

Is Your Child Ready... And is Shortening Their School Day the Answer?

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Special Education Team

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Objectives

Following our discussion, we will:

- Understand basic attendance requirements
- Understand IEP requirements for a shortened day
- Understand ramifications of a shortened day



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 Day

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

Parents are equal members of the team.



Shortened Day

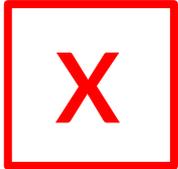
As long as the decision to shorten a student's school day is based on the student's disability related needs, those IEP decisions of why the student needs a shortened school day are left to local level IEP team decision making.



Shortened Day



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



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

Shortened 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 Day in the IEP

When a student's school day is shortened, the student's IEP must include:

- an explanation of why the student's disability-related needs require a shortened day
- other options considered to avoid shortening the student's school day and the reasons why they were rejected

Shortened Day in the IEP

When a student's school day is shortened, the student's IEP must include:

- a plan for the student's return to school for a full day
- a plan to meet more frequently to review student data and determine whether the student is able to return to school full-time

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 behaviors or skills are being taught, practiced, reinforced or supported when at school? When on a shortened day? When at home?



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 how to address the skill deficit, etc.
- What will be done differently?



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.



<https://unsplash.com/>

Behavioral Treatment

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.



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.



Behavioral Treatment

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.



Behavioral Treatment

If a ForwardHealth member is temporarily excused from full-time attendance due to participation in behavioral treatment, ForwardHealth requires a plan and timeline for returning to full-time attendance.



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.



4K/5K Attendance

- **(So what about) 4K Attendance and Shortened Days for children with disabilities?**
- **Same applies as 5K:**
 - **½ day**
 - **full day**
- **ABA and/or other behavioral therapy also apply to 4K students (same as 5K attendance)**

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 don't apply....

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

Equity and Expectations

- **Early Learning and Academic Standards**
 - **Expectations**
 - **Norm-Referenced assessments**
 - **Dominant culture**
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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.**

FAPE and the Shortened Day

**In the end, shortening a students day is
a denial of *Free Appropriate Public
Education* (FAPE)!**

Questions



Resources

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

[DPI DHS Joint Guidance for Behavioral Treatment for School-Age Youth](#)

[DPI Shortened Day Bulletin](#)



Resources

[DPI Procedural Compliance Self-Assessment 2022-2026 Directions and Standards](#)

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

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

Contact Information



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