

[SB 819 \(2023\)](#) establishes new requirements related to abbreviated school day program placements for students with disabilities, centered in the right of all children to meaningful access to a full school day. No school district may consider placement on an abbreviated school day program for a student unless and until it has first made reasonable efforts to maintain the student's full school day placement. This requirement means that every process by which a team is considering an abbreviated school day program for a student should be focused on providing the student with the maximum number of hours of instruction and educational services they are able to access based on their individual needs. Keeping in mind the guiding principle of maximizing meaningful access for all children, SB 819 (2023) establishes specific requirements that must be met prior to a placement on an abbreviated school day program. In this guidance document, ODE seeks to suggest procedures school districts can use to implement SB 819.

This guidance represents ODE's best current thinking on the implementation of Senate Bill 819. We aim to provide the most helpful and well-informed recommendations possible, but please understand that implementation will be an iterative process that will be refined over time. **This guidance does not constitute legal advice, nor should it be considered definitive or legally binding. ODE strongly recommends that school districts consult with their own legal counsel to understand your obligations.** As ODE continues to work with school districts, educational partners, and all stakeholders regarding SB 819, ODE may amend or clarify this guidance, as needed, to provide the most current and reliable information on interpreting and meeting compliance with SB 819.

ODE suggests the following meeting procedures for the 25-35 calendar day review of the student's placement on an abbreviated school day program:

1. When a child with a disability is placed on an abbreviated school day program, the school district must ensure that a follow-up meeting to review the placement is held no fewer than 25 calendar days following the initial placement on an abbreviated school day program and no later than 35 calendar days following this placement.
2. Prior to this meeting, school districts must provide parents or foster parents with specific information about their rights under SB 819 (including their child's right to meaningful access to a full school day, the prohibition on unilateral placement on an abbreviated school day program by a school district, and the parent or foster parent's right to revoke consent or object to a placement on an abbreviated school day program). ODE has provided a sample form, *Notice of Required Information Prior to Required Meetings to Review Placement on an Abbreviated School Day Program*, that districts can use for this purpose. ODE suggests that this form be sent home alongside a meeting invitation that is sent early enough to ensure the parent or foster parent is afforded the opportunity to meaningfully participate in the meeting.
3. At the start of the 25-35 day meeting to review the student's initial placement on an abbreviated school day program, review the *Notice of Required Information Prior to Required Meetings to Review Placement on an Abbreviated School Day Program* required information about parent or foster parent rights and remind the parent or foster parent that these rights all apply to their child who is currently placed on an abbreviated school day program. If the parent or foster parent would like, they can revoke consent and the school district will ensure meaningful access to a full school day.

4. At this meeting, the IEP or 504 team is required to:
 - a. Obtain from the parent or foster parent a signed acknowledgement that the parent or foster parent received the information described above. ODE has developed an *Acknowledgement of Notice of Required Information Prior to Required Meetings to Review Placement on an Abbreviated School Day Program* sample form for this purpose.
 - b. Review the student's progress on the abbreviated school day program;
 - c. Consider at least one reasonable alternative placement that includes appropriate supports for the student and that could enable the student to have meaningful access to the same number of hours of instruction and educational services that are provided to the majority of other students who are in the same grade within the student's resident school district; and
 - d. If the IEP or 504 plan team recommends continuing the abbreviated school day placement, consider whether the number of hours of instruction and educational services should be increased.

5. If the IEP or 504 team decides to recommend continuing the placement on an abbreviated school day program, the IEP or 504 team must fully discuss the provisions of that abbreviated school day program with the parent or foster parent and ensure a summary of the related documentation is included in the written statements in the *Information to Consider About Possible Continued Placement on an Abbreviated School Day Program* form and in the student's IEP/504 plan as applicable.

6. If the IEP or 504 team recommends continuing the abbreviated school day placement, consider whether the number of hours of instruction and educational services should be increased. Document this discussion, including: (a) the specific barriers that prevent that meaningful access for the student and (b) the reasonable efforts of the school district to facilitate the student's meaningful access to the same number of hours of instruction and educational services that are provided to the majority of other students who are in the same grade within the student's resident school district.

7. Following the parent or foster parent's meaningful participation in this decision-making process, the school district must provide written notice documenting the proposal or refusal and seek the parent's informed and written consent for placement on an abbreviated school day program. For students with IEPs, the requirement for written notice under SB 819 may be able to be met by meeting the requirement for Prior Written Notice under the IDEA.
 - a. If the parent or foster parent provides informed and written consent, the school district must include specific information in the IEP or 504 plan and can continue to implement the abbreviated school day program. Specific information to be included in the IEP or 504 Plan includes:
 - i. An explanation of the reasons the student was placed on the abbreviated school day program; and
 - ii. A detailed description of other reasonable options that were considered and documentation of why each option considered was not implemented.
 - b. If the parent or foster parent denies consent, the IEP or 504 team must develop an IEP or 504 plan that enables meaningful access to the same number of hours of instruction and educational services as the majority of other students who are in the same grade within the resident school district.



Suggested Procedures for Required 25-35 Calendar Day Meeting to Review Placement on an Abbreviated School Day Program

8. Discuss the need for regular review meetings to determine whether the student's number of hours of instruction or educational services can be increased. Explain that SB 819 requires these meetings no less frequently than every 30 calendar days unless the parent or foster parent provides written consent to meet less frequently than once every 30 calendar days. Work with the parent to determine the appropriate timeline for the next meeting. If it will be more than 30 calendar days until the meeting, seek the parent's consent to extend the timeline, up to 90 days for a student with an IEP and up to one year for a student with a 504 plan, or for a student enrolled in a virtual public charter school or enrolled in a pediatric nursing facility. Note that any alterations to the schedule for IEP or 504 plan meetings to review abbreviated school day program placements must meet SB 819's requirements (section 4(2)(b)(B) and the school district must have current informed and written parent consent to extend the timeline. If the parent does not voluntarily provide written consent, the school district must ensure the IEP or 504 team meets to review the placement within 30 calendar days of the 25-35 day review meeting.

9. The school district must ensure that a follow-up meeting to review the placement is held within 30 calendar days or consistent with another schedule for which they have written consent from the parent or foster parent and that meets the requirements of SB 819.