



Question: What do Local Education Agencies (LEAs) need to consider and document for students with disabilities when deciding to shorten a student's school day?

Answer: 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. Shortening a student's day raises issues regarding the provision of a free and appropriate public education (FAPE) under the Individuals with Disabilities Education Act (IDEA), as well as potential discrimination under Section 504 of the Rehabilitation Act. The Nebraska Department of Education – Office of Special Education recommends that any offer of a shortened day as FAPE should be for a specific purpose and designed to meet a student's unique needs.

A student's IEP should reflect team discussion of the continuum of services and placement, including shortened day and any alternatives considered as appropriate. IEP teams should exercise caution when placing a student on a shortened day as it may limit a student's ability to make adequate progress, to access the general education curriculum, to meet graduation requirements, and to receive a FAPE.

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.



When a student's school day is shortened, the IEP team must meet to discuss this decision and documentation of the following must be included in the student's IEP:

- 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, including a plan to meet more frequently to review student data and determine whether the student is able to return to school full-time.

When a school day is shortened, school districts, through the IEP team process, should 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 a full day as soon as he or she is able, and under most circumstances, a shortened day should be in place for only a limited amount of time

In addition to the documentation and decision making requirements above, there are situations and conditions when shortening a school day is not permitted including:

- **a school or district cannot implement a standard shortened school day for all students with disabilities or for a group of students with disabilities**
- **a school district cannot implement a shortened school day for a student based on issues related to transportation**
- the decision to shorten a students' school day cannot be made solely on a parent request. The decision must be made through an IEP team meeting and based on the student's unique disability-related needs.





- **an IEP team cannot shorten a student's school day for administrative convenience (e.g. staffing shortages)**
- **an IEP team cannot shorten a student's school day to accommodate regularly scheduled medical or therapeutic appointments. Districts must refer to their local attendance and excusal policies to determine what absences are excused.**
- **an IEP team cannot implement a shortened school day for a student in order to manage student behavior or as a means of discipline**

A school district may not reduce a student's instructional time as a form of punishment or in lieu of a suspension or an expulsion. In addition, a school district may not require a student to "earn" back the return to a longer or full school day by demonstrating good behavior. Attendance may also not be conditioned upon the student's taking medication or receiving treatment, therapies, or other outside services.

When student behavior is a concern, the IEP team must develop an IEP that addresses the student's individual behavioral needs through annual goals, related services, and supplementary aides and services and the IEP must document and provide positive behavioral interventions, supports and strategies. IEP teams are encouraged to utilize a process that includes root cause analysis to determine "why" a student has difficulty meeting the behavioral expectations in the school. In addition, a functional behavioral assessment (FBA) may be required to fully assess student behavior and develop a behavioral intervention plan.



School administrators must keep in mind that shortening a student's school day is a high stakes decision that can dramatically reduce a student's access to the instruction they need to be prepared for college, career, and living in their community. Shortening a school day must be an individualized decision based on the student's unique disability-related needs that takes place at an IEP team meeting and includes input from the parent.

When disagreements occur, parents have several dispute resolution options available if they disagree with a decision of a school. These options include requesting mediation through the Nebraska Special Education Mediation System, filing an IDEA state complaint, and requesting a Due Process Hearing. For more information on dispute resolution options, see [The NDE, Office of Special Education, Dispute Resolution webpage.](#)

Resources:

- [The Shorten Day Guidance](#) found on the NDE website (Special Education)
- School District administration and Special Education Directors, including Educational Service Units (ESUs)
- Local and regional MTSS teams
- School psychologist
- NDE stands ready to provide technical assistance and support.



