

Steps to Consider: SB 819 & SB 1558 Requirements

The steps below outline how to apply the requirements of SB 819 to the various schools and programs. **These general steps provide an overview for thinking about abbreviated school day program placements; they do not establish a process to place someone on an abbreviated school day program. School districts may wish to consult legal counsel regarding their specific context.**

Steps to Determine Whether a Placement Constitutes an Abbreviated School Day Program

The following steps offer a potential approach to apply the requirements of SB 819 to various school and program designs. ***This is not a process to place someone on an abbreviated day.***

Step 1: Is the student considered a “student with a disability” under the law?

If the student **is considered** a “student with a disability” under SB 819, continue to Step 2.

If the student **is NOT currently considered** a “student with a disability” under SB 819, the provisions of the law do not currently apply to the student.

In these cases, school districts are reminded to be aware of and meet their child find obligations under Section 504 and the IDEA. Consistent with those obligations, teams should carefully consider whether a child’s circumstances – including the reduction of their access to hours or instruction or educational services relative to the majority of other students who are in the same grade in the student’s resident school district – raise suspicion that, or give the school district reason to suspect that, the student is or may be a student with a disability who requires reasonable accommodation or special education and related services. Where such suspicion exists, or where it should exist, school districts have an obligation to seek the parent’s informed consent for a comprehensive initial evaluation.

Step 2: *Does the student qualify for one of the named exemptions under the law?*

If the student is:

- *A registered home school student;*
- *A parentally placed private school student;*
- *Under a court ordered placement;*
- *Excluded from school due to actions taken under a public health emergency;*
- *Excluded from school due to disciplinary measures in compliance with all federal, state, and local requirements;*

Steps to Determine Whether a Placement Constitutes an Abbreviated School Day Program

The following steps offer a potential approach to apply the requirements of SB 819 to various school and program designs. ***This is not a process to place someone on an abbreviated day.***

- **[SB 1558 Update]** voluntarily not scheduled for a class during one or more class periods, (a) if the student is in 11th or 12th grade and is on track to graduate with a high school diploma or modified diploma within 4 years of starting grade 9, OR (b) the student is on track to graduate with a high school diploma or modified diploma by the end of the school year;
- **[SB 1558 Update]** enrolled in a course with asynchronous instruction, and that instruction meets **all** five of the criteria below:
 - The instruction is **ONLY** for one class per term/semester.
 - The instruction satisfies a credit requirement for a high school diploma or a modified diploma.
 - The instruction is a credit recovery class or is a class not otherwise available to the student.
 - The instruction is offered to students on a voluntary basis and is not restricted to only students with a disability.
 - The instruction is accessible to a student while the student is at school and while staff of the school are immediately available to the student.

*Then the provisions of the SB 819 **do not** apply to the student. However, a student who is exempted from SB 819 due to one of the named exemptions may qualify for SB 819 protections based on other criteria. Districts should carefully consider the totality of a student's experiences and meaningful access to instruction and educational services to determine if the student is fully exempt from SB 819 protections.*

*If the student **does NOT** qualify for an exemption listed above, continue to **Step 3**.*

Step 3: What is the appropriate comparison group under SB 819's requirements for determining whether the number of hours of instruction and education services the student can access constitutes an abbreviated school day? Unless the student's school or program is exempted in SB 819, this determination allows school districts to identify the number of hours of instruction and educational services required for a full school day.

Steps to Determine Whether a Placement Constitutes an Abbreviated School Day Program

The following steps offer a potential approach to apply the requirements of SB 819 to various school and program designs. *This is not a process to place someone on an abbreviated day.*

For most students, in most situations, the appropriate comparison group is the majority of other students who are in the same grade within the student's resident school district.

Some students who attend specific schools or programs are required to be compared to a different group of students. The guidance section on [Schools and Programs With Varied Requirements under SB 819](#) describes these students, schools, and programs further.

Step 4: How many total hours of instruction and educational services does the student with a disability have access to? How does it compare to their appropriate comparison group that was determined in Step 2?

For the purposes of making these determinations, hours includes any fraction of an hour.

If the student with a disability **has access to** the same number of hours of instruction or educational services as their appropriate comparison group, continue to Step 4.

If the student with a disability **does not have access to** the same number of hours of instruction or educational services as their appropriate comparison group, the student's schedule would constitute an abbreviated school day program and the requirements of SB 819 apply to the student, according to their circumstances.

Step 5: Do the hours of instruction and educational services available to the student with a disability constitute meaningful access?

If the student with a disability **has meaningful access to** the same number of hours of instruction and educational services as the majority of other students in their appropriate comparison group, continue to Step 5.

If the student with a disability **does not have meaningful access to** the same number of hours of instruction and educational services as the majority of other students in their appropriate comparison group, the student is receiving an abbreviated school

Steps to Determine Whether a Placement Constitutes an Abbreviated School Day Program

The following steps offer a potential approach to apply the requirements of SB 819 to various school and program designs. ***This is not a process to place someone on an abbreviated day.***

day and the requirements of SB 819 do currently apply to the student, according to their circumstances.

Step 6: Is the student receiving an abbreviated school day?

If the hours of instruction and educational services **meet all of the requirements in SB 819**, the student's day is not an abbreviated school day. If the student is not receiving an abbreviated school day, the requirements of SB 819 do not currently apply to the student.

If the hours of instruction and educational services **do not meet all of the requirements in SB 819** the student's day is considered an abbreviated school day, and the requirements of SB 819 do currently apply to the student, according to their circumstances.

When any student's day is considered to be an abbreviated school day program, the protections established by SB 819 apply to the student and must be followed. These protections include but are not limited to placement provisions, appropriate notice, acknowledgement, regular review meetings, and informed and written consent for placement on an abbreviated school day program from the parent or foster parent.