

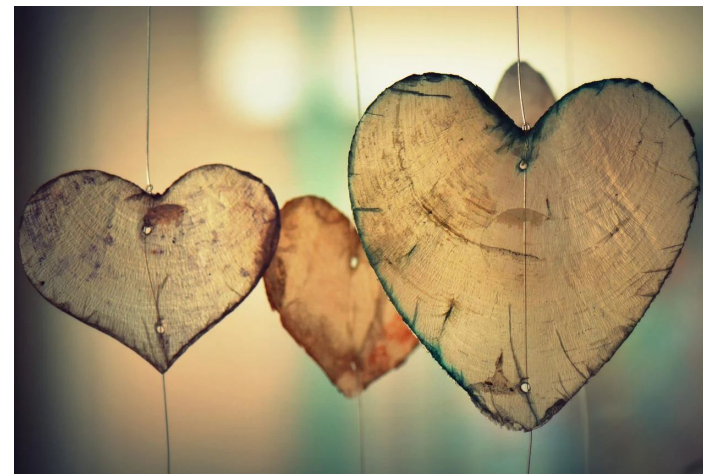


Abbreviated School Day Program Placements

2022 Annual Principals Conference
October 23, 2022
2:30 p.m. - 3:30 p.m.

Much Appreciation

We realize the last few years have been very stressful. ODE shares deep appreciation for the educators all across Oregon and their dedicated work with and commitment to the students in our state. Thank you.



Welcome

- Introductions
- Oregon's Equity Stance
- The intersection of FAPE, LRE, Inclusion & Abbreviated Day
- Abbreviated Day Guidance
- General Supervision for Abbreviated Day
- Questions & Resources



Disclaimer

These materials constitute the Oregon Department of Education's interpretation of various state laws and are provided to support public education programs' understanding of their obligations under these laws. The information in these materials is subject to change based on future legal and policy changes. These materials are intended for informational purposes only and do not constitute legal advice.

Oregon's Equity Stance


Education equity is the equitable implementation of policy, practices, procedures, and legislation that translates into resource allocation, education rigor, and opportunities for historically and currently marginalized youth, students, and families including civil rights protected classes.

This means the restructuring and dismantling of systems and institutions that create the dichotomy of beneficiaries and the oppressed and marginalized.





The IDEA Obligation



Disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society. Improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities.

- Opening to the IDEA

The Six Pillars of the IDEA

1. Free Appropriate Public Education
2. Appropriate Evaluation
3. Individualized Education Program
4. Least Restrictive Environment
5. Parent Participation
6. Procedural Safeguards



“For you, it’s another day at the office.
For a parent, it’s an out of body experience.”

- Doug Little, Key2Ed

Why Inclusion?

IDEA requires teams to:

- Consider Least Restrictive Environment (LRE) for every student
- Educate students with their nondisabled peers to the **maximum extent appropriate**
- Place in a more restrictive setting only when education cannot be satisfactorily achieved in the regular class setting, even with the use of supplementary aids and services.

Inclusion can effectively support the overwhelming majority of children who experience disabilities.

The Moral Imperative of Inclusion

Even if there was nothing in the law suggesting the importance of inclusion, there would still be a moral imperative to include students.

Segregating students has a long history in the United States and, for most student populations, we have thankfully moved beyond that practice.

We must also shift our special educational practices to provide the support needed in regular classes to enable progress appropriate in light of the child's circumstances.



Least Restrictive Environment Requirement

Each local education agency (LEA) is required to “ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services” (34 CFR § 300.115). That continuum must include:

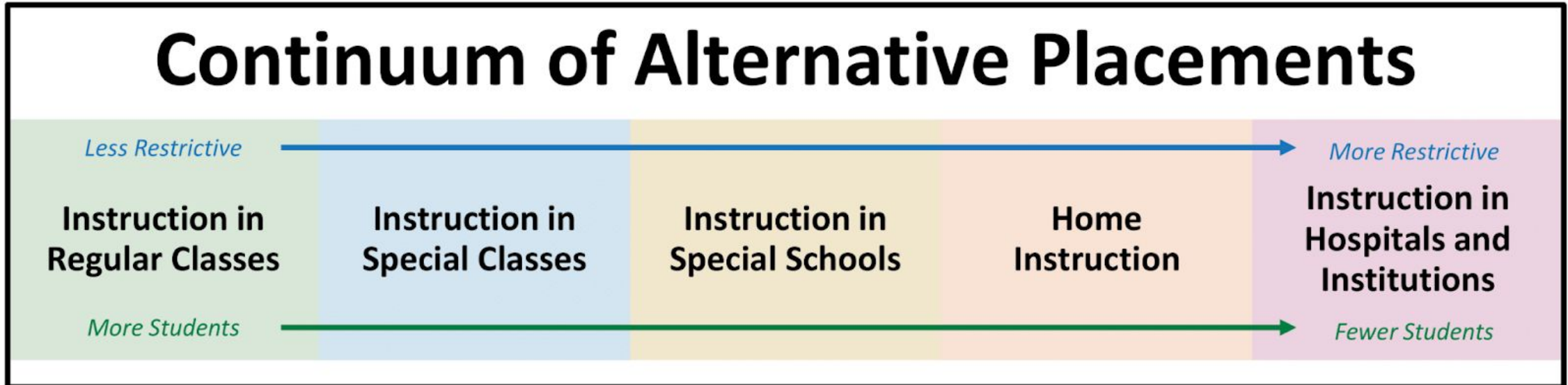
- instruction in regular classes;
- special classes;
- special schools;
- home instruction, and;
- instruction in hospitals and institutions.

Least Restrictive Environment Requirement

A student's placement must be made in conformity with the Least Restrictive Environment (LRE) provisions established in the Individuals with Disabilities Education Act (IDEA), notably 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. (34 CFR § 300.114(2))

Understanding LRE



- 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
- 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. 34 CFR 300.114(a)(2).

FAPE: Assuring Appropriate Student Supports



The Individuals with Disabilities Education Act (IDEA) entitles each eligible child with a disability to a free appropriate public education (FAPE) that emphasizes special education and related services designed to meet the child's unique needs. 20 U.S.C. §§1412(a)(1) and 1400(d)(1)(A).

- Under the IDEA, the primary vehicle for providing FAPE is through an appropriately developed individualized education program (IEP) that is based on the individual needs of the child. 34 CFR §§300.17 and 300.320-300.324.
- In the case of a child whose behavior impedes the child's learning or that of others, the IEP Team must consider – and, when necessary to provide FAPE, include in the IEP – the use of positive behavioral interventions and supports, and other strategies, to address that behavior. 34 CFR §§300.324(a)(2)(i) and (b)(2); and 300.320(a)(4).

FAPE: Assuring Appropriate Student Supports



The Individuals with Disabilities Education Act (IDEA) entitles each eligible child with a disability to a free appropriate public education (FAPE) that emphasizes special education and related services designed to meet the child's unique needs. 20 U.S.C. §§1412(a)(1) and 1400(d)(1)(A).

- Under 34 C.F.R. § 300.324(b), IEP reviews and revisions are appropriate to address, among other issues: any lack of expected progress toward meeting annual goals; the results of any reevaluation; information about the child provided to, or by, the parent; the child's anticipated needs; or other matters such as the student's behavior, including the impact on the child's learning or that of others.
- IEP teams should review and revise IEPs, when necessary, to ensure that appropriate behavioral supports and services are in place to address the behavior. Further, the LEA must take the steps necessary to ensure that the child's IEP, including any positive behavioral interventions, supports, and other strategies, are consistently implemented. 34 C.F.R. §§ 300.323 and 300.324(a)(2).

Abbreviated School Day Programs/Shortened School Days

Abbreviated School Day Programs:

- Restricts a student's access to hours of instruction or educational services
- Relative to other students who are in the same grade within the same school
- For more than 10 school days per school year
- Must meet the requirements of ORS 343.161



ORS 343.161 Abbreviated School Day Programs

Students experiencing disabilities may only be placed on an abbreviated school day program if the student's individualized education program [IEP] team:

(A) Determines that the student should be placed on an abbreviated school day program:

- (i) Based on the student's needs; and

- (ii) After the opportunity for the student's parents to meaningfully participate in a meeting to discuss the placement; and

(B) documents that the team considered at least one option that included appropriate supports for the student and that could enable the student to access the same number of hours of instruction or educational services that are provided to students who are in the same grade within the same school. (ORS 343.161(3))

Abbreviated School Day Considerations

- Abbreviated school day programs should be used rarely, **only when no full school day placement within a school district's continuum of alternative placements can meet a child's individual needs.**
- Decisions must be made through the IEP process
- Placement on an abbreviated day must be made only when that student's unique needs that arise from the nature of their disability require it.

School districts must maintain the presumptive right to a full school day as the central principle guiding decisions related to abbreviated school day programs

Comparing the Continuum of Alternative Placements With and Without Abbreviated School Day Program Placements

Placement	Without Abbreviated School Day Programs	With Abbreviated School Day Programs
Full Day Instruction in Regular Classes	<div>Least Restrictive</div> <div>↓</div> <div>Most Restrictive</div>	<div>Least Restrictive</div> <div>↓</div> <div>Most Restrictive</div>
Full Day Instruction in Special Classes		
Full Day Instruction in Special Schools		
Full Day Instruction via Home Instruction		
Full Day Instruction in Hospitals and Institutions		
Abbreviated Day Instruction in Regular Classes		
Abbreviated Day Instruction in Special Classes		
Abbreviated Day Instruction in Special Schools		
Abbreviated Day Instruction via Home Instruction		
Abbreviated Day Instruction in Hospitals and Institutions		

Requirements Related to the Use of Abbreviated School Day Programs

ABBREVIATED SCHOOL DAY NOTICE AND ACKNOWLEDGEMENT
NOTICE TO PARENT/GUARDIAN OR FOSTER PARENT

Oregon law requires that if a student is placed on an abbreviated (shortened) school day program, then school districts must provide parents/guardians or foster parents with the notice below and also obtain a signed parent/guardian or foster parent acknowledgement of receiving the notice. This must occur at least once per term.

Notice is hereby given that the school district's responsibilities include the following:

The school district may not unilaterally place¹ a student on an abbreviated (shortened) school day program², regardless of the age of the student.

A school district may provide an abbreviated school day program to a student with an individualized education program ("IEP") only if the student's IEP team takes all of the following actions:

- Determines that the student should be placed on an abbreviated school day program based on the student's needs;
- Provides the student's parents/guardians with an opportunity to meaningfully participate in a meeting to discuss the placement;
- Documents in the IEP the reasons why the student was placed on an abbreviated school day; and
- Documents that the team considered at least one option that includes appropriate supports for the student and that could enable the student to access the same number of hours of instruction or educational services that are provided to students who are in the same grade within the same school.

Additional required actions relating specifically to foster youth³ include:

- The opportunity for the student's foster parent to meaningfully participate in a meeting to discuss the placement, including the reasonable opportunity to physically attend the meeting at which the abbreviated school day program is discussed;
- A statement must accompany this form that summarizes the documentation that the team considered at least one option that includes appropriate supports for the student and that could enable the student to access the same number of hours of instruction or educational services that are provided to students who are in the same grade within the same school.

Each student has a presumptive right to receive the same number of hours of instruction or educational services as other students who are in the same grade within the same school.

For parents/guardians or foster parents of students with IEPs, parents/guardians or foster parents have the right to request, at any time, a meeting of the IEP team to determine whether the student should no longer be placed on an abbreviated school day program.

ACKNOWLEDGEMENT

I have received the information described above regarding the school district's obligations surrounding abbreviated (shortened) school day programs. I am also aware of my student's presumptive right to receive the same number of hours of instruction or educational services as other students who are in the same grade within the same school.

Parent/Guardian or Foster Parent Printed Name: _____

Parent/Guardian or Foster Parent Signature: _____ Date: _____

¹ "Unilaterally place" means a placement by a school district without the consent of the student's parent, or, if the student is a foster youth, without the consent of the student's foster parent and, if the student is a teenager as defined in ORS 419.005, the consent of the teenager.
² "Abbreviated school day program" means an education program in which a school district restricts a student's access to hours of instruction or educational services, and that results in a student having an abbreviated school day for more than 18 school days per school year.
³ "Foster youth" means a child or ward who is in the legal custody of the Department of Human Services as provided in ORS 418.015 or 419B.337 and who has been placed in substitute care.

[Abbreviated School Day Notice and Acknowledgement
Forms & Other Resources](#)

- Provides the student's parents/guardians with an opportunity to meaningfully participate in a meeting to discuss placement.
- Considers, and documents consideration of, at least one option that includes appropriate supports for the student and that could enable the student to access the same number of hours of instruction or educational services that are provided to students who are in the same grade within the same school.
- Determines that an abbreviated school day program is the student's appropriate LRE based on the student's individualized needs, and documents why option(s) that could enable the student to access the same number of hours of instruction or educational services that are provided to students who are in the same grade within the same school were rejected as inappropriate to meet the student's individualized needs.
- Documents in the IEP the reasons why the student was placed on an abbreviated school day program.

Questions for IEP Teams: Behavior

1. Does the child have a current, appropriate FBA with a resulting BIP?
2. Is there data to show that the BIP has been implemented with fidelity for a sufficient duration that the IEP team can reasonably expect student progress?
3. Has the IEP, FBA, and/or BIP been amended or updated to reflect use of multiple prevention, teaching, and reinforcement strategies to meet the student's unique disability-related needs based on the hypothesized function of behavior resulting from an appropriate FBA?

Questions for IEP Teams: LRE

4. Have full day placement options been considered that could enable the student to access the same number of hours of instruction or services that are provided to students who are in the same grade within the same school?
5. Has the IEP team fully described the specific and unique disability-related needs in the student's IEP that require placement on an abbreviated school day program?
6. Does the student's IEP clarify and document the specific behaviors the student is lacking and/or demonstrating that inhibits them from receiving a full-day of instruction?

Questions for IEP Teams: FAPE and Progress

7. Has the IEP team considered how an abbreviated school day program will enable progress appropriate in light of the child's circumstances?
8. Has the expected growth and progress to be achieved in this placement been documented in the child's IEP?
9. Does the student's IEP clarify and document how the student will receive specially designed instruction and supports to address their specific behavioral needs and to acquire the skills they are lacking?

Questions for IEP Teams: Step-In/Step Back Plan

10. Has the IEP team established a plan and timeline to review student progress and data on a regular basis to support their transition back to a full school day as soon as possible?

If the IEP team cannot affirm each of the above questions, the team should adjust services and supports available to the student within a full school day in order to enable the provision of FAPE.

If an IEP team determines that all of these questions accurately characterize a student's current educational situation, then placement on an abbreviated school day program may be appropriate.

The IEP team must still make an appropriate placement determination consistent with ORS 343.161 and the LRE provisions of the IDEA.

Reviewing IEPs

The IEP for each student placed on an abbreviated school day program—especially when due to disability-related behavior—should include:

1. An explanation of why the student's unique disability-related needs require an abbreviated school day.
2. A clear explanation of the unique need(s) or skill gap(s) that preclude the student from attending a full day of school and the instruction and support the district will provide to the student to close that skill gap.
3. A clear connection to the growth and progress expected to be achieved by abbreviating the student's school day (e.g., The student is expected to recover from the behavioral, mental, physical, or medical condition with rest and medical treatment).
4. An explicit plan for the student's return to school for a full-day, which includes a plan to regularly meet on a pre-established timeline to review student data and determine whether the student is able to return to school full-time and, if not, how much time can be added to the student's day.

Specific IEP Look-Fors

- A. Comprehensive FBA/BIP which reflects the student's skill strengths, deficits, and behavior(s) of concern, with a clear link to the reasons that an abbreviated school day program placement is needed to address those deficits and challenges.
- B. Step-In/Step Back Plan for returning the student to a full-day as soon as the student is able, including a proposed schedule for the team to meet and discuss the plan to return the student to a regular school day.
- C. Goals and/or services designed to address the disability-related behavioral needs that resulted in a decision to place the child on an abbreviated school day program.

Specific IEP Look-Fors

- D. A clear description of the special education, related services, and supplementary aids and services to be provided, including the amount, frequency, location, and duration of services.
- E. Clear indication that the student is placed on an abbreviated school day program, including the specific hours/minutes that the student attends school.

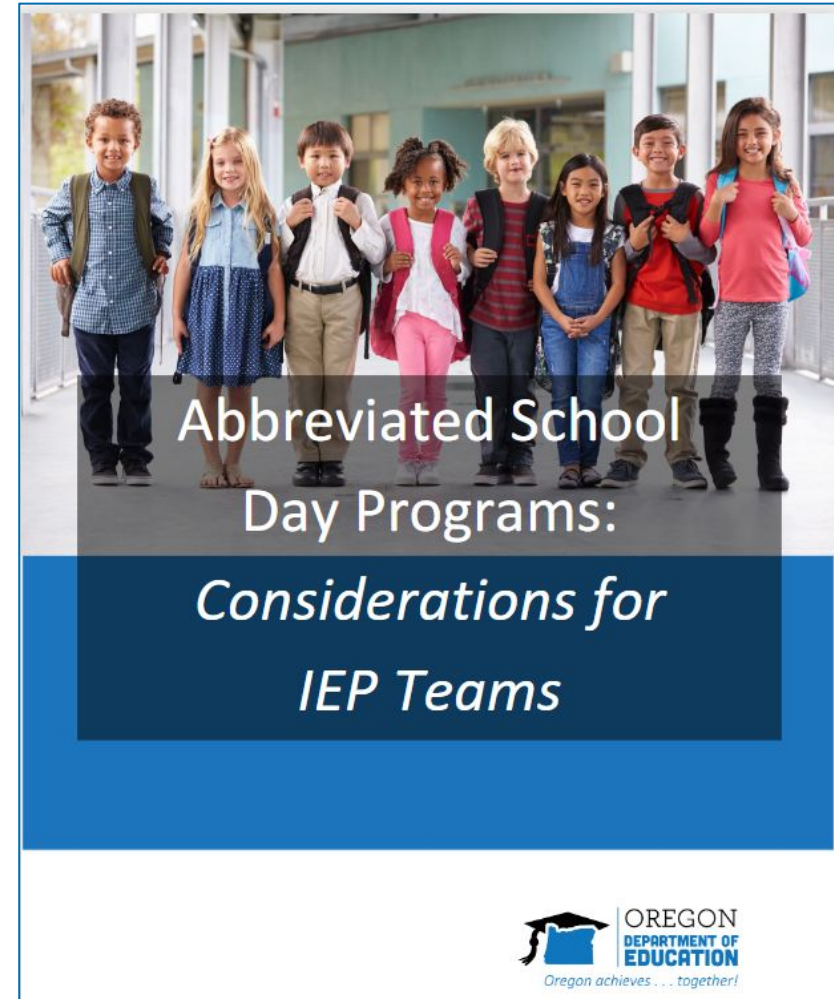
ODE Abbreviated Day Guidance

Released on Tuesday, October 4, 2022

Includes:

- Better and best practices
- Questions for IEP teams to consider
- Behavior and Abbreviated Day considerations
- Supporting Student Behavior via FBA/BIP
- Support for meaningful parent participation

**Link - Abbreviated School Day Programs:
Considerations for IEP Teams**



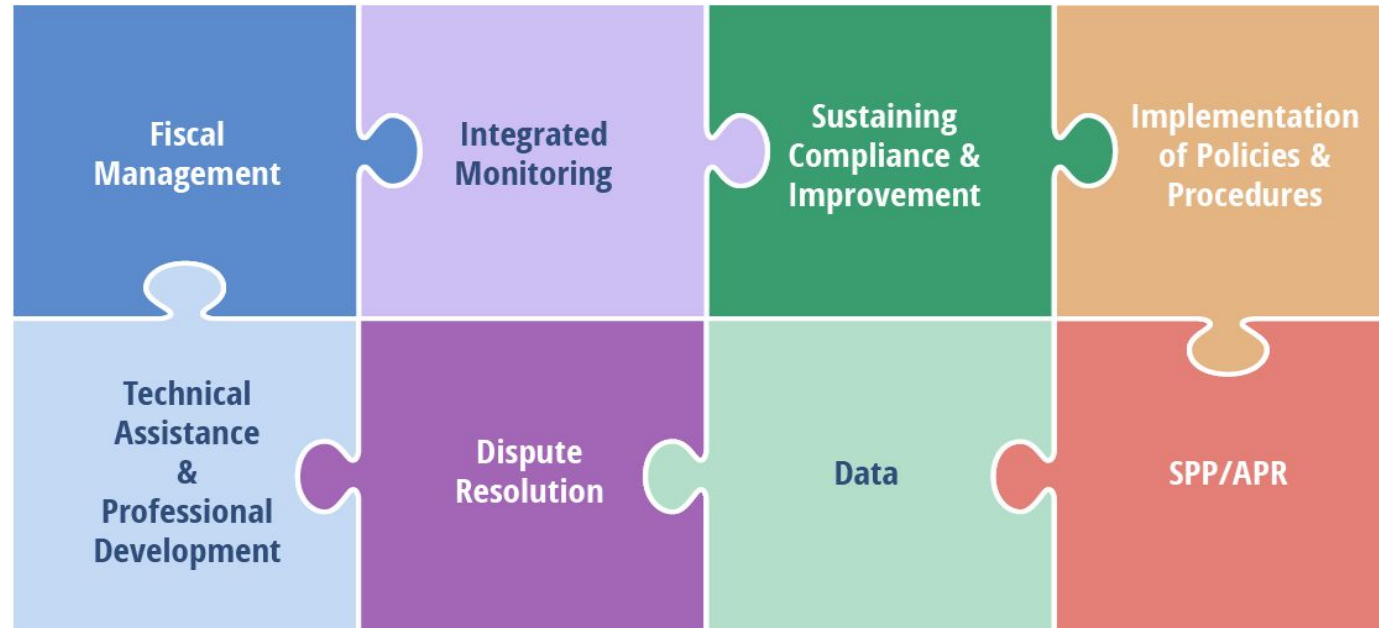


Overview of General Supervision

34 CFR § 300.149 (SEA responsibility for general supervision)

Under federal regulation, ODE must ensure that:

- The requirements of the Individuals with Disabilities Education Act (IDEA) are carried out; and
- Each educational program for children with disabilities administered within the State is under the general supervision of . . . the SEA; and meets the educational standards of the SEA (including the requirements of the IDEA).



Integrated Monitoring



Universal Monitoring

All districts participate in universal monitoring every year.

Cyclical Monitoring

Districts participate on a three-year cyclical schedule.

Focused Monitoring: Risk Based and Data Informed

Districts participate as needed regardless of participation in other targeted cyclical, targeted data-driven, or intensive monitoring.

General Supervision: Emerging or Emergency Area

- OESO determines annually emerging or emergency areas that present the potential for noncompliance
- For SY 2022-23, abbreviated school day programs is this focal area
- For SY 2022-23, ODE will monitor use of abbreviated school day through:
 - Collection, validation, and submission of related data
 - Monitoring activities and any resulting corrective action
 - Dispute resolution activity and any resulting corrective action

Overview

- Abbreviated School Day Program Placements are the 2022-23 emerging/emergency area for monitoring within the Oregon General Supervision Framework.
- OESO will be conducting focused monitoring for **each** student receiving an abbreviated school day program.
 - Monitoring will be completed through a validated self-assessment process.
 - Procedure will feel similar to cyclical monitoring (i.e., will use Excel Workbook and Secure File Transfer).
- OESO will also monitor the number of students with abbreviated school day program placements that persist 30 or more school days through a separate data collection.

Monitoring Processes

- **Process 1:** A validated self-assessment will need to be completed for any student in the district's jurisdiction, whether or not their placement is within the district, when:
 - their IEP team has placed them on an abbreviated school day program, or
 - their educational program as implemented, whether or not intended by their IEP team, results in the student receiving instruction or educational services for fewer hours than other students who are in the same grade within the same school.
- **Process 2:** At the end of each month, starting in October, school districts will need to submit a list of any student within the district's jurisdiction, whether or not their placement is within the district, when the student has been receiving an abbreviated school day program for 30 or more school days. *This process will be replaced with a new data collection, anticipated for the 2023-24 school year.*

Emerging/Emergency Area Monitoring Standards

1. Parent Invited
2. Appropriate Notice
3. Efforts to Ensure Parent Participation
4. Procedural Safeguards
5. Special Factors Related to Behavior
6. Special Factors Related to Limited English Proficiency
7. Special Factors Related to Instruction in Braille and the use of Braille for Students who are Blind or Visually Impaired
8. Special Factors Related to Communication, Including for Students who are Deaf or Hard of Hearing
9. Special Factors Related to Assistive Technology
10. Present Levels of Academic Achievement and Functional Performance (PLAAFP)
11. Measurable Annual Goals
12. Review and Revision of IEP/Measurable Annual Goals
13. Monitoring of Progress
14. Special Education/Specially Designed Instruction
15. Related Services
16. Supplementary Aids and Services
17. Extended School Year (ESY) Services
18. Supports for School Personnel
19. IEP Services
20. Placement of Student on Abbreviated School Day Program
21. IEP Documents Reason for Abbreviated Day Program Determination
22. Placement Page
23. Placement Decision Made by Appropriate Group
24. Prior Written Notice
25. Abbreviated School Day Notice and Acknowledgement

Protocol Review and Follow-Up

- Mark **YES** if **all** components are met.
- Mark **NO** if **one or more** components are **not** met.
- Mark **N/A** if the standard **does not apply** to this student.

To the extent possible, in the event that one or more standards on a given student record are not met, the IEP team for that student will be required to reconvene and correct the noncompliance.

The more substantive the feedback the IEP team receives about the nature of the noncompliance, the more useful the process will be and the more likely the noncompliance will be corrected appropriately.

Similarly, notes or other documentation may be useful if questions arise regarding the manner in which a given record or standard was reviewed.

Resources

ODE Resources

- [Abbreviated School Day Programs: Considerations for IEP Teams](#)
- [Abbreviated School Day Notice and Acknowledgement Forms](#)
- [Special Education Monitoring](#)
- [Special Education General Supervision](#)

External Resources

- [Office of Special Education Discipline Guidance \(July 2022\)](#)

Questions?

