

Arkansas Department of Education
Rules Governing the Distribution of Student Special Needs Funding and the
Determination of Allowable Expenditures of Those Funds
June 2012

4.00 Special Needs - Alternative Learning Environment (ALE)

4.1 ALE General Requirements

4.1.1 Every school district shall provide one (1) or more Eligible Alternative Learning Environments (ALE) for all students meeting the criteria of Section 4.02.1 of these Rules, by any of the following methods:

4.1.1.1 A school district may establish and operate an ALE;

4.1.1.2 A school district may cooperate with one (1) or more other school districts in a consortium to establish and operate an ALE, with one school district designated as the lead district; or

4.1.1.3 A school district may use an ALE operated by an education service cooperative established under The Education Service Cooperative Act of 1985, Ark. Code Ann. § 6-13-1001 et seq.

4.1.2 An ALE shall provide intervention services designed to address students' specific educational and behavioral needs.

4.1.2.1 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.

4.1.2.2 Intervention services shall be coordinated with state and federal student assistance programs.

4.1.3 An ALE shall not be punitive but shall provide the guidance, counseling, and academic support necessary to enable students who are experiencing emotional, social or academic problems to continue to make progress toward educational goals appropriate to each individual student's specific situation, characteristics, abilities, and aspirations.

4.2 ALE Student Eligibility and Placement

4.2.1 To be an eligible ALE student, a student must exhibit two (2) or more of the characteristics identified in Section 4.02.1.1 and Section 4.02.1.2. Students will not be placed in the ALE based on academic problems alone.

- 4.2.1.1 Situations that negatively affect the student's academic and social progress may include, but are not limited to:
 - 4.2.1.1.1 Ongoing, persistent lack of attaining proficiency levels in literacy and mathematics;
 - 4.2.1.1.2 Abuse: physical, mental, or sexual;
 - 4.2.1.1.3 Frequent relocation of residency;
 - 4.2.1.1.4 Homelessness;
 - 4.2.1.1.5 Inadequate emotional support;
 - 4.2.1.1.6 Mental/physical health problems;
 - 4.2.1.1.7 Pregnancy; or
 - 4.2.1.1.8 Single parenting.

- 4.2.1.2 Students placed at risk, though intelligent and capable, typically manifest one or more of the following characteristics:
 - 4.2.1.2.1 Personal or family problems or situations;
 - 4.2.1.2.2 Recurring absenteeism;
 - 4.2.1.2.3 Dropping out from school; or
 - 4.2.1.2.4 Disruptive behavior.

- 4.2.2 A student may be enrolled in an ALE only on the referral of an Alternative Education Placement Team to be composed of the following individuals:
 - 4.2.2.1 School counselor from the referring school;
 - 4.2.2.2 Building principal or assistant principal from the referring school;
 - 4.2.2.3 One (1) or more of the student's regular classroom teachers;
 - 4.2.2.4 LEA special education or 504 representative, if applicable;
 - 4.2.2.5 Parent or guardian of the student, if they choose to participate; and

- 4.2.2.6 ALE administrator or ALE teacher, or both.
 - 4.2.2.7 At the option of the school district, the student may be included as a member of the Alternative Education Placement Team.
 - 4.2.2.8 The school district shall document efforts to contact the parent or guardian to schedule a meeting or a phone call for a placement meeting at the parent or guardian's convenience, and maintain such documentation in the student's Student Action Plan (SAP).
- 4.2.3 The ALE program shall:
- 4.2.3.1 Assess the student either before or upon entry into the alternative learning environment;
 - 4.2.3.2 Provide intervention services designed to address the student's specific educational needs; and
 - 4.2.3.3 If the student exhibits one (1) or more of the characteristics identified in Section 4.02.1.2, provide non-punitive intervention services designed to address the student's specific behavioral needs for long-term improvement of the student's ability to control his or her behavior.
- 4.2.4 No later than one (1) week after a student begins alternative education interventions, the Alternative Education Placement Team shall assess the student's current functioning abilities and all relevant social, emotional, academic, career, and behavioral information and develop a Student Action Plan (SAP) outlining the intervention services to be provided to the student. The Student Action Plan shall contain at a minimum:
- 4.2.4.1 Plan of intervention services to be provided to address the student's specific educational needs and, if appropriate, the student's behavioral needs;
 - 4.2.4.2 Goals and objectives necessary to achieve positive reintegration into the regular educational environment;
 - 4.2.4.3 Exit criteria on which to base a student's return to the regular educational environment; and
 - 4.2.4.4 Documentation of the presence of the characteristics listed in Sections 4.02.1.1 and 4.02.1.2 for which the student was referred.

4.2.4.5 The Student Action Plan may be revised from time to time by the Alternative Education Placement Team as circumstances warrant.

4.2.5 No later than five (5) school days after a student begins alternative education interventions, the Alternative Education Placement Team shall develop a signed agreement between the ALE, the parent or guardian (if they choose to participate), and the student, outlining the responsibilities of the ALE, parent or guardian, and the student to provide assurance that the plan for each student is successful.

4.2.6 A positive behavior or transitional plan shall be developed and added to the Student Action Plan prior to a student's return to the regular educational environment.

4.3 ALE Personnel Requirements

4.3.1 Administrative, teaching, and other personnel in an ALE shall meet appropriate State licensure and renewal requirements for the positions to which they are assigned.

4.3.2 All direct instruction in core academic subject areas shall be provided by highly qualified teachers, as that term is defined in the ADE Rules Governing Highly Qualified Teachers Pursuant to the No Child Left Behind Act of 2001.

4.3.3 Every classroom in an ALE program shall maintain student/teacher ratios as follows:

4.3.3.1 For grades kindergarten through six (K-6), no more than ten (10) students to one (1) teacher. 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).

4.3.3.2 For grades seven through twelve (7-12), no more than fifteen (15) students to one (1) teacher. If a paraprofessional is employed in addition to a licensed teacher, the student/teacher ratio shall be no more than eighteen (18) to one (1).

4.3.3.3 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.

- 4.3.4 An ALE shall establish plans for professional development and in-service training for all licensed personnel working in the ALE in a teaching or administrative capacity.
 - 4.3.4.1 Professional development and in-service training for ALE personnel shall include training in classroom management, and training in additional areas related to the specific needs and characteristics of students in alternative education environments.
 - 4.3.4.2 All licensed personnel working in an ALE shall participate in specific alternative education professional development as part of the sixty (60) hours required annually for licensed personnel by the Department's Rules Governing Professional Development.
 - 4.3.4.3 The Department shall award professional development credit for programs provided under this Section 4.03.4 and approved pursuant to the Department's Rules Governing Professional Development.
- 4.3.5 Wages, salaries or benefits may be paid out of ALE funds only to the extent of the time devoted by an employee to direct supervision of or direct work in an eligible ALE program.

4.4 ALE Curriculum and Program Requirements

- 4.4.1 An ALE shall assess each ALE student either before or upon entry into the alternative learning environment with effective, research-based assessment tools to determine the student's current academic capability.
- 4.4.2 An ALE shall provide a curriculum including mathematics, science, social studies, and language arts aligned with the regular classroom instruction. Reading, writing, and mathematics shall be incorporated into all curriculum areas.
 - 4.4.2.1 An ALE shall use the curriculum frameworks adopted by the Department to plan instruction leading to student demonstration of proficiency in the Arkansas content standards.
- 4.4.3 As an alternative to the curriculum required by Section 4.04.2, an ALE may allow an individual student to instead pursue a curriculum aligned with the standards for General Educational Development (GED) Tests, subject to the following conditions:

4.4.3.1 The student must be sixteen (16) years of age or older;

4.4.3.2 The student must lack sufficient credits to graduate by the time the student turns eighteen (18) years of age; and

4.04.3.2 The student's parent or guardian, or the student if the student is eighteen (18) years of age or older, must consent in writing.

4.4.4 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.

4.4.5 All students attending an ALE operated by a consortium of school districts shall follow the lead district's school calendar. All students attending an ALE operated by an education service cooperative shall follow a school calendar designated by the cooperative.

4.4.6 An ALE shall be furnished with the equipment and instructional materials necessary to provide the environment and working conditions appropriate for subjects or activities assigned.

4.4.7 Meals provided at ALE facilities shall follow the Arkansas Child Nutrition guidelines or shall be approved by the Child Nutrition Unit of the Arkansas Department of Education.

4.4.8 An In-School Suspension (ISS) program for a regular educational environment may not be located in an ALE classroom.

4.5 ALE Program Approval, Reporting, and Monitoring

4.5.1 On or before March 31 of each year, each ALE program shall submit to the Department, in electronic format, a program description documenting the program's compliance with Ark. Code Ann. § 6-48-101 et seq. and these Rules.

4.5.1.1 ALE programs operating in separate facilities, even if located within the same school district, are deemed to be separate individual programs requiring separate approval and separate reporting.

4.5.2 On or before March 31 of each year, each school district shall submit to the Department, in electronic format, an assurance statement, signed

physically or electronically by the superintendent of the district, that the school district is in compliance with these rules and Ark. Code Ann. § 6- 48-101 *et seq.*

4.5.3 On or before March 31 of each year, each ALE program operated by a consortium of school districts or by an education service cooperative shall submit to the Department, in electronic format:

4.5.3.1 A list of all school districts participating in the ALE; and

4.5.3.2 A copy of the contract agreement or memorandum of understanding governing the ALE program and entered into by the participating school districts and, if applicable, the education service cooperative.

4.5.4 Annually, the Department shall compile annual report data for each ALE program utilizing Arkansas Public School Computer Network student management data. The data compiled shall include:

4.5.4.1 The number of students, subdivided by race, gender, and grade level, enrolled in an ALE program at any time during that school year;

4.5.4.2 The number of students enrolled in an ALE program who returned to the regular educational environment, who dropped out of school, who graduated, or who received a GED;

4.5.4.3 The number of high school students graduating in that school year who, over their entire K-12 career, were enrolled in an ALE for a total of twenty (20) or more days;

4.5.4.4 The number of students enrolled in an ALE program and participating in Workforce/Secondary Career Centers;

4.5.4.5 The number of students enrolled in an ALE program and receiving special education services;

4.5.4.6 The number of students enrolled in an ALE program who had previously exited an ALE program in the second or third prior school year;

4.5.4.7 The total amount of all funds expended to operate the ALE program for that school year; and

4.5.4.8 The total amount of ALE funding received for that school year.

- 4.5.5 After June 15 of each year, the Department may direct a district to provide the annual report data required under section 4.05.4 if the information sought is not readily ascertainable from Arkansas Public School Computer Network student management data.
- 4.5.6 To be eligible for ALE funding under Section 4.06 below, an ALE program shall be approved annually by the Department.
 - 4.5.6.1 Program approval shall be contingent on a satisfactory review of the program description, annual report data, and assurance statement submitted pursuant to this Section 4.05.
 - 4.5.6.2 Program approval shall be for a term of up to one (1) year, running from July 1 or the date of program approval, whichever is later, through June 30.
 - 4.5.6.3 The Department shall give notice of approval or disapproval of an ALE program no later than July 15 of each year, contingent on the ALE program timely submitting all required information.
- 4.5.7 Each school district shall submit a description of the ALE program(s) utilized by its students in its Arkansas Comprehensive School Improvement Plan (ACSIP).
 - 4.5.7.1 The ACSIP will include how the funds will be spent, the person(s) responsible, a timeline, and the total amount of ALE funds budgeted.
 - 4.5.7.2 Each school district shall evaluate programs supported by ALE funds annually to ensure that the programs are providing a non-punitive environment that is conducive to learning, that eliminates traditional barriers to learning, and that complies with these Rules.
 - 4.5.7.3 The total ALE funds budgeted in ACSIP shall agree with the total ALE expenditures budgeted in the school district's financial management software.
- 4.5.8 As part of the Department's accreditation review of each school district under Ark. Code Ann. § 6-15-202, the Department shall evaluate each ALE to ensure that the ALE is:
 - 4.5.8.1 Established and operated in compliance with these rules and Ark. Code Ann. § 6-48-101 *et seq.*; and

4.5.8.2 Effective under the measurements established by the Department.

4.5.9 The Department shall identify a school district's noncompliance on the school district's annual report card.

4.5.10 The Department shall identify information concerning best practices for educating students in alternative learning environments and disseminate that information to teachers and administrators working in alternative learning environments.

4.5.11 On or before September 15 of each year, the Department shall provide to the House Interim Committee on Education and the Senate Interim Committee on Education a report on:

4.5.11.1 The information reported to it under Section 4.05; and

4.5.11.2 The effectiveness of ALE programs evaluated by the Department.

4.6 ALE Funding

4.6.1 The ALE funding amount shall be the amount authorized by law times the district's eligible ALE students' full-time equivalents (FTE) in the previous school year as defined in these Rules.

4.6.2 An ALE student shall be counted as no more than one student for ALE funding purposes.

4.6.3 An eligible ALE student's FTE shall be calculated as follows: the sum of (the total number of days an eligible ALE student attends an eligible ALE, plus the total number of days absent while enrolled in an eligible ALE program) divided by the number of school days actually taught in the district's school year.

4.6.3.1 If an eligible ALE student has less than six (6) hours per day of student/teacher interaction time in an eligible ALE, the student's FTE shall be calculated as the result of the calculation in Section 4.06.3 multiplied by the number of hours that student is taught in an eligible ALE each day divided by 6 hours.

4.6.3.2 In no case shall an eligible ALE student's FTE be calculated as greater than 1.0.

- 4.6.3.3 If an eligible ALE student is educated in an eligible ALE for fewer than twenty (20) consecutive days, no ALE funding may be paid for that student, unless:
 - 4.6.3.3.1 The student leaves the school district to transfer to another eligible ALE and is enrolled in an ALE for a combined total of twenty (20) or more consecutive days; or
 - 4.6.3.3.2 The student is placed in a residential treatment program.
 - 4.6.3.3.3 No school district may receive ALE funding for an eligible ALE student for any day the student is not enrolled in an eligible ALE in that district.
- 4.6.4 ALE funding is restricted state aid.
- 4.6.5 ALE funding shall be spent on eligible ALE programs identified in these Rules except as otherwise allowed by law or rule.
- 4.6.6 ALE funding may be carried over from one fiscal year to the next but these funds shall remain restricted to the priority areas as defined in these Rules except as otherwise allowed by law or rule.