



Guidance

Shortened School Day

**Michigan Department of Education Office of Special Education
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Introduction

The purpose of the *Individuals with Disabilities Education Act* (IDEA) is to ensure all students with disabilities have available to them a free appropriate public education (FAPE) in the least restrictive environment (LRE) that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living. 34 CFR §300.1(a). This guidance is provided to guide districts and individualized education program (IEP) Teams as they determine LRE and whether a student has unique disability-related needs that require a shortened school day.

Legal Standard

The IDEA mandates, under 34 CFR §300.17, eligible students receive a FAPE in the LRE which includes special education and related services that:

- Are provided at public expense, under public supervision and direction, and without charge.
- Meet the standards of the State Educational Agency (SEA), including the requirements of the IDEA.
- Include an appropriate preschool, elementary school, or secondary school education.
- Are provided in conformity with an IEP that meets the requirements of 34 CFR §§300.320 through 300.324.

The United States Supreme Court has ruled school districts must offer an IEP reasonably calculated to enable a student to make appropriate progress in light of the student's

unique circumstances. *Endrew F. v. Douglas County School District RE-1*, 137 S. Ct. 988, 197 L Ed. 2d 335, 349 (2017). See also Questions and Answers on *Endrew F. v. Douglas County Sch. Dist. Re- 1*, December 7, 2017 (US Dept. of Educ.).

Schools have a fundamental obligation under the IDEA to provide a FAPE in the LRE to all students, no matter the severity of their disability. Schools have an obligation to address each student’s unique needs which adversely affect their educational performance, including academic, behavioral, emotional, physical, and functional. The right to a FAPE in the LRE is afforded to all eligible students, even students with the most severe cognitive or behavioral symptoms.

IDEA’s implementing regulations define school day as any day, including a partial day, that students attend school for instructional purposes. School day has the same meaning for all students in school, including both those with and without disabilities. 34 CFR §300.11(c).

In general, a school day for a student with a disability should not be shorter than a school day for students without disabilities. When a student’s IEP Team determines a student needs a shorter school day, appropriate modifications must be incorporated into the IEP to ensure the student receives FAPE in the LRE. These modifications must be based on the unique needs of the student. For example, a shortened school day may be needed when the nature or severity of the student’s disability impacts a full school day of attendance even with the use of supplementary aids and services. This reduced school day determination would be made by the student’s IEP Team which may include, when appropriate, the student’s medical provider or other treatment specialists.

Of note, the practice of shortening a student’s school day as a disciplinary measure could be considered a denial of FAPE if the student’s IEP Team does not consider additional services and supports that could enable a student to remain in school, in the LRE, for the full school day before placing the student on a shortened school day.

IEP Team Considerations

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. It is the position of the MDE that affording a

student less than a full school day is contrary to the IDEA’s goal that an IEP result in appropriate progress.

Before determining the need to shorten the student’s day, the IEP Team must consider and document other ways to meet the student’s needs. This includes, but is not limited to, additional instructional and/or behavior supports, increased program and/or service time, and/or a positive behavior support plan. According to [Positive, Proactive Approaches to Supporting the Needs of Children with Disabilities: A Guide for Stakeholders](#), “the IEP team should determine what targeted, individualized interventions and supports are necessary. Targeted supports are typically provided in smaller groups to allow for more explicit instruction and additional opportunities to practice positive behaviors and receive constructive feedback. Social skills instruction, supports on developing social relationships, self-management strategies, check and connect (a mentoring intervention designed to spot early signs of disengagement, improve school performance, and reduce school dropout), and restorative practices, are examples of interventions that may be provided as targeted supports.”

Under most circumstances, a shortened school day should be in place for only a limited amount of time. When an IEP Team determines the need to shorten a student’s school day, the student’s IEP should include:

1. An explanation of why the student’s unique disability-related needs require a shortened day. 34 CFR §300.320(a)(1).
2. A clear explanation of the unique need or skill gap prohibiting the student from attending a full day of school 34 CFR §§300.320(a)(4) and (5).
3. A clear connection to the growth and progress expected to be achieved by shortening the student’s school day (e.g., the student is expected to recover from the physical or medical condition with rest and medical treatment). 34 CFR §300.320(a)(3).
4. A plan for the student’s return to school for a full day, which may include a plan to meet more frequently to review student data and determine whether the student is able to return to school full-time. 34 CFR §300.114.

The student must return to a full school day as soon as they are able, affording a student a full educational opportunity as required by 34 CFR §300.109.

Clarifying Questions

May an IEP Team implement a shortened school day for a student to manage student behavior or as a means of discipline?

No. Shortened school days may not be used to manage student behavior or as a means of discipline. Removing a student from school is NOT reasonably calculated to result in progress or educational benefit. The student may be lacking critical skills necessary to successfully participate in school. The IEP must address the skill deficits by providing supports and services necessary for the student to have a FAPE in the LRE.

For students with disabilities whose behavior impedes their learning or the learning of others, the IEP Team must develop an IEP that addresses the student's behavioral needs through annual goals, related services, and/or supplementary aides and services.

The IEP should include positive behavioral interventions, supports, and strategies to enable the student to participate in the full school day. Removal from school is neither a service nor support for students with difficult behaviors and is not reasonably calculated to result in educational benefit.

According to [Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA's Discipline Provisions. July 19, 2022 \(PDF\)](#):

“The failure of the IEP Team to consider and provide for needed behavioral supports through the IEP process may result in a student not receiving a meaningful educational benefit or FAPE. In addition, a local education agencies (LEA's) failure to make behavioral supports available throughout a continuum of alternative placements, including in a regular education setting, could result in an inappropriately restrictive placement and constitute a denial of placement in the least restrictive environment.

The failure of the IEP Team to consider and provide for needed behavioral supports could also lead to behavior that is inconsistent with the school's code of student conduct. To the extent a student's behavior, including its impact and consequences (e.g., violations of a school's code of student conduct, classroom disruptions, disciplinary removals, and other exclusionary disciplinary measures), impede the student's learning or that of others, the IEP Team must consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior. 34 CFR §300.324(a)(2)(i).

If the student’s IEP already includes behavioral supports, upon repeated incidents of student misbehavior or classroom disruption, then the IEP Team may need to meet to consider whether the student’s behavioral supports are being consistently implemented as required by the IEP or whether they should be changed. It is critical that IDEA provisions designed to support the needs of students with disabilities and ensure FAPE are appropriately implemented so as to avoid an overreliance on, or misuse of, exclusionary discipline in response to a student’s behavior.”

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 taking medication or receiving treatment, therapies, or other outside services.

Must a school district shorten a student’s school day upon request of the student’s parent?

No. If a parent requests a change in the length of the student’s school day, the school district must respond to the parent’s request by providing written notice, consistent with 34 CFR §300.503(a)(b). However, any changes to the regular school schedule must be made by the student’s IEP Team, which includes the parent. 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. This decision must be reflected in the student’s IEP, including documenting the reasons for the shortened day and providing a plan for returning to a full school day.

Critical Compliance Inquiries

During compliance activities, the Michigan Department of Education (MDE) will inquire about the link between the shortened school day, the provision of a FAPE in the LRE, and student progress by asking probing questions.

For example:

1. What skill is the student lacking to successfully attend the full school day?

2. How will removal from school meet the student’s educational needs? How will removal from school help close the skill gap? How will removal from school result in educational progress?
3. What services can the team provide to help close the skill gap and educate the student in the least restrictive environment, assist the student to be successful in school the entire day, and make progress in the general education curriculum?
4. What is the plan, including a timeline, to return the student to a full day of school?

Compliance Implications

The MDE considers a shortened school day a critical compliance consideration. IEPs missing this critical information, such as in response to the critical compliance inquiries above, may be considered noncompliant with the requirements of the IDEA. Any IEP that addresses a shortened school day through a conclusory statement or a checked box without addressing the critical compliance inquiries and without full consideration by the IEP Team will be considered noncompliant. The IEP must address the use of positive behavioral interventions and supports and other strategies to address behavior that impedes the student’s learning, or the learning of others as required by 34 CFR §300.324(a)(2)(i). Further, IEPs that do not align the reasons for the shortened school day with the identified unique disability-related needs of the student and the specific link to increasing the skills necessary for a return to a full school day, will be deemed noncompliant and in need of corrective action.

Additional Resources

- [Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973](#) and an accompanying [Fact Sheet](#).
- [Questions and Answers Addressing the Needs of Children with Disabilities and the IDEA's Discipline Provisions](#).
- [Positive, Proactive Approaches to Supporting the Needs of Children with Disabilities: A Guide for Stakeholders](#).