August 22, 2016

MEMORANDUM

TO: City and County Superintendents of Education

FROM: Philip C. Cleveland PCC
      Interim 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 need of the student [Alabama Administrative Code, Rule 280-8-B.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 Mrs. Jennifer Luster, by September 16, 2016. 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) 242-8114, or Mr. Chad Carpenter, Pupil Transportation, at (334) 242-8730.

PCC/BD/CC

Enclosures

cc: City and County Special Education Coordinators
    City and County Transportation Supervisors
    Dr. Linda Felton-Smith
    Mr. Andy Craig
    Dr. Dennis Coe
    Ms. Crystal Richardson
    Mr. Chad Carpenter
    Mr. Brian Dunn

FY16-3048
Questionnaire Regarding Length of School Day

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: ____________________________ Date: __________________

Position: ____________________

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 16, 2016, to the
Alabama State Department of Education
Pupil Transportation Section
Post Office Box 302101
Montgomery, AL 36101-2101

________________________ (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 22, 2016, 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 __________