



# ASDP Microlearning:

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## Exceptions and Exemptions to Abbreviated School Day Programs

# 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

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- Review exceptions and exemptions to ORS 343.321 to 343.331 (Abbreviated School Day Program) requirements
- Apply the information to student scenarios.



# Objectives

## Understand

Participants will be able to name the **exemptions** to ASDP requirements

## Understand

Participants will be able to name the **exceptions** to ASDP requirements

## Review

Participants will apply the exemptions and the exceptions rules to scenarios.



# Foundational Concepts

# Let's Start with the Baseline: Entitlement to a Full School Day

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- Access to full-time, quality instruction or educational services that is delivered by:
  - A qualified licensed teacher; or
  - Qualified classified staff who are under the direct supervision of a qualified licensed teacher; and
  - Synchronous, unless the instruction or educational services are provided by a virtual public charter school in compliance with ORS chapter 338 or it falls under specific exceptions related to asynchronous learning and ASDPs.

# Abbreviated School Day Programs are...

- A situation in which a school district **restricts a student's access** to hours of instruction or educational services to less than the number of hours of instruction or educational services that are provided to the majority of other students who are in the **same grade** within the student's **resident school district**.
- That results in a student having an abbreviated school day **for more than 10 cumulative school days per school year**.

# ASDP Requirements Apply in Full to Most Schools and Programs

Elementary, Middle,  
and High Schools

Private School  
Students placed by an  
IEP or 504 team (not  
parentally placed)

CTE Programs

Charter Schools With  
Exceptions

Online Schools that  
are not Virtual Public  
Charter Schools

Special Schools

Home Instruction  
(not Home School)



# Exemptions



# Exempted from ASDP Requirements:

Home School (not Home Instruction)

Parentally Placed Private School

Court Order

Discipline

- Under ORS 433.235 to 433.284 and aligning with all federal, state and local regulations

Public Health Emergency

- Under ORS 433.441 to 433.452

# Charter School Students Excluded Under SB 735

**A student may be excluded from Abbreviated School Day Program Requirements if all the following conditions are present:**

- ✓ The majority of students enrolled in the charter school are students without disabilities;
- ✓ The public charter school is not designed for the purpose of serving students with challenging behaviors or complex medical needs;
- ✓ The public charter school has a longer school year than the school year for the school district in which the charter school is located;
- ✓ As calculated for the school year, the regular schedule of the public charter school provides at least 95% of the total number of hours provided to the majority of other students who are in the same grade within the student's residential school district; and
- ✓ The student is not restricted to attending fewer hours of instruction and educational services than the number of instruction and educational services attended by the majority of students without disabilities who are in the same grade and who attend the same public charter school.

## Exemptions from ASDP Requirements

# Parentally-Placed Students



- A student placed on an Abbreviated School Day Program **solely due to a parent request** may be excluded from ASDP requirements if the school has offered a full-day program.
- For details, and a comprehensive flow chart on determining if a parentally-placed student is exempt from ASDP, please see the [Parent Choice Flowchart](#).

# Scenario 1: Lukas

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Lukas is a second-grade student who attends Sequoia Charter School Home School. He receives direct instruction from a teacher two times per week for 60 minutes. For the remainder of the week, Lukas participates in asynchronous instruction with assistance from his parent. He receives the same number of synchronous/direct instruction minutes as all students in this program but significantly less minutes than second grade students in his resident school district.

## **Question:**

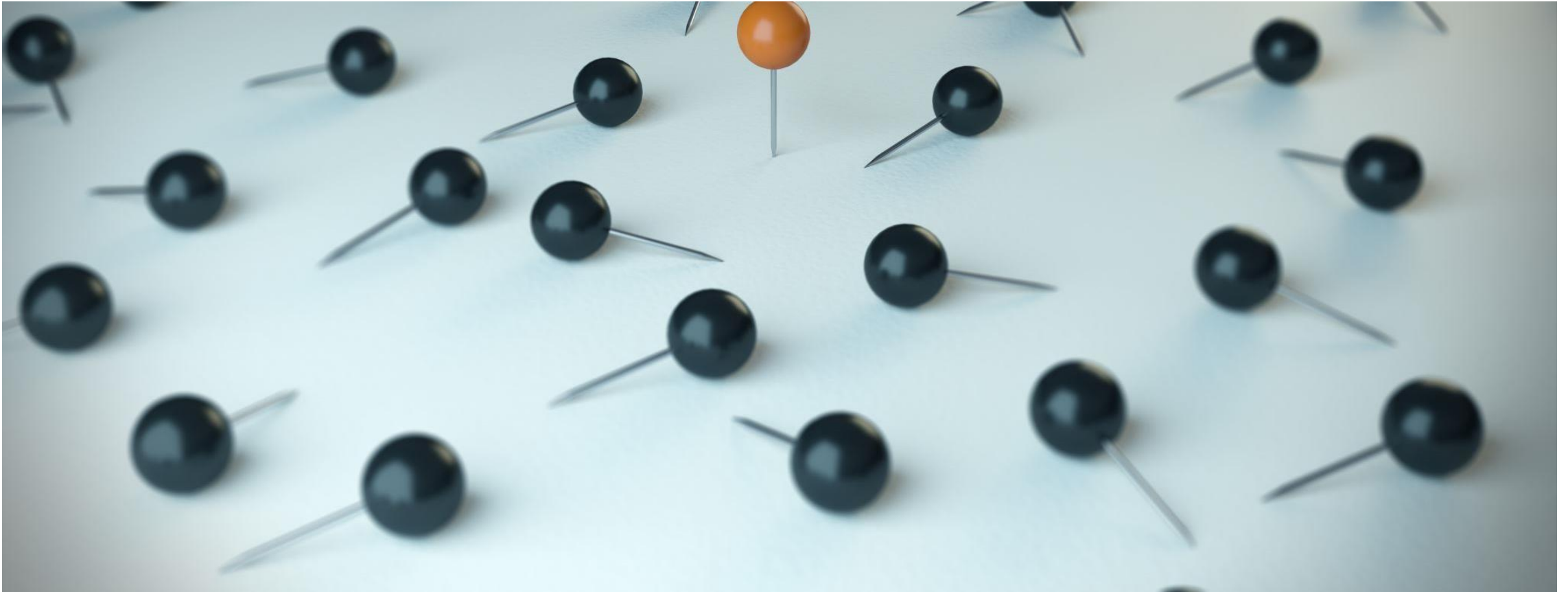
**Do ASDP requirements apply in full in this scenario?**

**If so, why? If not, why?**





# Exceptions



Exceptions:

## ASDP Requirements **Partially** Apply

### Pediatric Nursing Facility

Comparison Group:  
Same Grade/Same Program.  
With parent/foster parent consent, team may meet once per year after initial placement meeting.

### Expanded Options

Enrollment must be voluntary.  
Majority of students are not students with disabilities as defined by ORS 343.321.  
Comparison Group:  
Same Grade/Same Program.

### Alternative School (High School only)

Enrollment must be voluntary/Informed in writing.  
Majority of students are not students with disabilities as defined by ORS 343.321.  
Comparison Group:  
Same Grade/Same Program.  
Immediate return upon request.

Exceptions:

## Virtual Public Charter Schools

### Virtual Public Charter Schools Under Chapter 338

- See the [Flowchart for Public Charter Schools](#) to see if students are exempted
- Meetings only need to be held once every year after the initial 25 to 35-day follow-up meeting.
- For Virtual Public Charter Schools Only, instruction total can count both synchronous and asynchronous instruction.



# Current List of Virtual Public Charter Schools

<b>Baker Web Academy (Baker SD 5J)</b>	<b>Oregon Family School (Harney County SD 4)</b>
<b>Cascade Virtual Academy (Mitchell SD)</b>	<b>Oregon Virtual Academy/Evergreen Virtual Academy (North Bend SD 13)</b>
<b>Clackamas Web Academy (North Clackamas SD 12)</b>	<b>Paisley School (Paisley SD 11-Charter District)</b>
<b>Destinations Career Academy of Oregon (Mitchell SD 55)</b>	<b>Sheridan AllPrep Academy (Sheridan SD 48J)</b>
<b>Fossil Charter School (Fossil SD 21J-Charter District)</b>	<b>Silvies River Charter School (Harney County Union High SD)</b>
<b>Frontier Charter Academy (Gervais SD 1)</b>	<b>Summit Learning Charter (Estacada SD 108)</b>
<b>Insight School of Oregon-Painted Hills (Mitchell SD)</b>	<b>TEACH-NW (Marcola SD 79J)</b>
<b>Metro East Web Academy (Gresham-Barlow SD 10J)</b>	<b>Virtual Preparatory Academy (Prairie City SD )</b>
<b>Oregon Charter Academy (Santiam Canyon SD)</b>	<b>West Lane Charter School (Fern Ridge SD 28J)</b>
<b>Oregon Connections Academy (Prairie City SD)</b>	<b>Willamette Connections Academy (Scio SD 95)</b>

Exceptions:

## Comparison Group – Students in the Same Program

- LTCT
  - (1)(c)(A)(I) Only (residential)
- YCEP
- JDEP
- County Jails
- Hospital Programs
- Oregon School for the Deaf



## Scenario 2: Mika

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Mika is a seventh-grade student. She attends Children's Treatment Center, a residential Long-Term Care & Treatment School (a residential program) in Cedar Falls, Oregon. The school day schedule for students at Children's Treatment Center is from 8:00 a.m. to 2:00 p.m. Monday through Friday.

Students in middle school at Mika's resident school district attend school from 8:30 a.m. to 3:30 p.m. Monday through Friday.

### Questions:

1. **What is Mika's comparison group?**
2. **Based on the hours of instruction and educational services she receives, is Mika on an ASDP?**
3. **If yes, why?**
4. **If no, why not?**

# Exception: Allowable Asynchronous Instruction

**Allowable Asynchronous Instruction, if the instruction meets all five of the criteria below:**

1. The instruction is **only** for one class per term/semester;
2. The instruction satisfies a **credit requirement** for a high school diploma or modified diploma;
3. The instruction is a **credit recovery class or is a class not otherwise available** to the student;
4. The instruction is offered to students on a **voluntary basis and is not restricted to only students with a disability**; and
5. 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.



## Scenario 3: Amanda



Oregon Department of Education

Amanda is an entering 10th grade student at West Central High School. She is a student with a Section 504 plan. Amanda is in remission from cancer but still experiencing health effects. She previously missed 30 school days during her 9th grade year, which resulted in her failing Algebra. She is currently taking six classes at school. A full class load is seven classes. She has requested the option of re-taking Algebra virtually. In addition, due to fatigue, her parents have requested that she be allowed to take this virtual class at home.

### **Questions:**

**Is this an allowable exemption?**

**If so, why? If not, why?**

**If it is not allowable, what will the 504 team need to do to address the issue?**

# Scenario 4: Andre



Andre is an 11th grade student at South Hills High School. He has an IEP. Andre has an interest in mechanical engineering and would like to take an Introduction to Engineering online course as one of his electives during the second semester. His counselor has arranged for this course to be made available for him and two other students, neither of whom have a known disability. They will be taking the course in the library during fifth period.

## Questions:

**Is this an allowable exemption?**

**If so, why? If not, why?**

**If it is not allowable, what will the IEP team need to do to address the issue?**



## Exemption

# On Track to Graduate

**Student is exempt if voluntarily not scheduled for a class during one or more class periods, if:**

- (a) 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 in which the student voluntarily does not schedule a class or more class periods.

# Scenario 5: Jules



Jules is a 12th grade student at Dogwood High School. They are a student with a Section 504 Plan. They still require two credits in mathematics to graduate but have met all other graduation requirements. They have worked with their school counselor to schedule a required math class for semester one and the other required math class for semester two. They are not going to take a full class load either semester so that they can obtain a part-time job.

## **Questions:**

**Is this an allowable exception?**

**If so, why? If not, why?**

**If it is not allowable, what will the 504 team need to do to address the issue?**



# Reminders!



If the team determines that the student is exempt from the requirements of ASDP, district data submitters must update the Abbreviated School Day application to reflect the appropriate “Abbreviated School Day Program Stop Date.”



Unless other circumstances apply, the ASDP Stop Date would be the date that the student’s team determines that the exemption applies to the student.

# Question and Answer Session



Feel free to put your questions in the chat or ask to be unmuted.

Thanks!

# Thank You!

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Contact us at:

[ODE.ASDPQuestions@ode.oregon.gov](mailto:ODE.ASDPQuestions@ode.oregon.gov)

Please use this link or QR code to provide us feedback on this session.

[Exceptions and Exemptions](#)

