

[SB 819](#) 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 with a disability 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 initial meeting where a team is considering placement on an abbreviated school day program:

1. After providing and documenting reasonable efforts to maintain the student on a full school day, when the school district has reason to believe the IEP or 504 team may want to consider placement on an abbreviated school day program and is scheduling an upcoming meeting to review the student's placement, the IEP or 504 team must ensure the parent is provided with the opportunity for the student's parent or foster parent to meaningfully participate in a meeting of the IEP or 504 team to discuss consideration of an abbreviated school day program placement, including the reasonable opportunity to physically attend the meeting of the IEP or 504 team at which the abbreviated school day program placement is discussed.
2. Prior to the discussion of the possibility of an abbreviated school day program placement, review the required information about parent or foster parent rights as a discussion of the rights for all children, not as a discussion about this individual student or their needs.
3. The school district must receive the parent or foster parent's signed acknowledgement of this information. This acknowledgement is required prior to discussion of an abbreviated school day program placement.
4. Following team discussion of the student's educational program, and any appropriate revisions to the IEP or 504 plan, the IEP or 504 team is able to recommend abbreviated school day programs, as appropriate. To consider whether this placement may be appropriate, the IEP or 504 team should:
  - a. Complete and discuss *Information to Consider About Possible Initial Placement on an Abbreviated School Day Program*;

- b. Use any additional information from this document to update the student's IEP or 504 plan, as applicable.
  - c. The IEP or 504 team has full discussion of information in the documentation form, the IEP/504 plan, and any other student or family circumstances relevant to the placement discussion.
  - d. The IEP or 504 team reviews the exclusionary reasons (e.g., staff shortages) and ensures any recommended placement would not be due to any of those factors. If those factors are contributing to the placement discussion, an abbreviated school day program is not appropriate.
  - e. The IEP or 504 team determines whether to recommend an abbreviated school day program placement based on the child's needs as discussed and documented in written statements on the *Information to Consider About Possible Initial Placement on an Abbreviated School Day Program* sample form and in the student's IEP/504 plan, and not due to any of the prohibited reasons.
    - i. SB 819 prohibits school districts from providing an abbreviated school day program to a student with a disability unless the student's IEP or 504 team recommends that the student should be placed on an abbreviated school day program based on the student's individual needs, which may not include consideration of a lack of school district resources, including: (i) licensed or classified staff; (ii) availability of training; (iii) accessible facilities; and (iv) related services, including nursing services and transportation services.
5. If the IEP or 504 team decides to recommend a 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 Initial Placement on an Abbreviated School Day Program* sample form and in the student's IEP/504 plan as applicable.
6. 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 can implement the abbreviated school day program.
  - 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.
7. 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.