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CHAPTER 139.

EARLY CHILD DEVELOPMENT AND ACADEMIC ASSISTANCE

SECTION 59-139-05. Purpose of chapter.

It is the purpose of the General Assembly in this chapter:

- (1) to place an emphasis on early childhood education and prevention while promoting assistance for students at every grade level which is more flexible and tailored to individual needs and learning styles;
- (2) to focus the state's resources on academic success and prevention of academic problems;
- (3) to establish the expectation that by providing extra assistance and learning time that enables young students to attain essential skills and success all children will be prepared for the fourth grade and all students will graduate from high school with their peers;
- (4) to promote the advancement of developmentally appropriate curriculum and coordinated programs from preschool through grade three which are supportive of the curriculum for grades four through twelve; and
- (5) to allow districts and schools greater flexibility in providing targeted, coordinated programs of student assistance.

SECTION 59-139-10. Districts and schools to design plan; what plan must include; early childhood development initiative; academic assistance initiative; staff training; goals; progress review; school improvement council input; peer review; requests for funds.

(A) The State Board of Education, through the Department of Education and in consultation with the Education Oversight Committee, shall develop and implement regulations requiring that beginning in school year 1993-94 and by school year 1994-95, each school district, in coordination with its schools, and each school in the district shall design a comprehensive, long-range plan with annual updates to carry out the purposes of this chapter. To that end, the plans shall:

- (1) establish an early childhood initiative which integrates the planning and direction of the half-day program for four-year-olds established in Section 59-5-65, the parenting program established in Section 59-1-450, the early childhood assistance program established in Section 59-139-20, school practices in kindergarten through grade three, and any other federal, state, or district programs for preschool children in the district in order to better focus on the needs of this student population;
- (2) develop an academic assistance initiative to support students with academic difficulties in grades four through twelve so they are able to progress academically and move through school with their peers; and
- (3) provide staff training, upon appropriation of funds by the General Assembly for this purpose, to prepare and train teachers and administrators in the teaching techniques and strategies needed to implement the district and school plan.

(B) The State Board of Education, through the Department of Education, shall establish criteria by regulation for the comprehensive plan and the annual updates to be prepared by each district and school so that the plans address, but are not limited to, the interrelationship of the various components of the early child development initiative and the academic assistance initiative, strategies to be implemented for expanding and improving early child development activities, plans for accelerating the performance of students performing below their peers, methods of assessing the efficacy of these strategies, and the coordination of the strategies with federally-funded programs. However, in every instance, district and school plans should be derived from strategies found to be effective in education research.

The plans must contain performance goals, interim performance goals, and time lines for progress. The methods of assessing the efficacy of the strategies must provide data regarding the impact of the strategies and whether they should be continued, modified, or terminated.

(C) The design for the early child development initiative must include:

(1) the formation and implementation of the parenting/family literacy component which addresses, but is not limited to, collaboration in each district with health and human service agencies, and adult education programs, as well as the other components of the early child development initiative;

(2) the development and implementation of a developmentally appropriate curriculum from early childhood education through grade three. Options available to districts and schools in designing the early childhood assistance component include:

(a) expanded kindergarten day;

(b) reduction in kindergarten pupil-teacher ratio;

(c) floating teachers in grades one through three assigned to work with students with academic difficulties;

(d) multiage grouping for four and five-year-olds;

(e) multiage grouping in the primary grades;

(f) extended day and/or weekend programs, or summer programs;

(g) additional slots in the half-day program for four-year-olds, and programs for three-year-olds; and

(h) alternatives to the listed options; and

(3) the establishment of activities for assisting children and their parents with the transitions between the various levels of schooling and phases of education.

(D) The design for the academic assistance component must address alternatives to year-long and pull-out remediation of students. Options available to districts and schools include:

(a) extended day and/or weekend programs;

(b) extended school year;

(c) tutorial programs;

(d) floating teachers assigned to work with students with academic difficulties;

(e) tutorials;

(f) class acceleration; and

(g) alternatives to the listed options.

Districts and schools may choose to target resources in certain grade levels or areas of learning but must have academic assistance plans both for preschool through grade three and for grades four through twelve.

(F) If alternatives to the listed options are chosen, it should be based on the needs assessment performed as a part of the district and school improvement plans and on strategies found to be effective in research.

(G) The school improvement council established in Section 59-20-60 shall assist in the development of the school plan required by this section and the plan and the annual updates must be a part of the school improvement report.

(H) Prior to implementation in 1994-95, the plan must be submitted to the State Department of Education to be subjected to a peer review process. The department shall implement a process whereby groups of peers are selected and provided appropriate reviewer training. Teams of peers must be convened for the purpose of reviewing the plans.

The peer review committee may approve, provisionally approve upon revisions of the plan in accordance with recommendations, or disapprove the plans. If the peer review committee disapproves the plan, the committee, in consultation with the State Department of Education staff, shall return the plan with specific recommendations and identify resources for technical assistance. Schools under deregulated status are exempt from the peer review process.

(I) Districts desiring to use the funds available to begin implementing an early childhood initiative and the academic assistance initiative for school year 1993-94 may request approval from the State Board of Education and for needed waivers from regulation, if the district has implemented a planning process consistent with the intent of this chapter and the district plan meets the criteria established for this section.

SECTION 59-139-11. Use of SACS Plan by Southern Association of Colleges and Schools accredited institutions.

A school accredited by the Southern Association of Colleges and Schools (SACS) may substitute the SACS five-year plan and annual updates for the comprehensive plan and updates required by Section 59-139-10(B), provided that all requirements for information and evaluation and the participation requirements for the community and School Improvement Council are met as mandated in Chapters 18 and 139 of Title 59. Beginning with 2001, with approval by the State Board of Education, a school district may request to have its combined strategic plan/accountability system cycle required by Chapters 18 and 139 adjusted to coincide with its schools' SACS review.

SECTION 59-139-15. Extension of completion dates of certain long-range, comprehensive plans.

Notwithstanding any other provision of law, the stipulated completion dates of the long-range, comprehensive plans required by Chapter 139 of Title 59 of the 1976 Code may be extended until the end of school year 1994-95 upon approval from the State Board of Education. Districts requesting such a waiver must outline how the extension will improve the planning and implementation of Act 135 of 1993 and provide the expected date of completion. Before implementation of the plans, the plans must be submitted to the State Department of Education to be subjected to the peer review process; districts wishing to submit their plans before the required or expected completion date may do so. For 1994-95 schools and districts shall implement strategies for academic assistance to students experiencing difficulties in kindergarten through grade twelve. For school year 1993-94, schools may submit either the improvement plans consistent with state department guidelines or its five-year plan.

SECTION 59-139-20. Appropriations for academic assistance initiative; uses of funds; matching of weighted pupil units.

Beginning in fiscal year 1994-95 in the annual general appropriations act, the General Assembly shall determine an appropriation level for the academic assistance initiative. The State Board of Education through the Department of Education shall promulgate regulations to implement a system to provide a pro rata matching of the weighted pupil units pursuant to Section 59-20-40 to the pupils in the districts of the State as follows:

(1) early childhood assistance for students in kindergarten through grade three who are eligible for the federal free- and reduced-price lunch program at a weight of .26;

(2) grade four through twelve academic assistance for students in these grades who score below minimum basic skills act standards in reading, mathematics, or writing, or their equivalent, at a weight of .114.

Funds generated by kindergarten through grade three students must be used by the districts and schools to provide to any student in these grades needed academic assistance. The assistance may be for short, intensive periods or for longer, on-going assistance as needed by each student. Based upon the district and school plans provided for in Section 59-139-10, a portion of these funds may be used to support other components of the early child development initiative in order to better prepare children for entering school. Further, districts may request a waiver from the State Board of Education to use a portion of the funds generated by students in kindergarten through grade three for students in grades four through twelve, if such a change promotes better coordination of state and federal funds provided for programs for these children.

Funds generated by students in grades four through twelve must be used to provide any student with needed academic assistance with an emphasis on assistance at the time of need and on accelerating the progress of students performing below their peers. The assistance may be for short, intensive periods or for longer, on-going assistance as needed by the student. Enhanced opportunities for learning must be emphasized. In reviewing the districts' plans, provided for in Section 59-139-10, the State Board of Education shall stress district and school flexibility in addressing student needs.

SECTION 59-139-30. Formula for allocating funds.

For fiscal year 1993-94, funds must be allocated to districts on the same percentage as they received funds for the Compensatory and Remedial Programs for 1992-93. By January 1, 1995, the Joint Legislative Committee to Study Formula Funding in Education Programs shall review and approve the allocation formula.

SECTION 59-139-40. Development of criteria for monitoring district and school plans and implementation.

By December, 1993, the State Board of Education, through the Department of Education and in consultation with the Education Oversight Committee, shall develop criteria for the monitoring of the district and school plans and the implementation of the plans required in this chapter.

SECTION 59-139-50. Development of plan for providing technical assistance to districts in designing and implementing plans.

By September, 1993, the Department of Education, in consultation with the State Board of Education and the Education Oversight Committee, shall develop a written plan outlining the process for providing technical assistance to districts in designing their overall plans and implementing those plans, including compiling and disseminating research on effective practice and contracting with recognized groups for providing expertise to the districts and schools in the areas addressed by this chapter.

SECTION 59-139-60. Evaluating fulfillment of purposes of chapter; assessments of students, schools, and districts; sharing of results.

The State Board of Education, through the State Department of Education and in consultation with the Education Oversight Committee, shall establish an assessment system to evaluate the degree to which the purposes of this chapter are met. To that end, the State Board of Education, through the Department of Education shall:

- (1) develop or adapt a developmentally appropriate assessment program to be administered to all public school students by the end of grade three that is designed to measure a student's strengths and weaknesses in skills required to perform academic work considered to be at the fourth grade level. Information on each student's progress and on areas in need of improvement must be provided to the student's parent and fourth grade teacher. Aggregated information on student progress must be given to the students' kindergarten through third grade schools so that deficiencies in the schools' academic programs can be addressed;
- (2) review the performance of students on the eighth grade basic skills assessment test and performance on the exit examination pursuant to Section 59-30-10, or their equivalent, for progress in meeting the skill levels required by these examinations. Student data must be aggregated by the schools the students attended so that programs' deficiencies can be addressed;
- (3) review the data on students overage for grade in each school at grades four and nine;
- (4) monitor the performance of schools and districts so that continuing weaknesses in the programs preparing students for the fourth grade, ninth grade, and exit examination shall receive special assistance from the Department of Education; and
- (5) propose other methods or measures for assessing how well the purposes of this chapter are met.

SECTION 59-139-70. Half-day program for four-year-olds to be maintained.

The half-day program for four-year-old children established in Section 59-19-340, must be maintained at no less than the 1993-94 level in each school district as funded by the General Assembly.

SECTION 59-139-80. Targeted technical assistance if goals and time lines are not met; assistance if progress lacking after two years.

If a review of a district's comprehensive plan indicates the goals and time lines established by the district are not being met, the Department of Education, after consultation with the district's administration, shall provide targeted technical assistance. If after two consecutive years, the district is not making progress toward achieving its goals, the State Board of Education, through the State Department of Education, shall enter into a partnership with the district board of trustees to review implementation of the district's comprehensive plan, make recommendations for improvement, and provide assistance in implementing the recommendations.

SECTION 59-139-90. Strategic plans to include goals and objectives for parent involvement.

The school and district strategic plans required in Section 59-139-10 must include the stated goals and objectives for parent involvement and the methods used for data collection to support statewide evaluation of parent involvement efforts.