



STATE OF ALABAMA  
DEPARTMENT OF EDUCATION



Eric G. Mackey, Ed.D.  
State Superintendent of Education

September 2, 2020

**MEMORANDUM**

**TO:** City and County Superintendents of Education  
**FROM:** Eric G. Mackey *EJM*  
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/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. This standard applies for blended and virtual educational programs as well. Blended/virtual programs must be administered in a way that is not discriminatory on the basis of a disability. 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 2020-2021" 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 October 2, 2020.** 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

FY20-3040

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# ASSURANCE STATEMENT

## LENGTH OF SCHOOL DAY

Please sign and return no later than October 2, 2020, 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 September 2, 2020, 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

# Questionnaire Regarding Length of School Day 2020-2021

**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