



SPREAD THE WORD: TOPICS IN SPECIAL EDUCATION

SHORTENED INSTRUCTIONAL DAYS

This edition of *Spread the Word* serves to define and increase capacity for understanding instructional day requirements for student with disabilities. This resource is geared toward Individualized Education Program (IEP) teams, administrators, educators, and practitioners as they work with families.

General Information: Length of Instructional Days for Students with Disabilities

The length of instructional days for students with disabilities must be the same as instructional days for nondisabled students. 511 Indiana Administrative Code (IAC) 7-36-4. Indiana Code (IC) 20-30-2-2(a) and 3 specifies that a school ***must provide at least 180 days of instruction per school year***. An instructional day consists of at least five hours of instruction for grades one through six and at least six hours of instruction for grades seven through 12. Lunch and recess are *not* considered instructional time.

There are **three notable exceptions** to this requirement:

1. IDOE has traditionally allowed for delays or early dismissals of up to two hours for unforeseen circumstances that could endanger the safety of students or staff.
2. IC 20-24.2-4-2 allows performance-qualified school districts and high schools to meet the minimum instructional requirements by using minutes rather than days.
3. IC 20-31-4.1 allows school districts to petition the State Board of Education (SBOE) to waive certain requirements, providing flexibility regarding instructional time for the school year.

When can a case conference committee (CCC) place a student on a shortened day? A CCC should use caution when placing a student on a shortened day. The only time it is appropriate to shorten the school day for a student with a disability is if it's required to address the student's unique disability-related needs.



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A school may not reduce a student's instructional time as a form of punishment or in lieu of a suspension or expulsion. The CCC must develop an IEP that addresses the student's behavioral needs. If the student's behavior impedes the student's learning or that 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.

Discussion of Shortening Instructional Days for Students with Disabilities

A student's IEP should include the CCC discussion of the continuum of services and placement, including shortened days and any alternatives considered, as appropriate. When a student's school day is shortened, their IEP must include:

1. an explanation of why their disability-related needs require a shortened day (511 IAC 7-42-6(f)),
2. a clear explanation of the unique need or skill gap prohibiting the student from attending a full day of school (511 IAC 7-42-6(f)(4)),
3. a clear connection to the growth and progress expected to be achieved by shortening the student's school day (511 IAC 7-42-6(f)(3)), and
4. **a plan for the student's return to school for a full day.**

- 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.
- The CCC should meet as often as necessary to review the plan and determine when the student is able to return to school full-time.



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HOMEBOUND OR ALTERNATIVE SETTING

Article 7 provides for instruction for students at a student's home or an alternative setting. This is only appropriate when the CCC determines such arrangements to be the least restrictive environment (LRE) for the student to benefit from special education and related services. If the CCC determines the LRE to be the student's home or an alternative setting, the determination must include the reasons the student is not attending school, other options tried or considered, and the reasons why the other options were rejected. The CCC must convene at least every 60 instructional days to review the IEP.

Instruction for Student at Home or Alternative Setting

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A student may receive special education and related services from a licensed teacher in the student's home or alternative setting, for reasons other than injury or temporary or chronic illness, if the CCC determines it to be the least restrictive environment appropriate to enable the student to benefit from special education and related services. If the CCC determines the student's placement to be the student's home or an alternate setting, the public agency's written notice described in section 7 of this rule must include the following:

- (1) The reason the student is not attending school.*
- (2) Other options tried or considered.*
- (3) The reasons the other options were rejected.*

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511 Indiana Administrative Code 7-42-11(a)

How often must a CCC convene once a student is placed on homebound or in an alternative setting?

Per Article 7, the CCC must convene at least every 60 instructional days to review the IEP.



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HOMEBOUND OR ALTERNATIVE SETTING

Article 7 discusses disciplinary removals of students with disabilities. Removal of a student for any part of a day constitutes a day of removal. The short-term removal of a student, pursuant to the student's IEP, is not considered a removal; however, school personnel must be properly trained in how to provide short-term removal for applicable students. A pattern of office referrals, extended time excluded from instruction, repeatedly sending a student out for a "day off," sending a student home due to behavior or regularly requiring them to leave school early and miss instructional time could be considered an exclusionary disciplinary measure.

Disciplinary Removals and Considerations for Students with Disabilities

Disciplinary removals go hand-in-hand with homebound placements and shortened instructional days.

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The authority to implement disciplinary removals does not negate [school personnel's] obligation to consider the implications of the child's behavioral needs, and the effects of the use of suspensions (and other short-term removals) when ensuring the provision of FAPE.

U.S. Department of Education 2016 Dear Colleague Letter

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The CCC must consider the need for positive behavioral interventions and supports for children with disabilities whose behavior impedes their learning or the learning of others, and when determined necessary to ensure FAPE or include or revise needed behavioral supports in the student's IEP.



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What if the student's behavior impedes their learning or the learning of others?

If a student's behavior impedes their learning or the learning of others, the CCC must consider, and include in the IEP, positive behavioral interventions, supports, and other strategies to address those behaviors. The focus of the CCC should be on appropriately addressing the behavior with positive supports and instruction, a functional behavioral assessment (FBA), and a behavioral intervention plan (BIP). Shortening the student's instructional day or placing the student on homebound instruction should not be utilized in place of appropriately addressing behaviors that may negatively impact the student's ability to receive a FAPE.

Do in-school suspensions count as removals?

The answer to this question is situational. Article 7 notes that in-school suspensions are not considered a day of removal as long as during the suspension, the student is afforded the opportunity to progress appropriately in the general education curriculum, receive the special education services specified in their IEP, and participate with nondisabled students to the extent they would have in their current placement, pursuant to 511 IAC 7-44-1 (d).

Does a bus suspension count as a removal?

The answer to this question is also situational. If bus transportation is part of the student's IEP, a suspension from the bus would count as a removal unless the public agency provides transportation in an alternative manner.