August 14, 2019

MEMORANDUM

TO: City and County Superintendents of Education
FROM: Eric G. Mackey
State Superintendent of Education

SUBJECT: Shortened School Day for Students With Disabilities

The Alabama State Department of Education (ALSDE) has developed procedures for local education agencies (LEAs) to verify that each student with a disability receives a full instructional day as provided to his or her nondisabled peers unless the Individualized Education Program specifies a different length of time based on the individual needs of the student [Alabama Administrative Code, Rule 290-8-9.05(2)(c)]. Obviously, this means each student with a disability must be in his/her classroom at the start of the school day and may not leave the classroom before the end of the school day. This includes students who have a 504 Plan. Furthermore, the start and end times for the school day must be the same for students with disabilities as for their nondisabled peers. Most assuredly, no student with a disability may receive a shortened school day due to transportation schedules or administrative convenience.

After being cited by the United States Office for Civil Rights (OCR), the ALSDE is currently in a resolution agreement to address this issue. We must comply by ensuring that no student with a disability has a shortened school day due to a transportation schedule or administrative convenience.

Enclosed is a form, “Questionnaire Regarding Length of School Day 2019-2020” that must be completed by each school principal and returned to the LEA Special Education Coordinator. As a part of the resolution agreement between the ALSDE and the OCR, the questionnaire must be completed annually until further notice. The questionnaire should not be sent to the ALSDE. The ALSDE staff will review the questionnaire during LEA compliance Reviews and/or Special Education Technical Assistance visits. Based on the results of the questionnaire, the Special Education Coordinator, 504 Coordinator, Transportation Supervisor, and Superintendent must sign the enclosed “Assurance Statement.” The completed “Assurance Statement” must be submitted to the ALSDE, Pupil Transportation Section, Attention Mrs. Jennifer Luster, by September 13, 2019. The “Assurance Statement” will be filed at the ALSDE for review, as necessary, by the OCR.

If you have questions or need assistance, please contact Mr. Brian Dunn, Special Education Services, at (334) 694-4782 or Mr. Chad Carpenter, Pupil Transportation, at (334) 694-4545.

EGM/BD/CC

Enclosures

cc: City and County Special Education Coordinators
City and County Transportation Supervisors
Mr. Andy Craig
Ms. Crystal Richardson
Mr. Brian Dunn
Mr. Perry Taylor
Mr. Chad Carpenter
Mr. Billy Hollon

FY19-3051
Questionnaire Regarding Length of School Day 2019-2020

DO NOT SEND THIS COMPLETED FORM TO THE STATE DEPARTMENT OF EDUCATION.
File with the LEA Special Education Coordinator.

School System: ____________________________
School: ____________________________
School Principal: ____________________________

Name of Individual Completing Form: ____________________________
Position: ____________________________ Date: ____________________________

1. Do you have students with disabilities who ride a school bus to school? ______
   (If “no,” it is not necessary to complete Questions 2-5. Please affix signature as requested below and return to the system special education coordinator.)

2. What time does school begin for all students? ____________________________

3. Are all students with disabilities (except those with documentation in their IEP) in their classrooms by the start of the school day? ______
   If no, how many? ____________________________

4. What time does school end for all students? ____________________________

5. Do any students with disabilities (except those with documentation in their IEP) leave their classroom before the end of the school day? ______
   If yes, how many? ____________________________

6. If the answers to Questions 3 and 5 above identify a shortened school day issue, this problem must be corrected immediately. Attach an explanation of the steps taken to correct the issue to this document before filing.

7. Do you have students with disabilities with a shortened school day that is documented in the IEP? ______
   If yes, how many? ____________________________

I understand that each student with a disability must receive a full instructional day as provided to his or her nondisabled peers unless the student’s Individualized Education Program specifies a different length of time based on the individual need of the student [Alabama Administrative Code, Rule 290-8-9.05(2)(c)] and certify that to the best of my knowledge, the above information is accurate.

__________________________  ____________________________
Principal’s Signature     Date
ASSURANCE STATEMENT

LENGTH OF SCHOOL DAY

Please sign and return no later than September 13, 2019, to the
Alabama State Department of Education
Pupil Transportation Section
Post Office Box 302101
Montgomery, AL 36130-2101

________________________________________ (LEA) assures to the Alabama State
Department of Education that no child with a disability receives a shortened school
day (as defined in the August 14, 2019, memorandum from the State Superintendent
of Education) unless documented in the student’s Individualized Education Program
or 504 Plan, due to the student’s individual needs and not due to transportation
schedules or administrative convenience.

Superintendent ____________________________ Date

Transportation Supervisor ____________________ Date

Special Education Coordinator __________________ Date

504 Coordinator ____________________________ Date