

Baseline text is KSBA sample language.

All changes/additional text were provided by the Kentucky Department of Education (KDE) or were added after consultation with KDE.

STUDENTS

09.1221

Shortened School Day and/or Week Part-Time Students

Students with disabilities must attend school for the same number of hours and minutes as non-disabled students. However, the Board shall consider a shortened school day for students with disabilities under specific conditions.

The Board ~~shall~~will consider a shortened school day and/or week only ~~for preschool and kindergarten students and~~ for students with an Individualized Education Program (IEP) ~~individual education plan~~ or Section 504 Plan~~plan~~ that supports a shortened day.

A recommendation to shorten the normal school day and/or week for a student shall be made through the Admissions and Release Committee (ARC) or Section 504 Plan Team (504 Team). Once the ARC or 504 Team determines that a shortened school day and/or week is in the best interest of the student with disabilities, the ARC or 504 Team must determine the delivery of services in the student's IEP or Section 504 Plan.

The decision to shorten the school day and/or week and the IEP or Section 504 Plan should be based on a student's unique, disability-related needs.

An ARC or 504 Team should exercise caution when placing a student on a shortened day and/or week 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 free and appropriate public education (FAPE). An ARC or 504 Team may not reduce a student's instructional time as a form of punishment or in lieu of a suspension or an expulsion. The ARC or 504 Team shall develop an IEP or Section 504 Plan that addresses the student's behavioral needs.

The ARC or 504 Team must submit appropriate documentation for the Board's consideration. This documentation includes:

1. A medical statement signed by a physician;
2. A documented determination by the student's ARC or 504 Team that a shortened school day is needed; and
3. An IEP or Section 504 Plan that prescribes the length of the shortened day, the continuum of services and placement, and a plan for the student's return to a full day of school.

The Board and district shall maintain the student's confidentiality throughout this process.

Once approval is granted by the Board, the district shall submit notice to the Kentucky Department of Education's Office of Special Education and Early Learning (KDE/OSEEL) as required.

Shortening a student's day and/or week raises issues regarding the provision of a FAPE under the Individuals with Disabilities Education Act (IDEA), as well as potential discrimination under Section 504 of the Rehabilitation Act. The district's Exceptional Child Education staff shall

monitor the district's use and implementation of this policy to ensure its compliance with federal and state requirements.

REFERENCES:

KRS 158.3175

KRS 158.060

KRS 159.030

KRS 339.210

KRS 339.220

KRS 339.230

KRS 339.360

16 KAR 4:020

702 KAR 7:125

704 KAR 3:410

707 KAR 1:350

707 KAR 1:320

Section 504 of Rehabilitation Act of 1973, Americans with Disabilities Act
Individuals with Disabilities Education Improvement Act (IDEA)

RELATED POLICIES:

08.131

08.31

09.13