September 1, 2021

MEMORANDUM

TO:                 City and County Superintendents of Education
FROM:              Eric G. Mackey Ed.D.
                     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 (IEP) 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 2021-2022,” 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 Ms. Felicia Toles, by September 30, 2021. 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
                  Mrs. Angela Martin
                  Dr. DaLee Chambers
                  Mr. Brian Dunn
                  Dr. Brandon Payne
                  Mr. Chad Carpenter
                  Mr. Billy Hollon

FY21-3041
Questionnaire Regarding Length of School Day 2021-2022

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 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/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

______________________________ (LEA) assures to the Alabama State Department of Education that no child with a disability receives a shortened school day (as defined in the September 1, 2021, 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

Please sign and return no later than September 30, 2021, to the Alabama State Department of Education Pupil Transportation Section Post Office Box 302101 Montgomery, AL 36101-2101