



## Shortened School Day September 2021

- 1) **Myth:** A school district representative or building administrator can implement a shortened school day as a behavior management tool for students exhibiting behaviors which impede their learning or the learning of others.

**Fact:** A shortened school day should only be used when necessary, to address the student's unique disability-related needs. This is supported in an Office of Civil Rights complaint findings letter ([OCR letter # 09-14-1322](#)) which determined that the LEA was not in compliance with Section 504 and Title II regulations when it failed to provide the students in the special education classes with an equal number of instructional minutes as the students in the general education classes, without making individualized decisions that this was necessary for the needs of specific students, or providing another legitimate nondiscriminatory justification.

The only time it is appropriate to shorten the school day for a student with a disability is when the student's IEP team determines a shortened day is required to address the student's unique disability-related needs. For example, if because of the student's medical needs, the student is physically unable to tolerate a full school day, a shortened day may be appropriate. Before deciding to shorten the student's day, the IEP team must consider if there are other ways to meet the student's needs, including providing additional supports and services. LEAs may not reduce a student's instructional time as a form of punishment or in lieu of a suspension or expulsion. In the case of a student whose behavior impeded the student's learning or the learning of others, the IEP must include positive behavioral interventions, supports, and strategies reasonably calculated to enable the student to participate in the full school day. School removals (including shortened days) are not considered positive behavioral supports. IEP teams should use a data-based decision making process to determine which positive behavioral supports would best meet the unique disability related needs of the student.

- 2) **Myth:** Once an IEP team decides to shorten a student's school day, the change in instructional time is long term.

**Fact:** When an IEP team shortens a student's school day the team should, through the IEP team process, continuously monitor and review the student's progress and plan frequent IEP team meetings to determine whether a shortened school day continues to be necessary to meet the student's unique, disability-related needs. To appropriately monitor a student receiving a shortened school day, the IEP team must meet more frequently than once a year, and as often as necessary, to review the plan and to determine when the student is able to return to school full-time. The student should return to full day attendance as soon as the student is able, and under most circumstances, a shortened day should be in place for only a limited amount of time.

3) **Myth:** LEAs can release students with disabilities earlier than non-disabled students to accommodate transportation schedules.

**Fact:** LEAs may not shorten a student's day or 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 transportation schedules. For example, the LEA should not release students with disabilities earlier than their non-disabled peers in order to schedule an earlier bus route. Such practice is a denial of FAPE for students with disabilities.

4) **Myth:** The LEA can shorten a student's school day without reconvening the IEP team.

**Fact:** Shortening a student's school day is a decision that must be made by the IEP team utilizing the IEP team process. LEA's cannot unilaterally determine to shorten a student's school day. The student's IEP must contain a clear explanation of why the student's disability related needs require a shortened day and the plan for the student's return to school for a full day, including a plan to meet more frequently to review student data and determine whether the student is able to return to school full time.