



Abbreviated School Day Programs Microlearning Session

Conducting Compliant Meetings and Non-Coercive Consent

Presenters

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Disclaimer

These materials constitute the Oregon Department of Education's interpretation of various state laws and are provided to support public education programs' understanding of their obligations under these laws. The information in these materials is subject to change based on future legal and policy changes. These materials are intended for informational purposes only and do not constitute legal advice.

AGENDA



- Review requirements for Abbreviated School Day Program (ASDP) meetings
- Review requirements for informed and written consent
- Discuss obtaining noncoercive parent consent
- Participant activity – meeting scenario

OBJECTIVES

- Participants will understand the requirements for ASDP meetings, including timelines for students on IEPs and students on 504 plans.
- Participants will understand the requirements for informed and written consent.
- Participants will practice conducting a compliant meeting via a scenario.



ASDP Meeting Requirements

Requirements for ASDP Meetings



ORS 343.321 to 343.331 designates specific steps that must be taken **before**, **during**, and **after** the following meeting types:

- Initial placement on an ASDP;
- The first review meeting held between 25-35 calendar days after initial placement;
- Subsequent review meetings at specified intervals.

Flow Charts: [Oregon Department of Education : Abbreviated School Day Program Placements under SB 819 : Special Education : State of Oregon](#)

Before the Initial Placement Meeting



A school district must document reasonable efforts to provide 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



This can be met by documented, reasonable, evidence-based efforts to provide meaningful access. Efforts should include adjustments to better meet the students needs and student specific progress monitoring data that guides the adjustments.



School districts should keep parents/foster parents informed of these ongoing efforts and must include them in educational decision making as required by law.

Before the Initial Placement Meeting

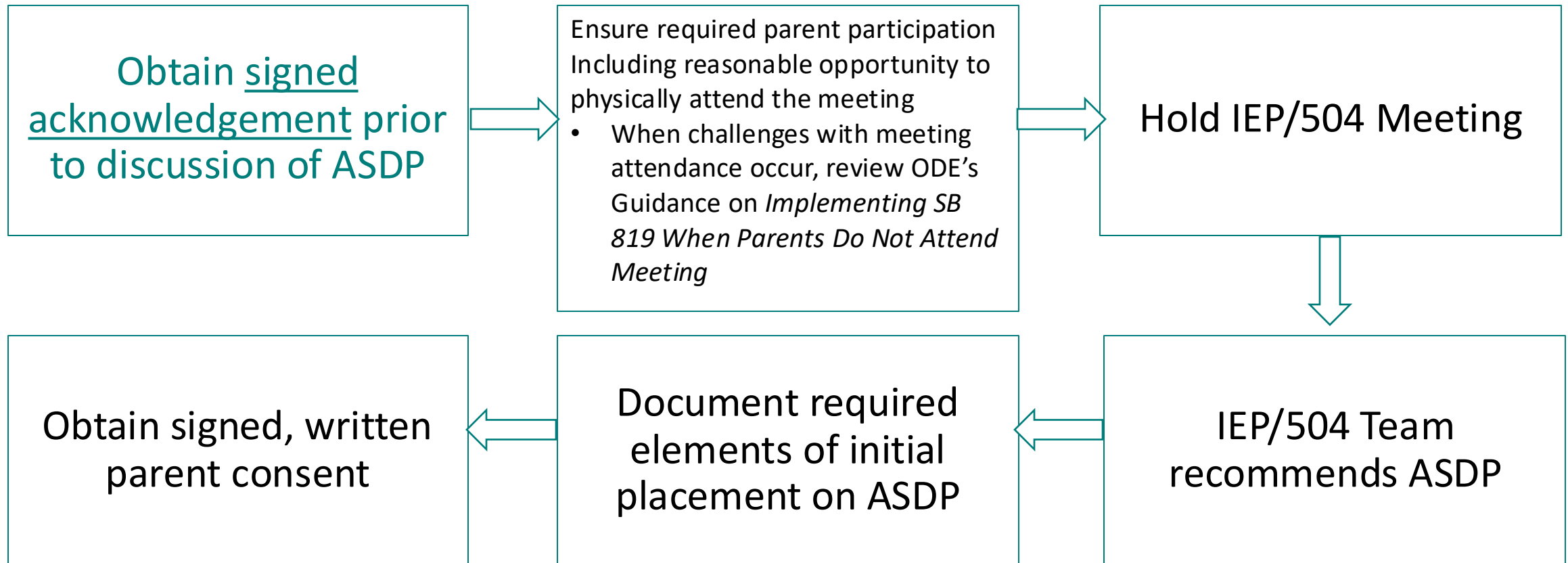
Signed Acknowledgment Notice: Initial and Meetings

Prior to a discussion of an ASDP placement, the school district must provide a [written statement](#) to the student's parent or foster parent in a language and format accessible to them the following information:

- The student's right to have 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 student's resident school district;
- The prohibition on the school district's unilateral placement of a student with a disability on an abbreviated school day program; and,
- The parent or foster parent's right, at any time, to withdraw consent for an abbreviated school day program placement or to request a meeting of the student's IEP or 504 team to discuss whether the student should no longer be placed on an abbreviated school day program.

The school district **must receive a signed acknowledgment** from the parent or foster parent that the parent is in receipt of this written statement.

During the Initial Placement Meeting Requirements



Requirements for Any Meeting to Discuss ASDP

A school district may not provide an abbreviated school day program to a student with a disability **unless all the following are satisfied:**

The student's IEP or 504 team:

- Recommends that the student should be placed on an abbreviated school day program:
 - The recommendation must be based on the student's individual needs,
 - The recommendation **may not include** consideration of a **lack of school district resources**, including:
 - Licensed or classified staff;
 - Availability of training;
 - Accessible facilities; and
 - Related services, including nursing services and transportation services.



Required Documentation Prior to Seeking Consent

1. How the ASDP will be designed to support the student's return to a school day program that is not an ASDP;
2. How the ASDP will be designed to make progress toward the student's individualized learning goals (if appropriate for students on 504 plans) and progress in the general curriculum;
3. The number of hours of instruction and educational services to be provided to the student while placed on an ASDP;
4. How the student's progress toward the individualized learning goals and progress in the general curriculum will be measured; and
5. The date by which the student is expected to return to a school day program that is not an ASDP.

AFTER Requirements for Subsequent Meetings After Initial Placement on an ASDP

**Initial Follow-Up Meeting
25-35 Days After Initial
Placement**

**Ongoing Follow-Up Meetings
Every 30 to 90 Days**



During each meeting of the student's IEP or 504 team while the student is on an ASDP:

- Review the student's progress on the ASDP;
- Consider at least one reasonable alternative placement that includes appropriate supports for the student that could enable the student to have meaningful access; and,
- If the IEP or 504 team recommends continuation of the ASDP, consider whether the number of hours of instruction and educational services should be increased.

Informed and Written Consent



The Language of the Law

Informed and written consent means that the parent or foster parent has **signed** and **dated** a **written consent form** affirming that the school district offered, and the team considered, **at least one reasonable alternative placement**, prior to requesting consent for an ASDP.

The Language of the Law

- The parent or foster parent must be informed that:
- for students on an IEP, the team must meet at least once every 30 calendar days during the school year, following the 25-35-day initial review meeting, unless they provide signed consent to meet less frequently (must be at least once every 90 days or less).
- for students on a 504 plan, the team will meet every 30 days, unless they provide signed consent to meet less frequently (at least once every year), following the initial review meeting.

What It Also Means

Informed and written consent also means that a student's parent or foster parent has signed and dated a written consent form affirming that:

- If, during the school year, the IEP or 504 team is scheduled to meet less frequently than once every 30 calendar days during the ASDP, the school district **must convene a team meeting within 14 calendar days** of receiving a written request from the parent or foster parent for a meeting;
- The parent or foster parent **voluntarily** signed the consent form for the ASDP; and,
- The parent or foster parent was **informed of the right to revoke consent**, in writing, to an ASDP at any time and informed that they are not required to request or attend an IEP or 504 meeting prior to revoking consent to an ASDP.

How Have You Explained Informed and Written Consent to Parents or Foster Parents?





Ensuring Non-Coercive Consent

What Does Non-Coercive Mean?

- Parents/foster parents must receive, review and understand their rights as described in the Acknowledgement form.
- Parents/foster parents must be able to meaningfully participate in the IEP or 504 team meeting before consenting to an ASDP placement.
- Parents/foster parents must not be asked to provide consent prior to participating in the IEP or 504 team meeting.
- Parents/foster parents voluntarily sign consent for an ASDP placement and the school district must not attempt to or actually pressure, harass, or coerce the parent/foster parent to provide consent.
- Parents/foster parents must be informed of their right to revoke consent at any time in writing without having to request or attend an IEP or 504 meeting.



Follow Up Meetings

First Review Meeting

Held between 25 and 35 calendar days after initial placement

1. Before the meeting send written notice of student rights along with the meeting notice
2. Obtain signed acknowledgment
3. Ensure required parent participation
4. Review the placement including required ASDP elements
5. Obtain parent consent
6. Document required elements for the ASDP review meeting
7. With parent consent determine the ASDP meeting cadence in alignment with ASDP requirements

Subsequent Review Meetings

Held no less frequently than **30 calendar days** with the following exceptions:

with parent consent, meeting cadence can be modified at the first review meeting as follows:

- For students on IEPs, meetings must be held no less frequently than 90 calendar days after the initial placement meeting
- For students on 504 plans, meetings must be held no less frequently than annually after the initial placement meeting

1. Schedule next meeting within the timeframe of which the parent/foster parent consented
2. Before the meeting send written notice of student rights along with meeting notice
3. Obtain signed acknowledgement
4. Ensure required parent participation
5. Review placement including required elements
6. Obtain parent consent
7. Document required elements fore the review meeting
8. With parent consent determine ASDP meeting cadence in alignment with ASDP requirements



Oregon Department of Education
At-a-Glance Suggested Procedures for 30-Calendar Day Meeting for Regular Review of Placement
on an Abbreviated School Day Program

Prior to Meeting

District sends meeting invitation to review continued placement on an Abbreviated School Day Program in sufficient time so meeting is held within 30 calendar days of prior meeting or consistent with another schedule for which written consent has been obtained from the parent or foster parent that meets requirements of Abbreviated School Day Programs (ASDP).

District Sends *Written Statement Informing the Parent of:

- A student's right to the same number of hours of instruction/educational services as same grade peers in their resident district.
- Prohibition of school district to unilaterally place student on an Abbreviated School Day Program.
- Right to withdraw consent for an Abbreviated School Day Program placement and request IEP meeting.

* ODE has provided a sample form titled *Notice of Required Information Prior to Required Meetings to Review Placement on an Abbreviated School Day Program* that districts can use for this purpose.

District completes Prior Written Notice summarizing decisions and changes to be made to student's program.

For more information, please see Oregon Department of Education's full *Abbreviated School Day Program FAQ* document.

= IEP Students Only

During the Meeting

IEP or 504 Team convenes meeting.

IEP or 504 Team reviews the *Notice of Required Information Prior to Required Meetings to Review Placement on an Abbreviated School Day Program* components and reminds parent or foster parent that these rights apply to their child who is currently placed on an Abbreviated School Day Program. Parent or foster parent can revoke consent and school district must ensure meaningful access to full school day program. District obtains signed acknowledgement that parent or foster parent received document information.

IEP or 504 Team reviews student's progress on goals and progress in the general education curriculum.

IEP or 504 Team considers at least one reasonable alternative placement that includes appropriate supports for the student 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.

Does the IEP or 504 Team recommend continuing the Abbreviated School Day Program placement?

If NO, or parent consent is not obtained, IEP or 504 Team develops 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 in the same grade within the resident school district and returns the student to full-time placement within five school days after making decision.

If YES, district obtains parent or foster parent's informed and written consent for continued placement on Abbreviated School Day Program.

IEP or 504 team discusses provisions of Abbreviated School Day Program with parent or foster parent and ensures summary of discussion is included in *Information to Consider About Possible Continued Placement on an Abbreviated School Day Program* form.

After the Meeting

Ensure that next follow-up meeting to review the placement is held within 30 calendar days or consistent with another schedule for which the district has written consent from the parent or foster parent and that meets the requirements of an Abbreviated School Day Program.

District updates the IEP or 504 Plan. Updates must include:

- Reasons the student continues to be placed on abbreviated school day program;
- A detailed description of other reasonable options that were considered; and
- Documentation of why each option considered was not implemented.

District discusses and documents steps school or program will provide to help return student to a full school day program

District provides Prior Written Notice documenting action(s) to be taken.

District works with the parent or foster parent to determine the appropriate timeline for the next meeting.

To Help with the Process of Conducting ASDP Meetings:

Flow Charts

Scenario: Conducting a Compliant Meeting



You are the case manager for Angel Garcia, 5th grade student with an IEP for Autism Spectrum Disorder. Ms. Garcia, Angel's mother, contacts you stating that she is very concerned that Angel's self-injurious behavior has significantly increased in school and wants to have an IEP team meeting to discuss the need for a possible ASDP. You schedule an IEP team meeting for 10 calendar days from this request as required by law. What should be the first thing to do prior to this initial placement meeting? (Hint: we will go through the steps on the next slide but first let's hear your thoughts. Raise your hand or unmute yourself.)

Steps for a Compliant Initial Placement Meeting

1. Prior to the IEP team meeting, compile all documentation of reasonable efforts to provide meaningful access to the same number of hours of instruction and educational services as the majority of other students in the same grade as Angel in the resident school district
 - Best practice would be to include FBA/BIP (if there is one), discipline records, attendance records, etc.
2. Obtain signed Notice and Acknowledgment of Information Prior to Initial Consideration of an Abbreviated School Day Program prior to discussing the possible placement on an ASDP
3. Review all information/documentation to consider whether Angel would receive a FAPE through an ASDP placement
4. If the IEP team agrees that an ASDP placement will provide Angel with a FAPE, obtain informed and written parent consent
5. If the IEP team does not agree that an ASDP placement will provide Angel with a FAPE, what would your next step potentially be?

Questions





Thank You!

Contact Us

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