



OKLAHOMA STATE
DEPARTMENT *of* EDUCATION

MEMO: 4-Day School Week / April 2017

TO: District Administrators, Directors of Special Education, and Other Interested Parties

FROM: Todd Loftin, Executive Director
OSDE Special Education Services Division

Many local education agencies (LEAs) have opted to change their school-week from the traditional 5-day scheduled to an amended 4-day school week. Those LEAs that have not made that change continue to explore options as a response to budget cuts within education. Under Oklahoma School Law [70 O.S. § 109(A)], a “*school shall actually be in session and classroom instruction offered, for not less than one thousand eighty (1,080) hours each school year, if a district board of education adopts a school-hours policy and notifies the State Board of Education prior to October 15 of the applicable school year.*”

LEAs within Oklahoma must consider how a school-hour policy impacts all students, including students with disabilities. LEAs must ensure the educational standards and expectations from State and Federal policies are intact. Under the Individuals with Disabilities Education Act (IDEA), Part B, students with disabilities are afforded the right to a free appropriate public education (FAPE) that emphasizes special education and related services designed to meet their unique needs.

The Oklahoma State Department of Education (OSDE), Special Education Services division is committed to ensuring all schools that are affected by this change are appropriately providing services to students with disabilities in accordance with Individualized Education Programs (IEPs). IEP services may be modified, but should not be reduced, when a school moves to a 4-day school week. LEAs must ensure that IEPs are reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances. The OSDE-SES has developed guidance to assist LEAs in making the transition. LEAs should consider the following requirements of the IDEA, Part B, as they move forward:

- 1) FAPE and the Definition of IEP (34 CFR §300.101 and 34 CFR §§300.320 - 300.324)**
- 2) Parent Participation and the IEP Team (34 CFR §300.321 - §300.322)**
- 3) Extended School Year Services (34 CFR §300.106)**

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1) FAPE and the Definition of IEP

All students with an IEP are entitled to a “free, appropriate public education” (FAPE). This includes students who are eligible for special education from the ages of 3 through 21. FAPE is individually determined for each student with a disability and provided at no cost to the parent. An IEP describes the special education and related services, including supplementary aids and services, that are provided to the student. These services are designed to enable the student to make progress toward annual IEP goals and in the general education curriculum. LEAs are accountable for providing services in accordance with an IEP and cannot unilaterally change the amount of services, including the duration, amount or frequency. If an LEA chooses to implement a 4-day school week, documentation regarding a student’s special education and related services may need to be amended to reflect such a change.

If a new 4-day school week is implemented district-wide, the amount of services in a student’s IEP should be modified—not reduced—to reflect the change. Currently, a student’s IEP may reflect that a particular service is provided 5 times per week. The amount of services could be provided 4 times per week instead of 5 if instructional time in the school day is the same as their non-disabled peers. To make such a change, the student’s IEP team, including the parent, must convene a meeting to address how services will be delivered in the new 4-day school week format. An IEP addendum would be appropriate to reflect this change. If a student’s IEP reflects a particular service in minutes or hours per week only, a change to the IEP would only be necessary if the IEP team feels that amount of service is inappropriate in a 4-day school week.

To make a change to a student’s IEP, the LEA must ensure appropriate steps are taken, including convening an IEP team meeting, if necessary. If no changes are made to the current IEP, the LEA will be responsible for providing the services stated in the current IEP.

2) Parent Participation and the IEP Team

Parents must be afforded the opportunity to participate in any meeting to propose or refuse a change to the provision of FAPE for a student with a disability. Each public agency must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP team meeting or are afforded the opportunity to participate. In addition, decisions made regarding the educational placement and provision of a FAPE for a student with a disability must be made by a student’s IEP team. That team must consist of the parent, a special education teacher, a regular education teacher and an administrator.

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3) Extended School Year Services (ESY)

ESY services are defined as special education and related services which are available to children with disabilities beyond the regular instructional year as a necessary part of a FAPE required by the IDEA. ESY services, which are beyond the school day, may be provided during, but are not limited to, the following times: in the evening, after school, on weekends, during holiday breaks, and during the summer. Each LEA is responsible for establishing an ESY policy and to provide ESY special education and related services to students with disabilities whose IEP teams have determined these services are necessary.