MEMORANDUM

TO: City and County Superintendents of Education

FROM: Thomas R. Bice
State Superintendent of Education

RE: Shortened School Day for Students With Disabilities

August 27, 2012

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 need 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 you will find a questionnaire 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 questionnaires should not be sent to the ALSDE. The ALSDE will review the questionnaires during LEA Compliance Reviews and/or Special Education Focused Monitoring 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. Jennifer Luster, by September 14, 2012. 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 Ms. Crystal Richardson, Special Education Services, at (334) 242-8114, or Mr. Joe Lightsey, Pupil Transportation, at (334) 242-9730, or Mr. Tom Mock, Prevention and Support Services, at (334) 242-8165.

TRB/CR/JL

Enclosures

cc: City and County Special Education Coordinators
City and County Transportation Supervisors
Mrs. Sherrill W. Parris
Dr. Warren Craig Pouncey
Dr. Linda Felton-Smith
Mr. Dennis Coe
Mr. Joe Lightsey
Mr. Tom Mock
Ms. Crystal Richardson
Ms. Cynthia C. Lester

FY12-2115
ASSURANCE STATEMENT

LENGTH OF SCHOOL DAY

Please sign and return no later than September 14, 2012, 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, 2012, 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
Alabama State Department of Education
Questionnaire Regarding Length of School Day

In accordance with State and Federal regulations, each student with a disability must receive a full instructional day as provided to his/her nondisabled peers unless the Individualized Education Program (IEP) or 504 Plan specifies a different length of time based on the individual needs of the student. No student with a disability may receive a shortened school day due to transportation schedules or administrative convenience.

Complete and return to the local education agency (LEA), Special Education Coordinator, by September 7, 2012.

LEA: ________________________________

School: ________________________________

School Principal: ________________________________

Name of Individual Completing Form (if not the School Principal): ________________________________

Position: ________________________________

1. Do you have students with disabilities who ride a bus to school? ____________

   If no, it is not necessary to complete Questions 2-5. Please sign below and return to the Special Education Coordinator.

2. What time does the school start for all students? ________________________________

3. Are all students with disabilities (except those with documentation in their IEP or 504 Plan) in their classrooms by the start of the school day along with their nondisabled peers? 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 or 504 Plan) leave their classroom before the end of the school day or before their nondisabled peers leave the classroom? ____________

   If yes, how many? ____________

6. If the answers to Questions 3 and 5 above identified a shortened school day issue, attach to this document an explanation of the steps taken to correct the issue.

7. Do you have students with disabilities with a shortened school day that is documented in the IEP? ____________

   If yes, how many? ____________

To the best of my knowledge, the above information is accurate.

________________________________________  ____________________________
Principal’s Signature                        Date