- X Discipline and managing behaviors

Reasons (??) Continued

These, although not so obvious, still do not apply....


- Readiness
- Maturity
- Attention
- Toilet Trained
- *We just don't know.....

Considerations and Cautions

- Parents are told that their child will be on a “new” schedule,
 - Parent being called to come and “pick up their child”,
 - A shortened day will make a child “more successful”,
 - Students continue to receive partial “days” year after year,
 - The decision to shorten a child’s day is “best” for everyone, including the student.
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FAPE and the Shortened School Day

In the end, shortening a student’s school day often leads to a denial of *Free Appropriate Public Education* (FAPE)!



Questions



Resources

[DPI Shortened School Day Bulletin](#)

[Legal Requirements relating to Shortening a School Day](#)

[Sent Home Early: Lost Learning in Special Education \(The Heringer Report\)](#)

[Answers to Frequently Asked Compulsory School Attendance Questions](#)

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