

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

PUBLIC COMMENTS AND AGENCY RESPONSES

**Name: Shannon Warren, Scranton High School ALE teacher and director, NWA
Representative for AAAE**

Comment: Regarding 4.03 ALE Personnel Requirements

4.03.2.1- 4.03.2.4- Changing the ratios to MORE students to one (1) teacher is insane. Trust me when I say that our plates are already full. Even before COVID, adding more students would have been unwise, but things are much worse than before. At-risk students need even more one-on-one. Our kids need teachers who have the energy, support, resources, and time to invest in each and every one of them. Adding more students takes away those things. I would ask that paraprofessionals be added without raising the numbers of students per teacher. I could really use some help when I am teaching 6 different classes in one class period. I am from a small rural district and I am the only ALE teacher.

Agency Response: The proposed increases would have only applied when there is a paraprofessional present. Increasing the adult to student ratio as proposed would have allowed districts to have flexibility to provide the services and supports needed to students. However, upon further consideration after receiving public comment, DESE is removing the proposed increase and leaving the ratios as they currently exist.

Comment: Regarding 4.04 ALE Curriculum and Program Requirements

4.04.4.2 - 4.04.4.2.3

Any student who can spend 80% of school time not in school and still do all their school work and pass, is NOT an ALE student. (Unless the curriculum is dumbed down so far it's a joke.) At-risk students lack the resources, motivation, and support from home that would allow them to be successful in a "Hybrid Program". Why spend ALE dollars supporting a hybrid model when those students could just do Virtual or On-line School? At-risk students need programs which provide the types of encouragement, motivation, and loving support that our in-person, come to school every day ALE programs provide. It seems that someone hit the nail on the head with 4.04.4.2.3. I suspect that item was added because someone realizes that many schools will misuse a "hybrid" model as a way of discarding students who may be most at-risk. Perhaps, ALE teachers need to be seen as a priority in our school system, and they need regular and required training to learn how to better reach/teach students who can be more difficult.

Agency Response: The proposed 'hybrid model' is already in existence and being used by districts. Adding this to the rules clearly defines protocols for these programs.

Name: Tripp Walter, APSRC

Comment: Section 4.06.4: The Division should not be able to arbitrarily and capriciously limit funding for ALE Hybrid students to .5 FTE. These students will still be receiving the same services as non-hybrid ALE students, with personnel who provide ALE services still doing the same things for these students as they do for non-hybrid ALE students.

Agency Response: Ark. Code Ann. 6-20-2305(b)(2)(A)(iii) states that “funding for students in alternative learning environments shall be distributed based on rules promulgated by the State Board of Education.” Therefore, it is within the State Board’s authority to set forth the method for determining the funding for students in an ALE hybrid program. Students participating in an ALE hybrid program are not on-site full-time and are only required to participate on-site for direct support for 20% of the total instructional time. It is neither arbitrary nor capricious to determine that .5 FTE for a student receiving up to 80% of instruction off-site is appropriate.

Comment: Section 6.01.6.6: Will the new Alternative Income Form be subject to any kind of public review process before its implementation, so schools will know what to expect with the new form and how to utilize it?

Agency Response: The Alternative Income Form will be made available with guidance and direction prior to expected implementation.

Comment: Section 6.13.2: This section, as written, is confusing and does not give clear guidance to its potential users.

Agency Response: This language is identical to Ark. Code Ann. 6-20-2305(b)(4)(E)(ii).

Name: Jon Laffoon, Superintendent, Farmington School District

Comment: Regarding Special Needs Funding, specifically ALE, the section that states 4.06.4 Each student participating in an ALE hybrid program for the required time specified in 4.04.4.2.1 shall be counted as .5 FTE for funding purposes. Many districts use an online platform to serve ALE students, the definition of Hybrid clarifies that as combination- if students are onsite in ALE but using an online platform or LMS districts need clarity on how they would be classified.

Agency Response: The definition of a hybrid program clarifies that it is a combination of on-site and distance learning (off-site). Whether a program is a hybrid program would depend on whether the requirements of an ALE hybrid program are met. An online platform or LMS may be used in a traditional or hybrid model so that is not a determining factor in classifying a student for purposes of funding. The district’s ALE application should identify the type of program it is using, through the program description.

Name: [Redacted name], Student, Scranton Schools

Comment: I'm writing to you as a former ALE student, to address quite a few apparent issues with the recent proposed changes for the Alternative Learning Environment Program. These recent changes include Sections 4.03.2.1 and 4.03.2.2 under ALE Personnel Requirements.

The first noticeable problem under Section 4.03.2.1 is the increase of the student to teacher ratio. A paraprofessional, also known as a teachers aid, is often not trained to take care of the situations that come with ALE students, such as listed under Section 4.02. In smaller schools, such as Scranton, paraprofessionals in regular classrooms are often interchangeable with those in ALE classrooms and are often underprepared for certain challenges. This means that the work and support that these additional students will ultimately fall on the licensed ALE teacher. The teacher will not be able to address each student individually and will not be able to help each student succeed.

Agency Response: The proposed increases would have only applied when there is a paraprofessional present. Increasing the adult to student ratio as proposed would have allowed districts to have flexibility to provide the services and supports needed to students. However, upon further consideration after receiving public comment, DESE is removing the proposed increase and leaving the ratios as they currently exist.

The next issue is the introduction of an ALE Hybrid Program under Section 4.03.2.4 . While this does sound beneficial, in actuality it is not. The ALE program is for "at risk students" such as stated by Section 3.2620 , Section 4.02.1.1, and Section 4.02.1.2 . ALE students often are struggling in school, because of issues at home or behavior that will cause them to not do work unless being monitored. So to have them a home will not benefit them in their education. In all honesty, students in ALE that are able to succeed and thrive with only 20% time on-site instruction, most likely do not belong in the ALE program. This is not to say they may not need additional help and support for other aspects of their lives, but the ALE program is for students who are at risk to fail and drop out of schooling. And if a student can succeed and even thrive by just 20% of ALE time, then they are taking the spot of a student who really needs it.

I simply and sincerely request that you reconsider these troubling policies, as they will negatively affect future ALE students and the support that they receive at school. I can not overstate the important impact that this program has had on my own education. May the positive experience of the ALE program continue for all classes and generations to come.

Agency Response: The proposed 'hybrid model' is already in existence and being used by districts. Adding this to the rules clearly defines protocols for these programs.

Name: Frankie Tilley, Mountain Home School District

Comment: I have taught in a kindergarten only alternative learning environment for the last three years. My specific concern surrounds the newly proposed student to teacher ratios.

The students who are placed in my classroom almost always have a deficit in emotional regulation, executive functioning, or appropriate social skills. Students with these deficits in early elementary school, frequently exhibit continuous aggression, self-harm, or high magnitude disruptive behaviors because they have not acquired the skills to self regulate. This means we spend a large amount of time preventing or de-escalating crisis situations in the classroom, requiring two adults at a minimum. These kids are coming into school with less and less public school survival skills, for whatever social or economic reasons. In the last three years, we have helped potty train students, teach them how to have basic communication (some do not know the difference between same/different or yes/no) with others, and provide basic human needs because their home life does not support that. You couple that while also providing foundational reading skills, foundational math skills, state testing, field trips, hands on learning opportunities, and inclusion. Teaching whole group is impossible because of the varying degrees of accommodations needed for each student, so we teach in small groups, which is ineffective in groups larger than 4-5.

A kindergarten classroom with stable functioning students has a teacher /student ratio of 1:20. It would be physically impossible for a early elementary ALE classroom teacher with an aide to effectively manage crises or teach the required and necessary academic, emotional, and social skills with the newly proposed ratios.

Students in ALE programming require more time and support than a traditional student, especially during their foundational reading years (K-3) to ensure they do not fall behind further socially and/or academically. I plead that the committee strongly consider breaking the age groups into the following categories and ratios to safely and effectively deliver the academic and social supports these students desperately need:

K-3: 1:8, NEVER to exceed 8 students at one time with a paraprofessional assisting whenever half the classroom capacity (4 students) is reached.

3-6: 1:10, NEVER to exceed 10 students at one time with a paraprofessional assisting whenever half the classroom capacity (5 students) is reached.

7-12: 1:12, NEVER to exceed 15 total students for the day, with a paraprofessional assisting whenever half the classroom capacity (6 students) is reached.

Agency Response: The proposed increases would have only applied when there is a paraprofessional present. Increasing the adult to student ratio as proposed would have allowed districts to have flexibility to provide the services and supports needed to students. However, upon further consideration after receiving public comment, DESE is removing the proposed increase and leaving the ratios as they currently exist.

Name: Robyn Keene, AAEA

Comment: Sec. 6.07 - The proposed rules name eligible expenditure types of personnel, materials, supplies, and services to implement or support the purposeful use of funds as outlined in the rules.

Recommendation:

The final rule change should include equipment, including technology to implement or support the purposeful use of funds. Please add equipment, including technology to the language in 6.07 regarding eligible expenditure types.

Rationale:

Currently, the assumption is that many schools have the ability to use ESA funds to purchase equipment, including technology. However, in the proposed rules, this is unclear. There needs to be a clear understanding that equipment, including technology, can still be purchased as allowed previously in ESA funding.

Technology equipment has become an integral part of the educational landscape and the inability to use these funds for those purchases will limit the capacity of schools to accomplish the objectives of an ESA plan. This includes Chromebooks, iPads, computers, servers, switches, wifi access points, MiFi hotspots, etc. Schools have been using ESA funds for technology equipment since its inception. The ability to use ESA funds to fund technology equipment is imperative.

Agency Response: Rules revised to include recommended language.

Comment: Sec. 6.08.2 - The proposed rules name eligible expenditure types of personnel, programs, materials, supplies, and services, the district intends to use to meet the needs identified through assessment and supported by the data.

Recommendation:

The final rule change should include equipment, including technology to implement or support the purposeful use of funds. Please add equipment, including technology to the language in 6.08.2 regarding eligible types of expenditures.

Rationale:

Same as the rationale for 6.07 so that there is a clear understanding that equipment, including technology, is an allowable expenditure.

Agency Response: Rules revised to include recommended language.