



WE HAVE A "SHORT" PROBLEM 

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SESSION RULES OF ETIQUETTE

Please turn off your cell phone

If you must leave the session early, please do so as discreetly as possible

Please avoid side conversation during the session

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OBJECTIVES

At the end of this session, participants will understand how to increase the amount of time for students on a shortened day

At the end of this session, participants will increase their skills and knowledge on the requirement of both state and federal laws for keeping students in school full-time

At the end of this session, participants will gain knowledge of the expectations of equity for all children including those with autism

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PRESENTATION SUMMARY

The purpose of this session is to discuss problems with shortened days made by IEP teams or at the request of a parent and the concern for a Free Appropriate Public Education (FAPE). This practice has increased lots with children with ASD because of behavior challenges, transportation issues, lack of staff, and scheduling of outside therapies. Learn some evidence based practices that can assist teams in keeping all children in school the full day.

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HISTORY OF WHY THIS IS A TOPIC

- Large number of students on IEP having shorten day
- Occurring with very young preschool children even more
- We hear from parents and IEP team members about this issue
- Many teams selecting this as the first and only option

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WHY IS IT IMPORTANT

- FAPE
- LRE
- State law on attendance

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FAPE

As stated in the law FAPE orders school districts to provide access to general education and specialized educational services. This means that children who have disabilities are able to get support free of charge. It does not mean that the disabled students will be given a better education than those that are not disabled; it just means that they will be given a chance to learn.

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F is for free.
Free means the government pays for the education of students with disabilities. There's no cost for families. However, families do have to pay the same extra school fees — for example, sports and club fees — that all students pay.

A is for appropriate.
Appropriate means that kids who qualify get an Individualized Education Program (IEP) with services to meet their unique needs. Others may get a 504 plan that gives equal access to learning.

P is for public.
Public means supervised by the public school. An IEP team — teachers, parents, and others — decides what services and support the student gets. In a few cases, the government may pay for kids with disabilities to attend private school.

E is for education.
Education can include special education. It can also include related services, like speech therapy, counseling, or even transportation. The goal is for kids to make progress in school and be prepared for the future.

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Least Restrictive Environment (LRE)

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
- (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. (IDEA, Sec. 300.14)

<https://cde.education.re.gov/wp-content/uploads/2017/07/Least-Restrictive-Environment-RE-Guidance-Document-Aug-2018.pdf>

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Least Restrictive Environment

Birth-to-Three IDEA Part C - 34 CFR Part 300 and 303 19e P.L. 105, Chapter 30 2002/04/23	Three-to-School Age IDEA Part B (17) - 34 CFR Part 300 1997 P.L. 105, Chapter 11	School Age-10-21 IDEA Part B - 34 CFR Part 300 1997 P.L. 105, Chapter 11
<p>Natural Environments: Home and Community-Based Settings, Where the Child and Family Spend Their Time</p> <p>Examples include: Family Home Extended Family/Grand's Home Childcare Setting Public or Private Early Care or Education Program</p>	<p>Environment Where the Child Spend Time (EPDCE) being identified as a Child with a Disability (Current Community-Based Children)</p> <p>Regular Education Setting (Community Based Children, Inclusive Basic Preschool Program - 50/50 enrollment)</p> <p>Home-based Services</p> <p>Self-Contained Education Setting (More than 50/50 enrollment)</p> <p>Specialized School or Program</p> <p>Institutional Setting (Hospital or Long-Term Care Facility)</p>	<p>General Education Classroom</p> <p>Special Classes (Resource Room or separate class with significant modification to curriculum)</p> <p>Special Schools (Alternative Schools, Disability Specific)</p> <p>Home Instruction</p> <p>Institutional Setting (Hospital or Long- Term Care Facility)</p>

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STATE LAW ON ATTENDANCE

-A child is of mandatory attendance age if the child (a) will reach six year of age prior to January 1 of the then-current school year and (b) has not reached eighteen years of age (79-201, NE Revised Statute)

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APPROPRIATE USES OF A SHORTENED DAY

Only Time- when student's IEP team determines a shortened day is required to address the student's unique disability-related needs

Examples (student's extreme medical needs; student cannot tolerate a full day because of medical reasons)

HOWEVER, Before deciding to shorten the day

IEP must include an explanation of why the student's disability-related needs require a shortened day, and a plan for the student's return to school for a full day

In addition, the student should return to full school day as soon as he or she is able, and under MOST CIRCUMSTANCES, a shortened school day should be in place for only a limited amount of time.

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INAPPROPRIATE USES OF A SHORTENED DAY

Managing student behavior and as a means of discipline

Accommodating Transportation schedules

Administrative convenience/shortage of staff

Accommodating Regularly scheduled outside therapies

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MANAGING STUDENT BEHAVIOR AND AS A MEANS OF DISCIPLINE

-School district may not reduce a student's instructional time as a form of punishment

-School district may not be solely conditioned upon the student's taking medication or receiving treatment, therapies or other outside services

-IEP team **MUST** develop an IEP that addresses the student's behavioral needs--School removals are NOT positive behavioral supports or interventions

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ACCOMMODATING TRANSPORTATION SCHEDULES

-School district may NOT reduce a student's instructional time by starting the student's school day later or releasing the student earlier than nondisabled peers in order to accommodate a transportation schedule- this is denial of access and equal opportunity

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ACCOMMODATING REGULARLY SCHEDULED OUTSIDE THERAPIES

-IEP teams may NOT shorten a student's school day based solely on a parent's request 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 of the IEP

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ADMINISTRATIVE CONVENIENCE

- A student's school day may NOT be shortened for administrative convenience including staffing shortage

-A student's school day may NOT be shortened in order to give the "staff" a break

-A student's school day can NOT be shortened because a staff member is not in school that day, --the school calls and tells them to "keep the child home"

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UPON PARENT REQUEST

-If a parent requests a change in the length of the student's school day, the school district must respond. Schools must refer to their local attendance and excusal policies to determine whether absences are excused--HOWEVER, any changes to the regular school schedule must be made by the student's IEP team, which does include the parent

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AS A STANDARD FOR ALL STUDENTS WITH DISABILITIES OR FOR A GROUP OF STUDENTS

-Any decision to shorten a student's school day must be made on an individual, case-by-case basis by the student's IEP team (not by parent, not by administrators, and not as an entire group)

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PROCEDURAL QUESTIONS-

Question 1: Must an IEP team meeting be held before the school district shortens the length of a student's school day?

Yes, Shortening a student's school day is a decision that must be made through the IEP team process.

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PROCEDURAL QUESTIONS

Question 2: How should a shortened school day be documented in the student's IEP?

Answer: The IEP must include a clear description of the special education services, related services, and supplementary aids and services to be provided including the amount, frequency, location, and duration of services. The team would explain the total length of the school day and describe the extent that the team would meet to discuss the student's plan to returned to an increased school day.

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EVIDENCE BASED STRATEGIES TO KEEP FROM SHORTENED A SCHOOL DAY

- Positive Behavior supports and strategies/interventions
- Revisit and modify a behavior plan to support the student (positive reinforcements)
- Engagement in Learning (active)
- Use the IEP team for ideas (brainstorm other strategies)

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EVIDENCE BASED STRATEGIES TO KEEP FROM SHORTENED A SCHOOL DAY

- Train all staff on the use of evidence based practices
https://www.unl.edu/asdnetwork/docs/NACEdManual_2ndEd_FINAL.pdf
- Identify all supplementary aids and services to support the student in school, and utilize LRE
- Contact other outside resources for support (ESUs, other school districts, the ASD Network, etc.)

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QUESTIONS & ANSWERS


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THANK YOU!

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Please give feedback about this presentation in the Guidebook app, and on the evaluation survey that will be sent out after the conference.

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