

**DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES
GOVERNING SPECIAL NEEDS FUNDING AND THE DETERMINATION OF
ALTERNATIVE LEARNING ENVIRONMENTS**

PUBLIC COMMENTS AND RESPONSES

Commenter Name: Karon Parrish, Rogers School District, Crossroads Learning Center, School Counselor, 08/21/2026

Comments: Dear Mr. Shults:

Thank you for the opportunity to provide public comment regarding Special Needs Funding: COM-27-003.

I respectfully request that DESE consider the following revisions to the Alternative Learning Environment (ALE) provisions within the Special Needs Funding rules. These recommendations reflect concerns and needs identified through discussions, interviews, conference calls, surveys, and the experiences of alternative educators working directly with Arkansas's highest-risk students.

The 2022 revisions largely addressed technical and organizational changes. At that time, the alternative education community anticipated continued discussions regarding substantive updates to ALE rules. Those broader discussions have not resulted in the revisions needed to address the changing academic, behavioral, social, emotional, staffing, and funding needs of today's students.

Arkansas has a long history of leadership in alternative education. Our educators and state associations have contributed to national exemplary practices, professional development, research, conferences, and the advancement of alternative education nationally. We remain committed to working collaboratively with DESE to ensure Arkansas continues to provide strong, effective, and accountable alternative education services.

Because the Special Needs Funding rules are currently open for public comment, I respectfully ask that the following recommendations be considered for inclusion.

Page 10 — 6 CAR § 272-203: ALE Personnel Requirements

Elementary ALE Programs — Grades K–6

Current rule:

For grades K–6, no more than ten students may be assigned to one teacher. If a paraprofessional is employed, the ratio may increase to twelve students to one teacher.

Requested revision:

Maintain the maximum ratio of 10 students to one licensed teacher and require an additional paraprofessional in elementary ALE classrooms.

Remove the provision allowing enrollment to increase to 12 students when a paraprofessional is employed.

Rationale:

Elementary ALE programs are serving students with increasingly intensive behavioral and emotional needs. Severe dysregulation, aggression, impulsivity, and behavioral escalation can create immediate safety concerns for students and staff while significantly disrupting instruction.

A second trained adult should be considered a necessary support rather than justification for increasing class size. Requiring a paraprofessional would improve safety, allow earlier intervention during escalation, protect instructional time, and better support the individual needs of students.

Secondary ALE Programs — Grades 7–12

Requested revision:

Reduce the maximum student-to-teacher ratio from 15:1 to 12:1.

Require a paraprofessional when enrollment reaches approximately half of program capacity (7 students).

When a licensed teacher and paraprofessional are assigned, establish a maximum enrollment of 15 students rather than 18.

Rationale:

ALE students frequently require intensive academic intervention, behavioral support, credit recovery, attendance intervention, social-emotional support, and individualized planning. Smaller ratios allow staff to provide the level of intervention expected of an ALE program.

Page 12 — Use of ALE Funding

Requested Addition

Salaries should first be supported through the district's regular ADM funding, with Special Needs/ALE funding serving as supplemental funding for the additional personnel, interventions, services, and requirements necessary to serve eligible ALE students.

Rationale:

ALE funding is intended to address the additional needs associated with educating students requiring alternative interventions. Greater clarity regarding the relationship between ADM and ALE funding would help ensure that special-needs funding provides additional services rather than replacing funding already generated for the student's education.

Page 13 — Hybrid and Remote Instruction

Requested Addition

An increased percentage of remote instruction or placement in an ALE hybrid program should be based on the student's individual academic, social, and emotional needs as documented in the Student Action Plan.

Hybrid or remote placement should not be used as punishment or as a negative behavioral consequence.

All required ALE components and interventions must continue to be provided.

Rationale:

Flexibility can be an important intervention for students experiencing significant barriers to traditional attendance. However, instructional flexibility should be purposeful, individualized, documented, and connected to student goals rather than used as an exclusionary disciplinary response.

Page 16 — ALE Accountability and Reporting

Requested Revision

In addition to reporting total ALE funding received, districts should report:

1. The total ADM funding generated by students participating in ALE programs;
2. The total ALE Special Needs Funding received;
3. Grade improvement after entering the ALE intervention program;
4. Attendance improvement after entering the ALE program; and
5. Improved credit attainment for high school students participating in ALE.

Requested Addition

A district choosing not to provide an ALE intervention program should submit to DESE a description of how it will address the academic, behavioral, social, and emotional needs of its highest-risk students.

This information could be submitted through AR App or another appropriate DESE reporting mechanism.

Rationale:

Accountability should measure more than enrollment and expenditures. Arkansas should be able to determine whether ALE interventions are improving the outcomes they are designed to address—including attendance, academic performance, credit attainment, and successful engagement with school.

Likewise, students meeting ALE eligibility criteria should have access to appropriate interventions regardless of whether their district operates a traditional ALE program.

Page 18 — 6 CAR § 272-206: ALE Funding

Requested Revision — Traditional ALE Funding

Clarify subsection (a) as applying to traditional ALE programs using the existing FTE funding methodology.

Requested Addition — Open-Entry/Open-Exit Programs

Establish an alternative funding calculation for approved ALE programs operating under an open-entry/open-exit model.

Funding calculations should recognize actual student participation through an appropriate methodology, which could include:

- * documented entry and exit dates;
- * daily participation;
- * credit attainment; or
- * another DESE-approved calculation accurately reflecting student participation.

Open-entry/open-exit programs receiving ALE funding would continue to be required to meet ALE standards and provide the interventions established within Arkansas ALE rules.

Rationale:

Programs such as Graduate Arkansas may meet the expectations and intervention requirements of alternative education while operating differently from a traditional semester- or year-based ALE model. Applying a traditional FTE calculation to these programs may not accurately reflect the students served or the services provided.

Other states have developed alternative funding methodologies and appeal processes for nontraditional alternative education models. Arkansas should consider developing a similarly transparent methodology that recognizes legitimate open-entry/open-exit programs while maintaining accountability for the use of ALE funds.

Closing

These recommendations are not intended simply to increase requirements or funding. They are intended to ensure that Arkansas's ALE rules reflect the students we are serving today.

The behavioral, academic, attendance, mental health, and social-emotional needs of students have changed significantly since many of these provisions were originally established. Our rules, staffing structures, accountability measures, and funding methods should evolve accordingly.

Arkansas has an opportunity to strengthen an alternative education system that has historically been recognized for innovation and leadership. I respectfully request that DESE consider these recommendations during the current public-comment period and begin a collaborative review of the broader ALE rules with practitioners who work directly with these students.

I am available to provide additional information, data, practitioner feedback, or clarification regarding any of these recommendations.

Thank you for your consideration and for the opportunity to advocate for effective interventions for Arkansas students who are most at risk of disengaging from school.

Sincerely,

Karon Parrish

Rogers School District

Crossroads Learning Center

School Counselor

Division Response: Comment considered, no changes made. The purpose of this proposed rule amendment is to update the rule to reflect the requirements of Act 911 of 2025 which made ALE programs optional for Arkansas public schools and to remove deadlines insistent with the AR App. Policy proposals which go beyond the scope of the proposed rule making are not being implemented at this time but will be retained for consideration in future rule making.

Commenter Name: Katie Hadley, Arkansas State Action Collaborative for High School Director, 08/21/2026

Comments: Good morning. Thank you for the opportunity to speak. I will be referencing page 18 on the alternative ed funding. I can tell you who I was. Katie Hatley, I'm the Arkansas State Action Collaborative for High School Director, and I'm also a charter leader in the state. This is very near and dear to me. I do operate an open entry, open exit charter school. They enroll every single day. They're able to complete every single day, we, we, it's a mastery-based model. They own an accredited high school diploma through Arkansas, but you know they may need 13 credits, so they just may may need a half a credit. But any student that enrolls after October 1, they're not adequately funded because that that funding stays with the resident school. Now the charter does receive growth funding at the end of the year, but anything else we're not. So I have an alternative accountability model that I would like to reference regarding to this alternative funding. I'm measuring what actually matters for open entry, open exit schools. Traditional funding matrix do not matter. State currently measures one-time graduation rate. What we measure is engagement and persistence rate. State funds October one. We don't see that funding. The state look at cohort graduation rates. Most of these students are not in a cohort because they're 18 or 21, or even younger. When they're even 16 and 17, they probably dropped out. But with that being said, if they do graduate with us, the resident schools still get the graduation credit. So, I just want to stand before you today to say that I'm blessed to be the state action collaborative director, working with six other states and seeing what they're doing in other states. Arkansas definitely needs to try to catch up and make some rules. It's more attainable, and that will work for models like mine..

Division Response:

Commenter Name: Lori Lamb, Advisor, Arkansas Association of Alternative Educators; Program Manager, Northwest State Action Coalition, 08/21/2026

Comments: Good morning. My name is Lori Lamb. I am here representing a couple different organizations. One is Arkansas Association of Alternative Educators, and I'm their advisor, and I've been involved with alternative education for 25 years, teaching for 41. I have recently retired, but it just means I have more time to focus my efforts. I also am involved with the Northwest State Action Coalition, and that is through Northwest Education, and it is to improve high school alternatives. And I am working as their program manager, also. Public comment is a time to look at what we're doing right and what we can improve in, and we appreciate this opportunity to be able to do that. I am going to briefly summarize my notes, and I'm going to give them to you that are very specific. I don't like reading off of a form. I want to speak from my heart and speak to the issues. But alternative education students are students that have a lot of potential, but for a lot of different reasons: family trauma, moving inconsistencies, sometimes behavior, sometimes working nights. Our students just haven't been able to do their best in a traditional education program, and that is what special needs funding was pretty much focused on and created for. And that's what the Supreme Court decision, when they looked at funding for special needs students, was all about in the Picus report. December 22, 2017, Politico magazine, which I know is not usually positive about education in our nation, they did an in-depth study on alternative education

in the nation, and they actually published an article praising Arkansas alternative education, and it was about Arkansas shunning the warehouse model because we really do focus on making education attainable for these at-risk students, so a lot of what I'm doing is praising the department for their efforts, our legislature for their funding, and I'm also looking at a few corrections that are currently open for public comment that we suggest on both of these groups. If you go to page 10 of the rules that are under special needs funding for alternative education, it talks about personnel requirements, and we definitely agree that the classrooms need a limit. We're suggesting that elementary programs be capped at eight students, and we're suggesting that every elementary program must or shall have a paraprofessional. Our students at the youngest ages are the most in need of rules, direction, redirection, and when you have very many of those that are having temper tantrums, screaming, kicking, fighting, biting. When I was teaching one of these programs two years ago, a student picked up a computer and threw it, picked up a table and tossed it, and I was a teacher without a paraprofessional. I quickly got help, but there's dangerous situations that are increasing to happen when you raise the numbers and you don't have two people in the classroom. At our elementary programs, for the safety, care, and welfare of children, we really need two people: one that can deal with the behavior, and one that can redirect the other students while that's going on. We also suggest that at the 7 through 12, the numbers be capped at 12 students instead of 15, and that a paraprofessional be added when those programs reach half capacity, so that there is more ability to meet the needs. The older the students get, the larger the gaps become. On page all of that was page 10. On page 12 of the special needs funding, it talks about section D says 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. We really like that. We suggest adding a letter E, and that stating that salaries shall be paid using the ADM funding or the daily attendance money, the state funding first, then applying special needs funding for alternative education as the additional funding for remaining needs and requirements to provide interventions of these students. Special needs funding is stated that it's in addition to ADM, and it is, however, in by far the majority of the programs, school districts account for the ALE funding only in their documentation, and we had a teacher as early as yesterday who needed a clock on the wall that was asking administration to go ahead and buy the clock because they needed the clock, and they were told there's no extra money in ALE, it barely covers your salary. So we understand ADM is there, but it's not being it's not being an umbrella. And a suggestion on that is that when documentation is given for the legislative report, that one more column be added, and it shows ADM funding that equalizes the ALE funding. So if there's 10.0 ALE and that funding is documented. That right next to it, it shows ADM funding for those 10.0 students, and that way there's going to be a clear recognition that the ADM money is to follow these students, and that ALE was never established to be run on special needs funding only. Page 13, section D says an increased percentage of remote instruction or placement of a student in an ALE hybrid program should only be used to meet a student's academic, social, and emotional goals outlined in the student action plan, not as a punishment or negative consequence. We very much like that. We like positive interventions, not punitive actions, and we suggest adding letter E. All required components must be provided in an ALE. So, if it's a hybrid program, they're still offering mental health. They're still offering everything that's required to the students, so that when they go to a different program by choice, that they're still getting the opportunity to have all their needs met. On the same thought, page 16 says letter H the total amount of ALE funding received for that school year and our suggestion is H and then lowercase one: the total amount of ADM multiplied by the ALE FTEs annually and that's what I've just explained, and then letter (H)(2), the total

amount of ALE funding received for the school year and the total amount of ADM provided to meet the needs of these students. So it's mainly adding one more column on the legislative report and on the cycle seven June 15 report, so it would be another question added. Looking at your ALE FTEs and multiplying it by the ADM, what is that amount, so that they're able to see that the state provides it, but school districts are not recognizing that that money does follow those students in that way. Same page 16, (G)(1). Each school district that provides an alternative learning environment shall submit a description of the ALE program or programs utilized by its students to the division, and we suggest this be added G, lowercase two, and it's and this is mainly because this rule change was you removed the law has removed the word "shall provide an ALE" to "may provide an ALE," and we understand that very much so. But if districts choose not to provide an ALE, that's why this G2 was important to us. Each school district that chooses not to provide a positive alternative education intervention program shall provide a detailed explanation of how academic, social, and emotional needs for the most at risk and hardest reach students will be met. This explanation will be submitted to DESE through the AR app or similar Dese reporting instrument, that would need legal and teamwork from everybody to see who would who would do it. But it's just saying, I think there are probably 12 to 20 new districts that have opted out this year that are on the May and we're okay. They probably were part of a consortium that wasn't meeting their needs, and whatever their plan is, we're just asking that they report it to someone how they're going to meet the needs of these students. Hardest to reach at risk students are everywhere. We just want to make sure that they're getting ample choices, that they're represented, that they have a free, appropriate public education, and that they're not pushed out or forced to drop out. Page 18, which is the end of the special needs funding, and it's the topic of ALE funding, and we have a suggestion on the very first letter A, lowercase A.

It says the ALE funding amount shall be, and we suggest that the word traditional be added before the word funding. The ALE traditional funding amount shall be, and that's what we're doing right now. We're providing it, and it's your exact words multiplied by the district's eligible ALE students. Everything's the same. However, we have another group of students that is not being represented, and that is students who have open enrollment and open exit. We do an October one count, and we average that, and that's how we do our funding. We have a lot of students in our state that need one or two credits, or for whatever reason, on the 15th of October, find themselves without schooling, and they want to finish up. And they come into some programs, and they'll enroll October 15. They'll finish their one credit by December 15. They're in and out before we, as a state, are able to put funding to that portion of a student. So I attended a meeting yesterday, and Kentucky Department of Ed was on the meeting. Oregon Department of Ed, Minnesota Department of Ed. There were quite a few states involved, and many of them looked to Arkansas as being a leader, but in some areas were not. And I don't have to be number one in the leader. That's not what I'm pushing for, but it is the best to meet the needs of the students. These open enrollment, open entry, open exit students that come as their needs arise need to make sure they're being funded, and one of the ways that Kentucky does it is they have three different funding mechanisms that they look at. They have an appeals process. They get to present their information, and then it's really done pretty much by hand and calculations, formulas, and they make sure that those students are accounted for as far as funding. So the wording that we suggest is ALE programs with open enrollment and open exit shall determine ADM and ALE funding uniquely by using calculations that recognize their circumstance, either by credit attainment or true entry exit data tied to a daily amount. ALE open entry open exit shall meet expectations and provide interventions described in

these ALE rules. So we have a lot of charter programs in our state. A few of them, very few, actually are tailored to alternative ed students, and they take them from. They welcome them, not take them. They welcome them from many districts, and this won't. I played it in my head. This wording would not apply to programs that do not focus on ALE students. They would still have to meet the expectations of ALE. They would have to show the barriers. They would have to still meet all of the other requirements prior to asking for this. There are very few programs that that represents, but we do know that those programs are beneficial for students and are part of alternative ed and part of the national eye on alternative ed. Also, thank you for your time for listening. I'm going to hand this to you. I've already mailed it to you. I gave you a copy. You're welcome to share it with anyone and everyone.

Division Response: Comment considered, no changes made. The purpose of this proposed rule amendment is to update the rule to reflect the requirements of Act 911 of 2025 which made ALE programs optional for Arkansas public schools and to remove deadlines insistent with the AR App. Policy proposals which go beyond the scope of the proposed rule making are not being implemented at this time but will be retained for consideration in future rule making.

Commenter Name: Erin Ault, ALE Teacher, Lakeside School District East Campus (Hot Springs), AAAE Executive Board Member - Secretary, 08/22/2026

Comments: RE: Public Comment — Special Needs Funding: COM-27-003

August 21, 2026 | 10:00 a.m.

To Whom it May Concern:

I appreciate the opportunity to submit comments regarding Special Needs Funding: COM-0027-003 and the provisions governing Alternative Learning Environments (ALE). I want to express my agreement with all items that were presented by Lori Lamb on behalf of Arkansas Association of Alternative Educators (AAAE).

I respectfully encourage DESE to consider several changes to the current ALE requirements. The recommendations below are based on concerns and feedback shared through conversations, interviews, conference calls, surveys, and the firsthand experiences of educators who work with some of Arkansas's most vulnerable and highest-risk students.

The changes made to the rules in 2022 primarily focused on technical and organizational matters. At that time, there was an expectation within the alternative education community that additional conversations would take place concerning more substantive changes to ALE requirements. Since then, the needs of the students served by ALE programs have continued to evolve, particularly in the areas of academics, behavior, social-emotional development, staffing, and funding. The current rules do not fully address those changing needs.

Arkansas has historically been a leader in the field of alternative education. Educators and professional organizations throughout the state have played important roles in developing exemplary practices, providing professional development, conducting research, participating in conferences, and contributing to the advancement of alternative education at the national level. I believe Arkansas should continue that leadership by ensuring that its ALE structure reflects the realities faced by educators and students today.

I appreciate DESE's willingness to receive public input and respectfully request consideration of the following recommendations while these rules are under review.

Page 10 — 6 CAR § 272-203: ALE Personnel Requirements

Elementary ALE Programs — Grades K–6

Recommended Change:

The maximum elementary ALE enrollment should remain at 10 students per licensed teacher, with an additional paraprofessional required in the classroom.

The current provision permitting the number of students to increase to 12 when a paraprofessional is present should be eliminated.

Reason for Recommendation:

The behavioral and emotional needs presented by students in elementary ALE settings have become increasingly complex. Staff may be required to respond to significant dysregulation, aggression, impulsive behaviors, and rapidly escalating situations. These circumstances can affect the safety of everyone in the classroom and can substantially reduce the amount of time available for instruction.

A paraprofessional should provide an additional layer of support rather than serve as a reason to increase the number of students assigned to the classroom. Having two trained adults available would provide greater opportunities for early intervention, improve classroom safety, minimize disruptions, preserve instructional time, and allow staff to respond more effectively to individual student needs.

Secondary ALE Programs — Grades 7–12

Recommended Changes:

- * Decrease the maximum student-to-teacher ratio from 15:1 to 12:1.

- * Require a paraprofessional once enrollment reaches 7 students, which is approximately half of the program's current capacity.

* When both a licensed teacher and paraprofessional are assigned, limit enrollment to 15 students rather than 18.

Reason for Recommendation:

Secondary ALE students often need support in multiple areas simultaneously. This may include intensive academic remediation, behavioral intervention, credit recovery, attendance improvement, social-emotional support, and individualized educational planning.

Reducing class size would allow ALE staff to provide more individualized attention and deliver the level of intervention and support that students in these programs require.

Page 12 — Use of ALE Funding

Recommended Addition

The rules should clearly establish that employee salaries are initially supported through the district's regular ADM funding, while Special Needs/ALE funding is supplemental and is intended to fund the additional staffing, interventions, services, and requirements associated with serving eligible ALE students.

Reason for Recommendation:

The purpose of ALE funding is to provide additional resources for students who require interventions beyond those typically provided through the regular educational program. Clearly distinguishing ADM funding from ALE funding would help ensure that Special Needs/ALE funds are used to provide additional supports rather than replacing funding that is already generated through the student's enrollment.

Page 13 — Hybrid and Remote Instruction

Recommended Addition

The amount of remote instruction or participation in an ALE hybrid program should be determined by the individual student's academic, social, and emotional needs and should be documented within the student's Student Action Plan.

Remote or hybrid placement should not be used as a disciplinary measure, punishment, or negative consequence for behavior.

Students participating in a hybrid or remote ALE program should continue to receive all required ALE components and interventions.

Reason for Recommendation:

Alternative instructional options can be valuable for students who face significant barriers to attending school in a traditional manner. However, these options should be used intentionally and should be tied to the student's specific needs and goals.

Hybrid or remote instruction should be an individualized intervention supported by documentation in the Student Action Plan, not a mechanism for excluding a student because of behavioral difficulties.

Page 16 — ALE Accountability and Reporting

Recommended Changes

District reporting should include more than the amount of ALE funding received. Districts should also report:

1. The amount of regular ADM funding generated by students enrolled in or participating in ALE;
2. The total amount of ALE Special Needs Funding received;
3. Changes in student grades following entry into an ALE intervention program;
4. Changes in student attendance following entry into ALE; and
5. Changes in credit attainment for high school students participating in ALE.

Additional Recommendation

If a district elects not to operate an ALE intervention program, it should be required to provide DESE with a plan explaining how it will address the academic, behavioral, social, and emotional needs of students who would otherwise qualify for ALE services.

This information could be reported through AR App or another reporting system designated by DESE.

Reason for Recommendation:

A meaningful accountability system should evaluate outcomes, not simply enrollment numbers and expenditures. If ALE programs are designed to address attendance, academic performance, behavioral challenges, and successful school engagement, the state should have information demonstrating whether those interventions are producing measurable improvements.

Students who meet ALE eligibility requirements should also have access to appropriate alternative interventions even when their district has chosen not to operate a traditional ALE program. A student's access to needed intervention should not depend solely on the district's decision to maintain an ALE program.

Traditional ALE Programs

Recommended Change:

Subsection (a) should be clarified to specifically address traditional ALE programs that operate under the existing FTE-based funding model.

Open-Entry/Open-Exit ALE Programs

Recommended Addition:

The rules should establish a separate funding methodology for approved ALE programs that operate using an open-entry/open-exit structure.

The funding formula should reflect actual student participation. An appropriate methodology could take into account one or more of the following:

- * documented student entry and exit dates;
- * daily participation;
- * credit attainment; or
- * another DESE-approved method that accurately represents the student's participation in the program.

Programs operating under an open-entry/open-exit model and receiving ALE funding should still be required to comply with all applicable ALE standards and provide the interventions required under Arkansas ALE rules.

Reason for Recommendation:

Not every effective alternative education program operates according to a traditional semester or school-year structure. Programs such as Graduate Arkansas may provide the required alternative education interventions and meet ALE expectations while using an open-entry/open-exit model.

Using a traditional FTE calculation for these programs may not accurately capture the number of students served or the actual services being delivered. A funding methodology based on participation would provide a more accurate representation of the program's operation.

Other states have addressed similar challenges by creating alternative funding formulas and appeal processes for nontraditional alternative education programs. Arkansas should consider a transparent funding process that recognizes legitimate open-entry/open-exit models while still

requiring these programs to meet established ALE standards and maintain accountability for the appropriate use of ALE funds.

Thank you for considering these recommendations as part of the current public comment process. I appreciate DESE's willingness to review the rules and consider changes that will strengthen alternative education services for Arkansas students with significant academic, behavioral, social, and emotional needs.

Sincerely,

Erin Ault

ALE Teacher

Lakeside School District East Campus (Hot Springs)

AAAE Executive Board Member- Secretary

Division Response: Comment considered, no changes made. The purpose of this proposed rule amendment is to update the rule to reflect the requirements of Act 911 of 2025 which made ALE programs optional for Arkansas public schools and to remove deadlines insistent with the AR App. Policy proposals which go beyond the scope of the proposed rule making are not being implemented at this time but will be retained for consideration in future rule making.

Commenter Name: Megan Gibson, Alternative Education Teacher, Scranton School District, AAAE NW Regional Representative, 08/24/2026

Comments: Public Comment: Special Needs Funding: COM-27-003 August 24, 2026

Dear Mr. Shults:

My name is Megan Gibson and I am currently the ALE teacher at Scranton School District as well as a regional representative for AAAE. I am writing to you today to address concerns I have about the legislation for alternative education in our state. I have spent the majority of my eleven years in education in an alternative setting.

There are so many students in our state that desperately need extra attention and care. The amount of students who have little to no support at home, or a stable home for that matter, is heartbreaking. These students come to us needing extra emotional support, on top of educational support. These needs are beyond what can be taken care of in a regular education setting. Our teachers are stretched to their limits as it is and cannot provide extra social emotional learning on top of everything else they are expected to accomplish. All students are also entitled to a least restrictive

environment. Placing students with high needs into an environment designed for average needs is not least restrictive for the student or for their peers having to deal with their behaviors.

Alternative education is here to bridge the gap for our most at risk students. The smaller class sizes allow alternative teachers to provide a more individualized learning experience for each student. It also removes the amount of distractions for students and limits how distracting a student can be to others. The students in alternative education programs are not the only ones who benefit from the programs. The entire student body benefits from a successful alternative program.

As a result of my belief in the benefits of alternative education in Arkansas, I am asking that the state consider the corrections requested by AAAE in their public statement. Below are the AAAE corrections and I have included my own comments on these corrections with blue highlights.

Pg. 10

6 CAR § 272-203. ALE personnel requirements.

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

(b) Every classroom in an ALE program shall maintain student/teacher ratios as follows: (1)(A) For grades kindergarten through six (K-6), no more than ten (10) students to one (1) teacher.

(B) Elementary Programs must have a paraprofessional.

* Change suggested due to elementary students having no impulse control. Many elementary students are in the alternative setting due to outbursts and/or violent behavior. Having a dedicated paraprofessional in the classroom provides enhanced safety for students and staff.

(B) 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);

* Adding a paraprofessional should not increase the allowable number of students.

(2)(A) For grades seven through twelve (7-12), no more than fifteen (15) (12) students to one (1) teacher.

(B) A Paraprofessional must be employed when programs reach half their capacity (7 students). If a paraprofessional is employed in addition to a licensed teacher, the student/teacher ratio shall be no more than eighteen (18) (15) to one (1).

* Adding a paraprofessional should not increase the allowable number of students.

Pg. 12:

(d) 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. (e) Salaries shall be paid using ADM funding first then applying Special Needs Funding for Alternative Education as the ADDITIONAL funding for remaining needs and requirements to provide interventions for these students.

6 CAR § 272-204. ALE curriculum and program requirements.

** Funding should be available to provide alternative curriculum and programs better suited for alternative education students.*

(E) All required components must be provided in an ALE.

(4) A student receiving fully remote instruction shall not be considered to be part of an ALE program.

(e)(1) All students attending an ALE operated by a consortium of school districts shall follow the lead district's school calendar.

(2) All students attending an ALE operated by an education service cooperative shall follow a school calendar designated by the cooperative.

Pg. 16:

(H) The total amount of ALE funding received for that school year;

(H) (1) The total amount of ADM multiplied by the ALE FTEs annually

(H) (2) The total amount of ALE Funding received for the school year and the total amount of ADM provided to meet the needs of these students.

(I) The total number of ALE students per district with grade improvements after beginning the ALE intervention program;

(J) The total number of ALE students per district with attendance

improvements after beginning the ALE program; and

(K) The total number of ALE high school students per district with improved credit attainment after participating in the ALE intervention program.

(g)(1) Each school district that provides an alternative learning environment shall submit a description of the ALE program or programs utilized by its students to the division. (g)(2) Each school district that chooses not to provide a positive alternative education intervention program shall provide a detailed explanation of how academic, social and emotional needs for the most at-

risk and hardest to reach students will be met. This explanation will be submitted to DESE through the AR APP or similar DESE reporting instrument.

* ALE has proven time and again to be an effective tool for our at risk students. When districts choose to not utilize ALE they should be held accountable for how their at risk populations are being served.

(2) Each school district shall evaluate programs supported by ALE funds annually to ensure that the programs are providing a nonpunitive environment that:

(A) Is conducive to learning;

(B) Eliminates traditional barriers to learning; and (C) Complies with this part.

Pg. 18:

6 CAR § 272-206. ALE funding.

(a) The ALE traditional funding amount shall be:

(1) The amount authorized by law; multiplied by

(2) The district's eligible ALE students' full-time equivalents (FTE) in the previous school year as defined in this part.

(b) An ALE student shall be counted as no more than one (1) student for ALE funding purposes.

Sincerely,

Megan Gibson

Alternative Education Teacher

Scranton School District

AAAE NW Regional Representative

Division Response: Comment considered, no changes made. The purpose of this proposed rule amendment is to update the rule to reflect the requirements of Act 911 of 2025 which made ALE programs optional for Arkansas public schools and to remove deadlines insistent with the AR App. Policy proposals which go beyond the scope of the proposed rule making are not being implemented at this time but will be retained for consideration in future rule making.

Commenter Name: Vickie Braud DeVore, M.Ed., Horatio High School, Alternative Education, 08/24/2026

Comments: Dear Committee members:

The purpose of the email is to offer a public comment on Alternative Education in the state of Arkansas. I am a veteran teacher with 32 yrs. of classroom and administrative experience. I have worked as a teacher/ administrator who has worked with alternative education students for 16 years. My educational philosophy is basic. I am the barometer for my classroom. As an educator, I have the ability to humiliate or help...intimidate or inspire. I believe the greatest gift I can give a student is the ability to think critically. I have found that kids are kids...no matter the area or socioeconomic background. I feel it is the teacher's responsibility to work with the individual, not only to challenge and inspire, but aid in his pursuit and completion of a high school course of study.

During that time, I have seen ALE help students who:

- * Were chronically absent but began attending school again.
- * Were significantly behind in credits but found a path toward graduation.
- * Were considering dropping out but stayed because someone provided another option.
- * Needed a smaller environment and individualized support to succeed.
- * Who dealt with homelessness, pregnancy, family difficulties, mental health concerns, behavioral challenges, or other barriers.
- * Graduated when people once questioned whether graduation was possible.
- * Returned successfully to a traditional school.

Horatio has seen ALE students who, upon graduation attended college, and trade schools alike. Students have become officers, nurses, cosmetologists, businessmen, farmers, mothers and fathers and the list goes on. But most of all it has allowed young people to successfully transition into adulthood and begin to break generational cycles.

Our students need lower teacher to student ratios, and a reevaluation of ALE funding in order for programs like ours to continue helping students succeed. It is that simple. ALE has traditionally been asked to work with and support a student population that is in higher need, while having fewer resources. Therefore, I ask DESE to consider the experiences of educators working directly with ALE students as decisions are made regarding Special Needs Funding and alternative education.

Respectfully,

Vickie Braud DeVore, M.Ed.

"Every Child~Every Need~Every Day."

Horatio High School

Alternative Education

AP US History

US History

Division Response: Comment considered, no changes made. The purpose of this proposed rule amendment is to update the rule to reflect the requirements of Act 911 of 2025 which made ALE programs optional for Arkansas public schools and to remove deadlines insistent with the AR App. Policy proposals which go beyond the scope of the proposed rule making are not being implemented at this time but will be retained for consideration in future rule making.

Commenter Name: Devon Boswell, Elementary ALE Teacher, Harrison Public School District, 08/25/2026

Comments: To Whom It May Concern,

My name is Devon Boswell. I am the Elementary ALE teacher for the Harrison Public School District. I have held this position for the last 5 years. My students are what most would consider the highest of the high risk students. Over the last 5 years I have had great success with my students, including "graduating" 4 students completely out of ALE.

However, this year is the first year that I am in my class without the support of a paraprofessional. This was a cut made by our district due to funding. This is something that will be a huge negative effect on my class and students. Many of my students will display large behavior at any place in the building. When I had the support of a para, I was able to go and respond while she was continuing to help in my classroom or vice versa. This year I can not do that because I can not leave my other students in the classroom.

If funding can be used to ensure and require a paraprofessional in the elementary ALE classes the achievement of my students and my classroom will be so much higher.

Thank you for your consideration.

Devon Boswell

Forest Heights Elementary ALE

Bus 7

Division Response: Comment considered, no changes made. The purpose of this proposed rule amendment is to update the rule to reflect the requirements of Act 911 of 2025 which made ALE programs optional for Arkansas public schools and to remove deadlines insistent with the AR App. Policy proposals which go beyond the scope of the proposed rule making are not being implemented at this time but will be retained for consideration in future rule making.

Commenter Name: Shannon Warren, Russellville School District, Secondary Learning Center (ALE), 08/25/2026

Comments: Dear Mr. Shults:

Thank you for the opportunity to comment on Special Needs Funding: COM-27-003.

Based on 17 years of being a teacher in ALE schools in Arkansas, I respectfully request that DESE consider substantive revisions to the Alternative Learning Environment (ALE) provisions. While the 2022 updates addressed technical issues, today's students require further rule changes to meet their growing academic, behavioral, and social-emotional needs.

Arkansas has a long history of leadership in alternative education. To maintain these high standards, please consider the following recommendations for the open public comment period:

Page 10 — 6 CAR § 272-203: ALE Personnel Requirements

* Elementary ALE Programs (Grades K–6)

* Requested Revision: Require a paraprofessional in all classrooms while keeping the student-to-teacher ratio at 10:1. Remove the option to increase enrollment to 12 students when a paraprofessional is present.

* Rationale: Elementary ALE students face escalating behavioral and emotional needs. A second adult is necessary for safety, immediate intervention, and protecting instructional time, not as a justification to add more students.

* Secondary ALE Programs (Grades 7–12)

* Requested Revision: Reduce the maximum base ratio from 15:1 to 12:1. Require a paraprofessional when enrollment reaches 7 students. Cap the absolute maximum enrollment at 15 students (down from 18) when both a teacher and paraprofessional are present.

* Rationale: Smaller ratios are vital for staff to effectively deliver intense academic intervention, credit recovery, and social-emotional support.

We remain committed to collaborating with DESE to ensure Arkansas provides effective and accountable alternative education.

Sincerely,

Shannon Warren

Russellville School District, Secondary Learning Center (ALE)

Division Response: Comment considered, no changes made. The purpose of this proposed rule amendment is to update the rule to reflect the requirements of Act 911 of 2025 which made ALE programs optional for Arkansas public schools and to remove deadlines insistent with the AR App. Policy proposals which go beyond the scope of the proposed rule making are not being implemented at this time but will be retained for consideration in future rule making.

Commenter Name: Jane Keen, 09/02/2026

Comments: Hello! I have a few thoughts about the pending rules for Title 6. Education Chapter I. Division of Elementary and Secondary Education Subchapter I. Finance Part 272. Rules Governing Student Special Needs Funding AND Subchapter D. Student Instruction and Learning Part 96. Rules Governing Grading and Course Credit.

Thoughts on Special Needs Funding <https://dese.ade.arkansas.gov/Files/PC_Draft_-_Special_Needs_Funding_-6CARpt.272_Legal.pdf> :

This is primarily about student special-needs funding—ALE, ELL, enhanced student achievement, and professional development—and defines how those funds may be spent. The biggest issue for me is that gifted education and AP are essentially outside the structure, even though some of the allowable uses overlap with advanced programming.

I would love for DESE to clarify or consider adding language addressing four things: talent development for economically disadvantaged advanced learners; university coursework when a student exhausts K–12/concurrent options; explicit eligibility of GT/AP professional development; and continued advanced-course access for gifted students served in ALE settings.

Economic disadvantage should not prevent a student from accessing an appropriate level of academic instruction simply because that instruction is above, rather than below, grade level. There seems to be a significant gap for low-income gifted/high-achieving students in this proposed legislation. Enhanced Student Achievement funding is required to support “students at risk,” and the proposed definition of students at risk is very narrow: students demonstrating an ongoing, persistent lack of meeting grade-level expectations in literacy and mathematics. The rules reinforce that ESA funds are to be used for evidence-based programs for those students. For gifted education, this is problematic because a student can be profoundly underchallenged, disengaged, or performing well below his or her potential while still scoring above grade level. A gifted student from poverty may have substantial educational need without fitting this definition of “at risk.” I am going to advocate for language addressing “advanced learners experiencing barriers to appropriate academic access.” Right now, the funding system recognizes a student who is behind grade level as having a special educational need, but it does not similarly recognize a student whose instructional need is several years above grade level. I would like to see allowable language covering advanced or accelerated postsecondary coursework when a student has exhausted available K–12 and concurrent offerings, particularly for economically disadvantaged students.

The low-income matching grant is another missed talent-development opportunity. The ESA matching grant is specifically intended to improve achievement for identified National School Lunch students, but the allowable programs are limited to tutors, before/after-school academic programs—including transportation—and prekindergarten programs. I would love to see advanced-learning/talent-development programs included here. For example, districts could use matching funds for enrichment, advanced STEM opportunities, AP readiness, summer talent development, academic competitions, or other programming designed to identify and develop high potential among students from poverty. If Arkansas wants to improve equitable gifted identification, this could be a powerful funding mechanism.

I would like to know if the PD funding mentioned can be used for AP Summer Institute/College Board training, gifted-education professional development, differentiation training, vertical differentiation, or training classroom teachers to serve advanced learners.

After programs have been provided to meet students’ needs in the respective categorical areas, districts may transfer funds among special-needs categories. The four categories explicitly referenced here are ALE, ELL, enhanced student achievement, and professional development. The rules also allow districts to transfer funds from one categorical funding source to another and impose limits on accumulated balances. Flexibility can be useful, but I would want to know what safeguards determine when the needs of a population have actually been “met.” Flexible money can become unpredictable money.

I think there is a very compelling inconsistency between how the funding is generated and who may benefit from it. Enhanced Student Achievement funding is tied substantially to the percentage of students eligible under the National School Lunch Program. Yet the required-use section focuses on students who are academically below grade level. So imagine two students who both qualify economically: Student A is three years behind in math. The state recognizes a special educational need and provides multiple funding mechanisms to intervene. Student B is five years

ahead in math, has exhausted everything his district offers, and cannot afford the university course that represents his appropriate instructional level. The funding framework does not clearly recognize his need at all.

Thoughts on the course credit legislation
<https://adecm.ade.arkansas.gov/Attachments/6CARpt.96-Markup-Grading_and_Course_Credit_-_7.31.26_PC_2_140505.pdf> :

The most advanced students may actually receive less financial protection than students taking ordinary concurrent courses. The proposal creates a very favorable funding structure for concurrent credit: A2A, district funding, other agreements, and other available sources can cover it, and students/parents cannot be responsible for tuition, fees, or materials. But the new dual enrollment section says tuition and fees are the responsibility of the parent unless the district elects to pay, and specifically says that giving the student high-school credit does not convert the course into concurrent credit and make the district responsible. That creates what I think is a serious acceleration equity problem. A student taking a standard college algebra course through a concurrent program could have the entire cost covered, while a profoundly advanced student who has moved beyond the courses available through concurrent enrollment could be expected to pay full university tuition. In other words, the more advanced the student becomes, the less state financial support may be available.

Statewide, this will reduce AP access (which I know we are aware of), particularly in smaller or lower-income districts. AP has one important equity advantage: the credential and exam are nationally portable and don't depend on a particular college partnership. Our students in rural areas may not have access to this advantage.

I would like DESE to explain what replaces that quality-control structure for AP teachers. College Board course authorization by itself is not the same thing as requiring teachers to receive meaningful AP-specific professional learning.

I would like to know if the AP incentive program has been eliminated legislatively, moved elsewhere, or replaced by another accelerated-learning funding mechanism.

I want clarity about which courses receive a 6.0, whether honors/AP/concurrent/IB/Cambridge all receive identical weighting, how class rank will work, how transcripts will distinguish rigor, and how this affects students across graduating cohorts. If every designated honors or accelerated course receives the same six-point weight, we could end up encouraging students to choose courses based on GPA mathematics rather than academic appropriateness.

What happens to exceptionally advanced college coursework for GPA purposes? The draft appears to strike the section allowing local boards to establish weighted-credit policies for college courses and replaces §96-402 with a provision focused on CTE weighted credit. Meanwhile, weighted courses will be those identified by DESE in the Course Code Management System. For the average concurrent student that may be manageable. What about for a student taking something like Linear Algebra, Differential Equations, Abstract Algebra, or upper-level university mathematics? Can

DESE assign appropriate weighted credit even when there is no conventional high-school or concurrent-course equivalent?

The proposal strikes the existing statement that Credit by Demonstrated Mastery “shall not replace the general accelerated pathways provided for advanced students.” I think we should retain that safeguard. CDM should be a doorway to acceleration, not a way for a school to say, “You already know Algebra II, so we'll give you the credit and we're done.” A gifted student who demonstrates mastery still needs the next appropriate level of instruction.

Thank you for listening and considering these items. Best wishes!

Division Response: Comment considered, no changes made. The purpose of this proposed rule amendment is to update the rule to reflect the requirements of Act 911 of 2025 which made ALE programs optional for Arkansas public schools and to remove deadlines insistent with the AR App. Policy proposals which go beyond the scope of the proposed rule making are not being implemented at this time but will be retained for consideration in future rule making.