

# Dispute Resolution Updates

## Complaint File: Shortened School Day

Summary: In two recent special education community complaint investigations OSPI investigated whether districts appropriately shortened the school days of students. In SECC 23-57, OSPI investigated whether the district followed appropriate procedures to change the student's placement when, after a disciplinary exclusion, the district provided limited services in the student's home. While there was some confusion over what occurred—whether it was discipline, a homebound placement, or the district was providing services via home/hospital—functionally the student was provided less than a full day of instruction in the home. In SECC 23-61, OSPI investigated specifically whether the IEP team improperly shortened the student's school day.

Analysis: In both complaints, OSPI found the districts improperly shortened the students' school day and improperly conditioned the students' access to in-person and general education instruction on demonstrating improved behavior. In one investigation, in-person instruction was to be increased in 30-minute increments when the student demonstrated cooperation 80% of the time for five consecutive days. In the other investigation, the student's shortened school day schedule could be increased once he had five consecutive days with 60% positive behaviors.

In SECC 23-57, OSPI found that the district improperly bypassed the disciplinary change in placement procedures despite the student's emergency expulsion, and then failed to follow procedures for considering a significant change in placement, including considering whether a reevaluation was needed. The IEP team's decision seemed to be based on the student's behavior and resulting discipline rather than a disability related need to receive instruction at home.

OSPI found, in SECC 23-61, that the decision was also related to the student's behavior and there did not appear to be a disability related need for a shortened school day. In this instance, the student's guardian requested a shortened day initially; however, it was not clear the IEP team had a disability-related reason for shortening the student's day and the investigation showed the shortened day was related more to the student's behavior and was disciplinary in nature.

### Practice Tips for IEP Teams:

- Ensure any decision making around a shortened school day is related to a disability related need.
- Review OSPI's [February 2023 Shortened School Day Tip](#), including best practices for IEP teams considering a shortened school day.
- Review OSPI's [Home/Hospital Instruction Webpage](#), including "Home and Hospital Guidance and a [January 2023 Webinar](#).

