

**ARKANSAS DIVISION OF ELEMENTARY AND SECONDARY EDUCATION
RULES GOVERNING STUDENT SPECIAL NEEDS FUNDING**

PUBLIC COMMENTS AND AGENCY RESPONSES

Name: Fredrick Lilly II, Camden Fairview School District

Comment: My name is Fredrick Lilly II and I am an Alternative Education (AE) Director at Camden Fairview Intermediate School in Camden, Arkansas. I have been working in Alternative Education for 3 years and over that time I have been able to see many different programs around the state. Through this experience I also became a Regional Director for Southwest Arkansas of the Arkansas Association of Alternative Educators (AAAE).

During this year's legislative session, I am hoping that recommended changes take place to the current rules and laws pertaining to Alternative Education. AAAE and numerous others associated with Alternative Education have put many hours into seeking the changes that myself and others would see as effective and most importantly, best practices.

For over two years' board members for AAAE have sought the changes that I have attached in this email. I know these changes would make Alternative Education more effective and are critical needs to the success of the most at-risk students in our education system. One of the most critical areas is in mental health. Many AE programs are in survival mode and do not adequately support the mental health of their students. This must end and mental health support is one of many changes needed in AE. AE also needs to lower the student load for teachers and follow the requirement that paraprofessional aides are in the AE classroom due to the intensity of the needs of the students.

AAAE has decided on five priority needs that are outlined in the appropriately named attachment. The second attachment has other details we are asking to be changed as well. I look forward to being part of the process of making the necessary changes to AE so that all our students get the very best education.

Agency Response: No substantive changes are being made to the ALE section of the rules at this time. The DESE will begin a thorough review of ALE funding requirements in the near future and these comments will be considered as part of that review. The DESE also intends to convene stakeholder groups, including representatives of AAAE, to review and provide input regarding revisions to ALE funding requirements.

Name: Josh Edgin, Russellville School District

Comment: My name is Joshua Edgin and I have served as the Supervisor of ALE for the Russellville School District for the past 7 years. During the last 3 years I have served on the ALE Board as NWA Rep for 2 and now as Treasure for last year. I have seen both the program I am currently at and man in our region come a long way during this process. I would like to inform you on some of the information I would like to see continue to grow in the coming years.

During this year's legislative session, I am hoping that recommended changes take place to the current rules and laws pertaining to Alternative Education. AAAE and numerous others associated with

Alternative Education have put many hours into seeking the changes that myself and others would see as effective and most importantly, best practices.

For over two years board members for AAAE have sought the changes that I have attached in this email. I know these changes would make Alternative Education more effective and are critical needs to the success of the most at-risk students in our education system. One of the most critical areas is in mental health. Many AE programs are in survival mode and do not adequately support the mental health of their students. This must end and mental health support is one of many changes needed in AE. AE also needs to lower the student load for teachers and follow the requirement that paraprofessional aides are in the AE classroom due to the intensity of the needs of the students.

AAAE has decided on five priority needs that are outlined in the appropriately named attachment. The second attachment has other details we are asking to be changed as well. I look forward to being part of the process of making the necessary changes to AE so that all our students get the very best education.

See also: [Summary of recommendations from attachments to public comments](#)

Agency Response: No substantive changes are being made to the ALE section of the rules at this time. The DESE will begin a thorough review of ALE funding requirements in the near future and these comments will be considered as part of that review. The DESE also intends to convene stakeholder groups, including representatives of AAAE, to review and provide input regarding revisions to ALE funding requirements.

Name: Lori L. Lamb, Mansfield School District

Comment: I am the ALE Director and Middle School teacher at Mansfield Middle School. Prior to this year I was privileged to help lead and guide Alternative Learning Environments as the director for nearly 15 years. In that time changes occurred and public comments existed. This year there has been much anticipation for an opportunity to update the current rules. Currently, I serve in a small rural school district that has extreme poverty. The needs are plentiful. The adequacy funding matrix was established to help balance the need with educational opportunities. Many recent changes and challenges are highlighting the new needs for the requested additions and changes to the current rules.

Arkansas Association of Alternative Educators has been meeting for more than twenty years and working with the Division to help educate the most at-risk students through the ALE programs. This highly respected and well run association has developed five priorities that are being submitted. The priorities are presented in order of greatest need. The most significant current need is that of available mental health services for the students. The rural districts struggle to make ends meet and the requirement of a mental health specialist employed by every district will greatly help in providing for those needs with every ALE student. When the Therapeutic Day Treatment Programs were shut down almost all of those students were absorbed in the ALE programs. The greater emphasis towards behavioral needs requires more 1:1 behavioral interventions. It is a necessity to make sure classrooms that have more than half the enrolled capacity of students must also have a paraprofessional to help balance the behavioral needs and the academic progress of the other students.

The AAAE Priorities Document shares the important and necessary details of requested public comment changes and needs. The rough draft rules attachment takes the suggested new alterations (primarily name clean-up corrections from ADE to "Division") and adds requested changes according to precedence

established, current needs, the Opioid Epidemic Crisis, Suicide Increase among middle school students in the past decade, homelessness, socio-economic needs, poverty, academic challenges and school districts abilities to provide for these hardest to reach students.

I request that the Special Needs Funding Rules accept the changes being presented and that AAAE Board members be invited to further discussions.

See also: [Summary of recommendations from attachments to public comments](#)

Agency Response: No substantive changes are being made to the ALE section of the rules at this time. The DESE will begin a thorough review of ALE funding requirements in the near future and these comments will be considered as part of that review. The DESE also intends to convene stakeholder groups, including representatives of AAAE, to review and provide input regarding revisions to ALE funding requirements.

Name: Lindy Greene, Mammoth Spring School District

Comment: My name is Lindy Greene and I am an Alternative Education (AE) teacher in Mammoth Spring. I have been teaching in alternative Education for the past 15 years and have had the chance to see many different programs around the state. Through this experience I became a Regional Representative and currently serve as the Reporter for the Arkansas Association of Alternative Educators.

During this year's legislative session, I am hoping the recommended changes to the current rules and laws pertaining to Alternative Education take place. AAAE and numerous others associated with Alternative Education have put many hours into seeking the changes that myself and others would see as effective and most importantly, best practices. Here are the needs that are most pressing at this time.

1. Require all districts to provide individual mental health services.
2. Decrease teacher-to-student ratios.
3. Establish legal limits for ALE caseloads.
4. Change ALE funding laws to restrict distribution designed for on-site intervention daily.
5. Reinstate the Pygmalion Commission.

Agency Response: No substantive changes are being made to the ALE section of the rules at this time. The DESE will begin a thorough review of ALE funding requirements in the near future and these comments will be considered as part of that review. The DESE also intends to convene stakeholder groups, including representatives of AAAE, to review and provide input regarding revisions to ALE funding requirements.

Name: Kyle Tardiff, Mountain Home School District

Comment: My name is Kyle Tardiff and I have been a teacher for the last seven years in an alternative learning environment. Currently, I teach biology, environmental science, physical science, and oral communication at Guy Berry College and Career Academy, the ALE program of Mountain Home Public Schools. Our program is a nationally recognized program and we strive to help some of the most at risk

students in our district to be successful. In addition, I am a member of the Arkansas Association of Alternative Educators because I desire to see Arkansas Education be a leader in the field of education.

Today I am writing to you to express my support for the proposed rule changes that have been submitted for your consideration. In order to continue being successful I believe these rules should be adopted. Alternative Education is currently growing in Arkansas and across the nation and will most likely continue doing so. In order to best meet the needs of our students and to help our teachers be the best educators that they can be, I believe these proposed rule changes should be adopted. Thank you for your consideration on these matters. Here are the needs that are most pressing at this time.

1. Require all districts to provide individual, mental health services
2. Decrease teacher-to-student ratios
3. Establish legal limits for ALE caseload maximums
4. Change ALE funding laws to restrict distribution designed for on-site interventions daily
5. Reinstate the Pygmalion commission

Agency Response: No substantive changes are being made to the ALE section of the rules at this time. The DESE will begin a thorough review of ALE funding requirements in the near future and these comments will be considered as part of that review. The DESE also intends to convene stakeholder groups, including representatives of AAAE, to review and provide input regarding revisions to ALE funding requirements.

Name: Heidi Rowland, Pine Bluff

Comment: My name is Heidi Rowland, and I am an Alternative Education (AE) teacher in Pine Bluff. I have been teaching for 15 years and currently hold the position of Representative #2 for the Southeast Region for the Arkansas Association of Alternative Educators (AAAE).

It is my sincere hope that recommended changes take place to the current rules and laws pertaining to Alternative Education. AAAE and numerous others associated with Alternative Education have put many hours into seeking the changes that myself and others would see as extremely beneficial to AE students.

For over two years board members for AAAE have sought the changes that I am attaching in this email. These changes would make Alternative Education more effective and are critical needs to the success of the most at-risk students in our education system. One of the most critical areas is in mental health. Many AE programs are in survival mode and do not adequately support the mental health of their students. It is critical that mental health of AE students be better supported. There should also be mandated changes to the student load for teachers and paraprofessional aides in the AE classroom due to the intensity of the needs of the students.

AAAE has decided on five priority needs that are outlined in the appropriately named attachment. The second attachment has other details we are asking to be changed as well.

See also: [Summary of recommendations from attachments to public comments](#)

Agency Response: No substantive changes are being made to the ALE section of the rules at this time. The DESE will begin a thorough review of ALE funding requirements in the near future and these comments will be considered as part of that review. The DESE also intends to convene stakeholder groups, including representatives of AAAE, to review and provide input regarding revisions to ALE funding requirements.

Name: Bradley Bateman, Pine Bluff

Comment: My name is Bradley Bateman and I am an Alternative Education (AE) teacher in Pine Bluff. I have been teaching in Alternative Education for 12 years and over that time I have been able to see many different programs around the state. Through this experience I also became the President of the Arkansas Association of Alternative Educators (AAAE). I have worked in a program deemed, a Model Program by the Arkansas Department of Education.

During this year's legislative session, I am hoping that recommended changes take place to the current rules and laws pertaining to Alternative Education. AAAE and numerous others associated with Alternative Education have put many hours into seeking the changes that myself and others would see as effective and most importantly, best practices.

For over two years board members for AAAE have sought the changes that I have attached in this email. I know these changes would make Alternative Education more effective and are critical needs to the success of the most at-risk students in our education system. One of the most critical areas is in mental health. Many AE programs are in survival mode and do not adequately support the mental health of their students. This must end and mental health support is one of many changes needed in AE. AE also needs to lower the student load for teachers and follow the requirement that paraprofessional aides are in the AE classroom due to the intensity of the needs of the students.

AAAE has decided on five priority needs that are outlined in the appropriately named attachment. The second attachment has other details we are asking to be changed as well. I look forward to being part of the process of making the necessary changes to AE so that all our students get the very best education.

See also: [Summary of recommendations from attachments to public comments](#)

Agency Response: No substantive changes are being made to the ALE section of the rules at this time. The DESE will begin a thorough review of ALE funding requirements in the near future and these comments will be considered as part of that review. The DESE also intends to convene stakeholder groups, including representatives of AAAE, to review and provide input regarding revisions to ALE funding requirements.

Name: Judith Davis, Arkadelphia

Comment: My name is Judith Davis, I am an Alternative Education (AE) Teacher in Arkadelphia, AR. I have been in Alternative Education for the past 15 years. I have been a Board Member with the Arkansas Association of Alternative Educators for the past 8 years. I have held the positions of Teacher at Large, Secretary and now as Vice President. In these positions I have had the opportunity to work closely with DESE. The Arkadelphia Program has been named as one of the model programs for the State.

I am hoping that the changes pertaining to the laws and the rules to Alternative Education take place during the Legislative session this year. AAAE and other organizations have devoted a lot of time and effort in changing these rules and laws to be beneficial and effective for the State of Arkansas.

I have attached a copy of the changes that we as a Board has worked to change over the past two years. These changes could make a huge difference in the effectiveness we can have on our Statewide Alternative Education Programs. AAAE has outlined five priority needs that are outlined in the attachment along with other details that we feel are vitally important to Alternative Education. As a Board we look forward to being a part of the change that would improve Alternative Education.

See also: [Summary of recommendations from attachments to public comments](#)

Agency Response: No substantive changes are being made to the ALE section of the rules at this time. The DESE will begin a thorough review of ALE funding requirements in the near future and these comments will be considered as part of that review. The DESE also intends to convene stakeholder groups, including representatives of AAAE, to review and provide input regarding revisions to ALE funding requirements.

Name: Christy McClellan, Hackett School District

Comment: This comment is from Christy McClellan, ALE teacher with the STAR Academy program, from the Hackett Public School District. I have been involved with our ALE program since it was formed at our school by making referrals and serving on the approval committee. This is my second year serving as the ALE instructor for our district. Over the years I have seen this program help many students succeed in school, grow and develop mentally and emotionally, and set and achieve goals. They were able to graduate high school, find stable employment, and others even attended college. Many of our ALE students would not have become productive and successful citizens if it were not for this program.

Upon reading the new rules in section 4.0 of the Special Needs Funding Rules for the ALE program, I find that they are extremely important for our students. As an ALE instructor, I am the one consistent and constant person in many of my students' lives. Without the funding, it would be very difficult to provide the needs and services that are needed by my students. There are many demanding needs that our students have, and it takes me and my paraprofessional guiding and supporting them at all times. Our ALE program is able to provide many other learning opportunities, life skills, and social skills activities, just to name a few, that they would otherwise not have a chance to experience.

I want to thank the DESE for opening public comment regarding the new changes to the Special Needs Funding Rules. These changes are very important, not only to my ALE program, but to the ALE programs across the state. Please add these recommendations to the changes being made.

See also: [Summary of recommendations from attachments to public comments](#)

Agency Response: No substantive changes are being made to the ALE section of the rules at this time. The DESE will begin a thorough review of ALE funding requirements in the near future and these comments will be considered as part of that review. The DESE also intends to convene stakeholder groups, including representatives of AAAE, to review and provide input regarding revisions to ALE funding requirements.

Name: Andrew Schroeder, Stuttgart School District

Comment: My name is Andrew Schroeder and I am the Alternative Education Director in Stuttgart. I have been a part of alternative education for eight years. My time in alternative education has brought to light several needs that are not well known outside of the alternative environment. These needs can provide effective changes to alternative education that will greatly improve opportunities for students.

The following recommended rule changes include:

1. Require all districts to provide individual, mental health services
2. Decrease teacher-to-student ratios
3. Establish legal limits for ALE caseload maximums
4. Change ALE funding laws to restrict distribution designed for on-site interventions daily (On-line learning all day is NOT ALE.)
5. Reinstate the Pygmalion Commission; Coordination of Resources

The attached document details each change. The Arkansas Association of Alternative Educators has sought these changes for two years and it is time for a change. It is time to prioritize all students no matter how at-risk even at an increased financial cost. Each recommendation can improve the effectiveness of the alternative education on student success and provide them with the needed support they require. This is why I would like these recommendations to be considered. As an educator, we must do all we can to help ALL of our students. All means all.

See also: [Summary of recommendations from attachments to public comments](#)

Agency Response: No substantive changes are being made to the ALE section of the rules at this time. The DESE will begin a thorough review of ALE funding requirements in the near future and these comments will be considered as part of that review. The DESE also intends to convene stakeholder groups, including representatives of AAAE, to review and provide input regarding revisions to ALE funding requirements.

Name: Melissa Pharr, Magnolia School District

Comment: My name is Melissa Pharr and I am an Alternative Education teacher in Magnolia. I have been teaching in Alternative Education for 5 years. I have served on the board for Arkansas Association of Alternative Educators for two years. (AAAE)

During this 2020 legislative session, It is my hope that the changes take place of current rules and laws of Alternative Education that have been recommended. AAAE and many others associated with Alternative Education have put in many hours into seeking the changes that we would see as effective and the best practices.

AAAE board members have sought the changes for over two years. You will find attached changes in this e-mail. I know these changes would make AE more effective and are critical needs to the success of the most at-risk students in our education system. One of the most critical areas is mental health. Most AE programs do not have adequate means to support mental health of their students. AE also needs to decrease student-to teacher ratios. This is important to provide a safe, secure and productive learning environment.

AAAE has decided on five priority needs that are outlined in the appropriately named attachment. The second attachment has details we are asking to be changed as well. I look forward to being part of this process. I would like to see changes that will help make successful AE students.

See also: [Summary of recommendations from attachments to public comments](#)

Agency Response: No substantive changes are being made to the ALE section of the rules at this time. The DESE will begin a thorough review of ALE funding requirements in the near future and these comments will be considered as part of that review. The DESE also intends to convene stakeholder groups, including representatives of AAAE, to review and provide input regarding revisions to ALE funding requirements.

Name: Erin Ault, Lakeside School District

Comment: My name is Erin Ault and I am an Alternative Education (AE) teacher in Hot Springs at Lakeside Intermediate School. I have been teaching in Alternative Education for 14 years. I am also serving as the Secretary of the Arkansas Association of Alternative Educators (AAAE).

During this year's public comment time, I would like to recommend changes to the current rules and laws pertaining to Alternative Education. AAAE has met with and coordinated with AE teachers from all over the state of Arkansas to determine what we deem to be effective best practices for AE programs. We are in agreement that these rule changes would best meet the needs of our highly at risk students.

One of our biggest concerns is in the area of mental health. We would like to see districts required to provide individual mental health services, at no cost to families, for all of our AE students regardless of health insurance. Many AE students are at risk of suicide and/or abusing drugs and alcohol. We believe that better mental health services could help lower the number of students attempting or committing suicide, as well as, becoming addicts.

Lower student to teacher ratios and the use of paraprofessionals in our AE programs would allow teachers to better address the complex needs of AE students. If we better address these needs, AE students will be more successful in school and in life.

AAAE has decided on five priority needs that are outlined in the attachment. The second attachment has other details we are asking to be changed as well. I look forward to being part of the process of making the necessary changes to AE so that all our students get the very best education. Please accept these recommended rule changes.

See also: [Summary of recommendations from attachments to public comments](#)

Agency Response: No substantive changes are being made to the ALE section of the rules at this time. The DESE will begin a thorough review of ALE funding requirements in the near future and these comments will be considered as part of that review. The DESE also intends to convene stakeholder groups, including representatives of AAAE, to review and provide input regarding revisions to ALE funding requirements.

Name: Rebecca Miller-Rice, BLR

Comment: (1) Sections 3.06 and 3.07 -- In the new 3.06, the model components were renamed from "Coordinated School Health" to "Whole School, Whole Community, Whole Child"; however, the new section 3.07, which appears to set forth the components, continues to refer to "Coordinated School Health." Is this correct?

(2) Sections 3.23.1 and 3.23.2 -- Should these sections, and those subsections therein, be underlined as "new" language from that currently in the rules?

(3) Section 6.00 -- Is there a reason that the term "enhanced student achievement state categorical funding" has been used throughout when Ark. Code Ann. s 6-20-2305 uses the term "enhanced student achievement funding"?

(4) Section 6.14.3 -- Does the distribution of funding set forth in the rules track that set forth in Act 243 of 2018, s 31, and Act 877 of 2019, s 29, which provide that funds shall be distributed "on a dollar for dollar matching basis of school district expenditures . . . on a pro rata basis until the funds are exhausted"? The rule seems to read that funding will be paid on a pro-rata basis only if the total of statewide expenditures exceeds the amount of funding allowed by the Act.

Agency Response: (1) Yes; while we continue to refer to the program as the Coordinated School Health Program, we use the Whole School, Whole Community, Whole Child model to guide the Program. (2) Yes; added. (3) The extended term has always been used to mirror that used in adequacy recommendations. (4) Yes; there would be no need for pro rata distribution if total expenditures do not exceed available funding. No distributions are made until all expenditures are received.

Name: Lucas Harder, ASBA

Comment:

1.02: "the Distribution of" and "and the Determination of Allowable Expenditures of Those Funds" appear to be stricken in the title at the top of the document so I would recommend striking them here to match.

3.097: Coordinated School Health was amended to recognize 11 components instead of just eight.

4.04.2.1: I would recommend changing this to read "Arkansas Academic Standards to match the language in 3.1511 and 6.07.

4.05.4: If APSCN is parenthetically abbreviated here, then it would be able to be abbreviated in 4.05.5 and there would be a place in the document to explain the abbreviated version at 5.042.2.

5.023: While the "an" is correctly stricken here, it should be replaced by "a".

5.045.2: Should the "ADE-sponsored" be changed to "Division-sponsored"?

6.06.32.2: The reference to Section 6.06.3.1 should instead be to Section 6.06.2.1.

6.07.1.1: I would recommend changing "with state curriculum documents" to read "with the state academic standards".

6.07.1.4: The sixth bullet of "Ability to orchestrate change" seems incredibly subjective and I would recommend changing this to be a more objective requirement.

6.07.3, 6.07.6.2, 6.07.7.2: Due to "highly qualified teachers" having been repealed by the Every Student Succeeds Act, I would recommend changing these to read "classroom teachers who meet the requirements of the Arkansas Qualified Teacher rules".

6.07.13.1: I would recommend updating the rules cited here to be the Rules Governing Educator Licensure.

6.07.24.1: There appears to be a “the” missing from between “and institution”.

6.14.5: I believe that “National School Lunch” should actually be “Enhanced Student Achievement”.

Agency Response: Corrections made to 1.02, 3.07, 4.04.2.1, 4.05.4, 5.03, 5.05.2, 6.06.2.2, 6.07.1.1, 6.07.3, 6.07.6.2, 6.07.7.2, 6.07.13.1, 6.07.24.1, and 6.14.5.

Summary of Recommendations from Attachments to Public Comments

General recommendations:

1. Require all districts to provide individual mental health services.
 - a. Mental health specialist employed by every district
2. Decrease teacher-to-student ratios.

a. Elementary (K-6)	Middle School/Jr. High (5-8)	High School (9-12)
Current- Recommend	Current- Recommend	Current- Recommend
1:10 1:8	1:15 1:12	1:15 1:15
Caseload max - 12	Caseload max - 15	Caseload max - 18
Para @ ½ capacity	Para @ ½ capacity	
3. Establish legal limits for ALE caseloads.
 - a. See above recommendations.
 - b. Define caseload as number of students with a student action plan (SAP), as is required in ALE
4. Change ALE funding laws to restrict distribution designed for on-site intervention daily.
 - a. Designate **“Flexible Learning”** for all online courses, these are **NOT ALEs**, the cost of online learning is much less than daily foundation funding already available. Make Flexible Learning, available on an “up to full cost” basis with the foundation funding, it is not an ALE. ALE must be reserved for onsite, physical teacher to student interactions in a daily program. Students that only need to be in a school building occasionally or for a few hours weekly are strong independent and motivated learners; they are NOT ALE students.
 - b. **Foundation funding** (\$6,646 per student) should be **applied first** for ALE professional educators, then the ALE funding would be used to pay additional expenses **after foundation** funds are exhausted. ALE funding is **“in addition to”** the **foundation** funding, not to replace it. This must be included as law.
 - c. A minimum of 10% ALE funding should be used for classroom enhancement to meet individual, unique needs of students.
5. Reinstate the Pygmalion Commission.

Recommended amendments to rules:

- Sec. 4.01.1 – limit ALE capacity to 3% (FTEs) of the approved active corresponding program grade-level population within the district.
- Sec. 4.01.2.1 – “Intervention services shall include, without limitation, ~~access to~~ the services of a school counselor, a mental health professional, a nurse, and support services substantially equivalent to those provided to other students in the regular educational environment.”
- Sec. 4.01.2.2 – “Mental health needs shall be provided for every student individually in alternative education at no additional cost to the parent.”
- Sec. 4.01.2.3 – “Mental health needs shall be provided by a Licensed Mental Health Provider (LMPH).”
- Sec. 4.02.1 – “To be an eligible ALE student, a student must exhibit ~~two (2)~~ three (3) or more of the characteristics identified
- Sec. 4.02.1.1.6 – “Mental/physical health problems; (diagnosed current depression, anxiety, PTSD, ADD/ADHD, Reactionary Attachment Disorder, addiction, rehabilitation, etc.) or (medically diagnosed diabetes, kidney disorder, addiction, etc.);”
- Sec. 4.02.1.1.8 – “Single parenting. Student is a parent.”

- Sec. 4.02.1.2 – “Students placed at risk, though intelligent and capable, typically manifest one or more of the following characteristics:”
 - 4.02.1.2.5 Elementary and Middle School students demonstrating substantial academic, social and emotional needs will typically manifest the following characteristics:
 - 4.02.1.2.6 Disheveled, unorganized, missing assignments frequently in a week;
 - 4.02.1.2.7 Disconnected learning behaviors, inattention, outbursts that interrupt the classroom;
 - 4.02.1.2.8 Reoccurring challenging of rules, authority and limits within the same week;
 - 4.02.1.2.9 Multiple referrals to office, counselor, or transportation write ups;
 - 4.02.1.2.10 Reoccurring aggressive verbal and or physical behavior;
 - 4.02.1.2.11 Reoccurring episodes of crying, anxiety, desperation verbalized, insecurity or fear;
 - 4.02.1.2.12 Reoccurring withdrawn behaviors, little eye contact, little communication, child sleeps in class;
 - 4.02.1.2.13 Decreased interactions with peers;
- Sec. 4.03.2 – “Every classroom in an ALE program shall maintain student/teacher ratios as follows:
 - 4.03.2.1 For grades kindergarten through six (K-6), no more than ~~ten (10)~~ eight students to one (1) teacher. When the class is at half capacity a paraprofessional shall be added. ~~If a paraprofessional is employed in addition to a licensed teacher, the student/teacher ratio shall be no more than twelve (12) to one (1).~~
 - 4.03.2.2 For grades five through eight (5-8), no more than twelve (12) students to one (1) teacher. When half capacity is reached a paraprofessional must be employed in addition to a licensed teacher, the student/teacher ratio shall be no more than twelve (12) to one (1). Caseload capacity shall be no more than 15 students total daily.
 - 4.03.2.3 For grades ~~seven through twelve (7-12)~~ nine through twelve (9 – 12) No more than fifteen students to one teacher. When half capacity is reached, a paraprofessional must be employed in addition to a licensed teacher. The student / teacher ratio shall be no more than fifteen (15) to one (1). Caseload capacity shall be no more than 18 students total daily.
 - 4.03.2.3.1 For physical education courses that lend themselves to large group instruction, this ratio may be increased up to thirty (30) students to one (1) teacher when a paraprofessional is employed in addition to a licensed teacher.
 - 4.03.2.3 In a middle school where the grade configuration includes grades five (5) or six (6), or both, the student/teacher ratios for grades seven through twelve (7-12) may be applied.
- Sec. 4.03.3.2 – “All licensed personnel working in an ALE shall participate in specific alternative education professional development as part of the ~~six (6)~~ days required annually for licensed personnel by the ~~Department’s~~ Division’s Rules Governing Professional Development.”
- Sec. 4.04.4 – “Computer-based instruction and distance learning may be used ~~only~~ as a supplement to direct teacher instruction and must constitute less than forty-nine percent (49%) of total instructional time in any one (1) course. ~~This restriction shall not apply to distance learning or computer based instruction approved by the Department.~~
 - 4.04.4.1 Due to identification of at-risk indicators for social, emotional and academic failure; Alternative Education students require daily face to face in person accountability, relationship (social skills) building opportunities/interactions with peers and teachers.
 - 4.04.4.2 All districts may provide virtual learning, Google Classroom, Credit Recovery

and online learning; however, those alone are not Alternative Education.

- Sec. 4.05.4.12 – “The number of seniors in Alternative Education that graduated the current school year.”
- Sec. 4.05.6.3 – “The program shall continue providing approved components and requirements according to review and evidence based demonstrations evaluated by the Department.”
- Sec. 4.06.2 – “Reimbursement for ALE funding shall not exceed three percent of the attendance area LEA per building with approved active programs.”
- Sec. 4.06.4 – “ALE funding shall be used for salaries AFTER full foundational monies have been applied to meet the salaries. This is additional categorical funding provided.”
- Sec. 4.06.5 – “ALE funding shall be available for reimbursement after full ADM funds have been exhausted for direct delivery of the alternative education program. ALE is NOT a profitable business, it is the provision of services needed to deliver educational components to the hardest to reach students in a district.”
- Sec. 4.06.4 – “ALE funding is restricted additional categorical state aid.”