

An Act

ENROLLED HOUSE
BILL NO. 2520

By: West (Tammy) and Hasenbeck
of the House

and

Pemberton of the Senate

An Act relating to schools; amending 70 O.S. 2011, Sections 1210.566, 1210.567, as amended by Section 25, Chapter 124, O.S.L. 2014 and 1210.568, as amended by Section 26, Chapter 124, O.S.L. 2014 (70 O.S. Supp. 2018, Sections 1210.567 and 1210.568), which relate to alternative education; modifying date of report; updating grades for reporting; removing certain data utilization for needs assessment; establishing deadline for district to develop and submit alternative education plan; removing requirement for submission of certain statewide plan; requiring incorporation of annual needs assessment data into certain annual report; directing the report be made available on the State Department of Education's website; providing for contents of report; removing language authorizing part-time enrollment of certain students in Internet-based courses; requiring additional compensation for certified alternative education teacher; requiring a person providing certain services in an alternative education program or school to be certified as a school counselor or mental health provider; removing requirement for certain consultation to promulgate rules; directing the Board to implement a statewide alternative education system beginning with certain school year; modifying requirement for districts to provide alternative education programs; modifying alternative education program requirements; altering deadline for program operation; changing alternative education funding calculation; directing the Department to designate certain percentage of funds for districts participating in cooperative

agreements; providing for allocation of funds not to exceed certain amount per district; providing for distribution of remaining funds; providing date by which elementary school districts may request waiver; requiring waiver request to include certain assurance; removing reference to automatic waiver; removing language directing the Board to contract for certain technical assistance; allowing the Board to create an evaluation schedule for certain programs; allowing the Board to contract with a technical assistance provider; authorizing Board to suspend funds under certain circumstances; directing districts participating in a cooperative agreement to send alternative education funding allocation to the cooperative; removing obsolete language; repealing 70 O.S. 2011, Sections 1210.561, 1210.562, 1210.565 and 1210.569, which relate to alternative education; providing an effective date; and declaring an emergency.

SUBJECT: Alternative education

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.566, is amended to read as follows:

Section 1210.566 A. Each year by ~~December 1~~ June 30, every school district that serves ~~middle school, junior high school and secondary school~~ students in grades seven through twelve as outlined in this section shall conduct and report to the State Department of Education a needs assessment to identify those students ~~in grades six through twelve~~ who are most at risk of not completing a high school education for a reason other than that identified in Section 13-101 of this title, including students under the age of nineteen (19) who reside in the district and have dropped out of school or are or have been suspended from school. ~~Districts shall utilize data and information from juvenile justice agencies and the Office of Accountability in conducting the needs assessments.~~ The results of the needs assessments shall be reported to the ~~State Department of Education~~ in a format specified by the Department.

B. ~~By May 1, 1995, every~~ Every school district as specified in subsection A of this section shall develop and submit to the ~~State Department of Education~~ by September 1 of each year a proposed plan approved by the district board of education, for meeting the needs of the students at risk of not completing a high school education as identified through the needs assessment required in subsection A of this section by establishing, continuing or expanding alternative education programs. The district shall include parents, students, teachers, law enforcement representatives, judicial system representatives, social service representatives, technology center school district representatives, and others deemed appropriate by the board of education in the development of the proposed plan. If the school district overlaps a technology center school district or districts, the plan shall be coordinated with the board of education of each overlapped technology center school district.

C. The proposed plan shall be placed on file at the office of the school district superintendent where it shall be made available to the public on request.

D. ~~By September 1, 1995, the State Board of Education shall prepare and submit to the Legislature and the Governor a proposed statewide plan, including a statement of needed funding, for the provision of alternative education to students in grades six through twelve who have been identified by school districts in their needs assessments as being at risk of not completing a high school education for a reason other than that identified in Section 13-101 of this title. The plan should include provisions for cooperative agreements to provide services for students in alternative education programs and coordination with the State Board of Career and Technology Education~~ The annual needs assessment data shall be incorporated by the State Board of Education into an annual report which shall be made available on the State Department of Education website. The report shall include a listing by school district of the number of students funded and the reported number of students served in an alternative education program.

SECTION 2. AMENDATORY 70 O.S. 2011, Section 1210.567, as amended by Section 25, Chapter 124, O.S.L. 2014 (70 O.S. Supp. 2018, Section 1210.567), is amended to read as follows:

Section 1210.567 A. Upon application of a district board of education, the State Board of Education shall authorize an abbreviated day schedule for an alternative school or alternative education program that is or will be administered by the district

pursuant to the provisions of this act or for the education provided for students in a residential or treatment facility located within the district. A student ~~assigned to the~~ enrolled in an alternative school, an alternative education program or receiving educational services in a residential or treatment facility within the district who attends for a full abbreviated day shall be counted in attendance for purposes of computing average daily attendance and average daily membership for the district.

~~B. A district board of education may authorize enrollment on a part-time basis utilizing Internet-based courses for students who have dropped out of school or are or have been suspended from school. State Aid shall be calculated for such students based upon the percentage of the total school day in which the student is enrolled multiplied by the appropriate grade level weight pursuant to Section 18-201.1 of this title, provided such student was enrolled at any time in a public school in this state during the previous three (3) school years.~~

~~C. A district board of education shall hire only certified teachers to teach in an alternative education program or alternative education school offered by the district or to teach students who are in a residential or treatment facility.~~

C. A certified teacher in an alternative education program or school shall be paid five percent (5%) more than the designated salary step for that teacher within the adopted salary schedule of the school district.

~~D. No later than August 1, 1994, the~~ A person providing counseling or social services in an alternative education program or school shall be certified as a school counselor by the State Board of Education or as a mental health provider.

E. The State Board of Education in consultation with the Oklahoma Commission for Teacher Preparation shall promulgate rules by which a certified teacher who is qualified to teach in an alternative education program or alternative school as determined by the district board of education offering the alternative education program or alternative school or who teaches students in a residential or treatment facility may be certified to teach subjects in which the teacher does not hold certification. The rules shall provide:

1. The certification may be granted only upon application of a district board of education offering an alternative education program or alternative school pursuant to the provisions of this act or upon application of a district board of education offering a residential or treatment facility; and

2. The teacher's certification in subjects in which the teacher does not otherwise hold certification pursuant to the provisions of this section shall be valid only for purposes of teaching in the alternative education program or alternative school offered by the district board or in a residential or treatment facility located within the district making application.

SECTION 3. AMENDATORY 70 O.S. 2011, Section 1210.568, as amended by Section 26, Chapter 124, O.S.L. 2014 (70 O.S. Supp. 2018, Section 1210.568), is amended to read as follows:

Section 1210.568 A. 1. Beginning with the first semester of the 1996-1997 school year, the State Board of Education shall implement a statewide system of alternative education programs which shall be phased-in within seven (7) years. The statewide system shall include but not be limited to Alternative Approaches grant programs, funded pursuant to Section 1210.561 of this title, and alternative academies or alternative programs implemented pursuant to this section.

2. Beginning with the first semester of the 2020-2021 school year, the State Board of Education shall implement a statewide system of alternative education. The statewide system shall include alternative education programs implemented pursuant to this section.

~~B. Beginning with the first semester of the 2002-2003 school year, all~~ All school districts of this state servicing students in grades seven through twelve shall provide alternative education programs that conform to the requirements of statutes and rules applicable to alternative education. A program shall:

1. Allow class sizes and student/teacher ratios which are conducive to effective learning for at-risk students;

2. Incorporate appropriate structure, curriculum, and interaction and reinforcement strategies designed to provide effective instruction;

3. Include an intake and screening process to determine eligibility of students;

4. Demonstrate that teaching faculty are appropriately certified teachers;

5. Demonstrate that teaching faculty have been selected on the basis of a record of successful work with at-risk students or personal and educational factors that qualify them for work with at-risk students;

6. Reflect appropriate collaborative efforts with state agencies and local agencies serving youth;

7. Provide courses that meet the academic curricula standards adopted by the State Board of Education and additional remedial courses;

8. Offer individualized instruction;

9. State clear and measurable program goals and objectives;

10. Include counseling and social services components ~~with the provision that providers of services are not required to be certified as school counselors;~~

11. Require a plan leading to graduation be developed for each student in the program which will allow the student to participate in graduation exercises ~~for at the sending school or district~~ after meeting the requirements of the school district as specified in the individual graduation plan for that student; ~~provided, for students who enter the ninth grade in or prior to the 2007-08 school year, the graduation plan shall specifically address whether the student is required to meet the graduation requirements established in Section 11-103.6 of this title~~ required by this paragraph shall not be separate from the plan required by Section 1210.508-4 of this title;

12. Offer life skills instruction;

13. Provide opportunities for hands-on arts education to students, including ~~Artists in Residence~~ artist residency programs coordinated with the Oklahoma Arts Council;

14. Provide a proposed annual budget;

~~15. Include an evaluation component including an annual written self-evaluation;~~

~~16.~~ Be appropriately designed to serve middle school, junior high school and ~~secondary~~ high school students in grades ~~six~~ seven through twelve who are most at risk of not completing a high school education for a reason other than that identified in Section 13-101 of this title; and

~~17.~~ 16. Allow students in the alternative education program, who otherwise meet all of the participation requirements, to participate in vocational programs and extracurricular activities at the sending school or district, including but not limited to athletics, band, and clubs.

C. The alternative education program of a school district shall be operational and serving students by ~~September 15~~ September 1 of each school year.

D. 1. Each alternative education program of a school district shall receive funding based on the ~~combined number of dropouts and students within the district who have been referred to a county juvenile service unit, a county juvenile bureau or who have been committed to the custody of the Office of Juvenile Affairs.~~ Each alternative education program shall receive incentive funding as follows:

~~1. For the first year of operation, One Thousand Dollars (\$1,000.00) per student;~~

~~2. For the second year of operation, Seven Hundred Fifty Dollars (\$750.00) per student; and~~

~~3. For the third year of operation and each year thereafter, Seven Hundred Dollars (\$700.00) per student~~ average daily membership (ADM) of students served by an alternative education program in the prior school year according to the annual statistical report conducted by the State Department of Education. The per-student funding amount shall be based on the funding available for the program each fiscal year.

2. Of the funding available for alternative education programs each fiscal year, the State Department of Education shall designate up to fifteen percent (15%) for districts participating in

cooperative agreements for alternative education services, which shall be allocated on a pro rata basis as an incentive to each participating district. The incentive amount received by each district for participating in a cooperative agreement shall not exceed Six Thousand Dollars (\$6,000.00) per fiscal year and shall be in addition to the per-student funding amount required by paragraph 1 of this subsection. Any funds remaining after allocations required by this paragraph are made shall be distributed to districts in accordance with paragraph 1 of this subsection.

~~3. Statewide alternative education funding shall not be used to supplant existing school district resources or to support programs that do not meet all the criteria for the statewide alternative education system. No alternative education program shall receive less than a total of Ten Thousand Dollars (\$10,000.00) per school year.~~

~~E. By September 15 of each school year, all~~ All statewide alternative education funds received and expended for students participating in an alternative education program shall be reported to the State Department of Education by major object codes and by program classifications pursuant to the Oklahoma Cost Accounting System as adopted by the State Board of Education pursuant to Section 5-135 of this title.

~~F. Elementary school districts, as defined in Section 5-103 of this title, may request a waiver by May 15 of each year from the State Board of Education from the requirements of this section to implement and provide an alternative education program. Any elementary school district that has not received funding pursuant to the provisions of subsection D of this section request for a waiver shall be automatically granted a waiver accompanied by an assurance that the school district does not have students in need of alternative education services. If a school district is granted a waiver, no statewide alternative education funding shall be allocated to the district.~~

~~G. 1. The State Board of Education shall contract for technical assistance for operation of an Alternative Education Technical Assistance Center. The technical assistance provider shall be an entity located in Oklahoma that has been officially recognized by the United States Department of Education to assess and facilitate dissemination of validated educational programs in Oklahoma. The technical assistance provider shall have priority, if its operations are deemed satisfactory by the State Board of~~

~~Education and if funds are available, for annual renewal of the contract.~~

~~2. The duties of the technical assistance provider shall include, but shall not be limited to:~~

- a. ~~providing~~ provide initial and ongoing training of personnel who will educate at-risk populations through alternative education programs,
- b. ~~providing~~ provide technical assistance to school districts to enhance the probability of success of their alternative education programs,
- c. ~~evaluating~~ evaluate state-funded alternative education programs,
- d. ~~reporting to the State Board of Education~~ report the evaluation results of state-funded alternative education programs, and
- e. ~~providing~~ provide in-depth program analysis and evaluation of state-funded alternative education programs.

2. The State Board of Education may create an evaluation schedule for effective and highly effective programs, requiring them to be evaluated not less than once every three (3) years.

3. The State Board of Education may contract with a technical assistance provider in order to meet the requirements of this subsection.

4. The State Board of Education shall ~~not provide funding to~~ have the authority to suspend funds for an alternative education program that does not ~~receive a recommendation for continued funding in the evaluation provided for in this subsection~~ meet the requirements of subsection B of this section. Provided, any school district ~~not receiving such a recommendation for continued funding under consideration for suspension of funds~~ may request a hearing before the Board with a review of the evaluation prior to the Board's final determination.

H. All alternative education programs shall be subject to statutes and rules applicable to alternative education, including

any exemptions from statutory or regulatory requirements authorized by statutes or rule.

I. An alternative education program may be offered by an individual school district or may be offered jointly by school districts that have formed interlocal cooperative agreements pursuant to Section 5-117b of this title. Any school district submitting a plan for an alternative education program serving fewer than ten students shall enter into a cooperative agreement with another school district to jointly provide the program unless the program has been granted a waiver from this requirement by the State Board of Education. A school district participating in a cooperative agreement shall be required to send its alternative education funding allocation to the cooperative.

J. Any materials or equipment purchased by a school district with revenue received for students participating in an alternative education program shall be used only in or directly for the alternative education program offered by the district or any subsequent alternative education program offered to students enrolled in that district. Such materials and equipment shall be made available exclusively to alternative education students during the hours that the alternative education program is operating; provided, the material or equipment may be used for other purposes when the alternative education program is not operating.

~~K. Upon implementation of this subsection as provided for in subsection M of this section and contingent upon the provision of appropriated funds designated for such purpose, all school districts in the state providing alternative education programs as required in subsection B of this section shall expand the programs to include middle school-grade students. The program shall conform to the requirements of subsection B of this section.~~

~~L. Upon implementation of this subsection as provided for in subsection M of this section and contingent upon the provision of appropriated funds designated for such purpose, each urban school district identified by the State Department of Education as having a high population of elementary grade students who are at-risk and in need of alternative education shall provide elementary level alternative education programs. The State Department of Education shall establish requirements for the programs. For purposes of this section, "urban school district" means a school district with an average daily membership of thirty thousand (30,000) or more.~~

~~M. Implementation of subsections K and L of this section shall be delayed until the current expenditure per pupil in average daily attendance in public elementary and secondary schools in unadjusted dollars for the 1998-99 school year or any school year thereafter for Oklahoma, as reported by the National Center for Education Statistics annually in the Digest of Education Statistics, reaches at least ninety percent (90%) of the regional average expenditure for that same year, and funds are provided. For purposes of this subsection, the regional average expenditure shall consist of the current expenditure per pupil in average daily attendance in public elementary and secondary schools in unadjusted dollars for each of the following states: Arkansas, Colorado, Kansas, Missouri, New Mexico, Oklahoma, and Texas, averaged together. By January 1 of each year, the State Board of Education shall report whether or not the ninety-percent expenditure level has been reached based on information reported annually in the Digest of Education Statistics by the National Center for Education Statistics. Subsections K and L of this section shall be implemented on July 1 after the first January 1 report verifies that the ninety-percent expenditure level has been reached and funds have been provided for the specific purposes of this section.~~

SECTION 4. REPEALER 70 O.S. 2011, Sections 1210.561, 1210.562, 1210.565 and 1210.569, are hereby repealed.

SECTION 5. This act shall become effective July 1, 2019.

SECTION 6. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 9th day of May, 2019.

Presiding Officer of the House
of Representatives

Passed the Senate the 22nd day of April, 2019.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____