

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 35. STANDARDS FOR ACCREDITATION OF ELEMENTARY, MIDDLE
LEVEL, SECONDARY, AND CAREER AND TECHNOLOGY SCHOOLS**

**SUBCHAPTER 29. ALTERNATIVE EDUCATION ACADEMIES, PROGRAMS, AND
SCHOOLS**

210:35-29-2. Definitions

The following words and terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise.

"Alternative Education" means an educational process incorporating appropriate structure, curriculum, interaction, and reinforcement strategies to stimulate learning with students who have not utilized their capacity to do so within traditional educational settings. Alternative education programs must meet all requirements listed at 70 O.S. § 1210.568 and at section 210:35-29-7 of this title.

"Abbreviated school day" means, for purposes of an alternative education program approved by the State Board of Education:

(A) A school day which consists of not less than four (4) hours and twelve (12) minutes per day devoted to academic instruction for the locally approved ~~180 day~~ school calendar, provided that student(s) must be physically present, in person, and on site in the alternative education program for a minimum of 4 hours and 12 minutes a day or 756 hours in a 165 day calendar as indicated in the Alternative Education Plan; or

(B) A school day which may consist of less than four (4) hours and twelve (12) minutes per day devoted to academic instruction, provided that students in alternative education programs ~~receive~~ are present on site for at least seven hundred fifty-six (756) hours of academic instruction per school year. A school district that chooses the total instructional hours scheduling approach for its alternative education program must notify the State Board of Education by ~~September 15~~ September 1 of each applicable school year.

"Academic instruction" means, for purposes of an alternative education program approved by the State Board of Education:

(A) Instruction in any subject offered by the school district for core or elective credit, whether part of the standard educational program or offered specifically to students in the alternative education program;

(B) Instruction in any subject offered for credit through a technology center or through concurrent enrollment at a college or university; and

(C) Participation in programs and activities that are part of the school district or interlocal cooperative's approved Alternative Education Implementation Plan and are intended to fulfill the requirements for alternative education programs, including counseling, life skills instruction, concurrent enrollment, work study, and other content approved by the State Board of Education.

"At-risk student" means a student whose present or expected status indicates they might fail to complete their secondary education for reasons which may include academic deficiency, behavioral difficulties, excessive absences, pregnancy or parenting, family issues, substance abuse, financial issues, physical or mental health issues, juvenile justice involvement, or other such factors, not including disability status.

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210:35-29-6. Personnel: certification; criminal record searches

Special rules that pertain to alternative education academies, programs and schools are:

(1) Teachers must be certified teachers but are not restricted to grade-specific or subject-specific areas. Assignment out of regular subject area(s) or grade level(s) certification requires State Department of Education approval. (70 O.S., ~~Supp. 1994, Section~~

§ 1210.567]

(2) A certified teacher must be physically present, in-person, and be present in the Alt Ed classroom for all program hours identified in the alternative education plan.

(3) Administrators must be certified school administrators but are not restricted to specific grade levels. Assignment out of grade levels certification requires State Department of Education approval.

(4) A criminal record search must be conducted on all personnel currently employed or to be employed in alternative education academies, programs, and schools.

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210:35-29-8. Requirements for alternative education programs

(a) **General requirements.** Alternative education is an educational process incorporating appropriate structure, curriculum, interaction, and reinforcement strategies to stimulate learning with students who are at risk of failing to complete their secondary education for reasons which may include academic deficiency, behavioral difficulties, excessive absences, pregnancy or parenting, family issues, substance abuse, financial issues, physical or mental health issues, state custody, juvenile justice involvement, and/or other such factors, not including disability status. An alternative education program must provide the additional services and supports outlined in statute, and not merely an opportunity for credit recovery. To qualify as an approved alternative education program, a school district's alternative school or alternative education program must meet all requirements listed at 70 O.S. § 1210.568, including:

- (1) Student-teacher ratios conducive to effective learning for at-risk students, which typically should not exceed a 15:1 student to teacher ratio;
- (2) Appropriate structure, curriculum, interaction, and reinforcement strategies for effective instruction, including:
 - (A) Utilize attendance, academic, and behavior data for program improvement, and
 - (B) Utilize a system of student support such as RTI, PBIS, or MTSS;
- (3) An intake and screening process to determine eligibility of students, including:
 - (A) Students are involved in enrolling in the program such that the program is accurately described as a “school of choice,” and
 - (B) An “at-risk” assessment should be used to determine eligibility in the program;
- (4) Appropriately certified teaching faculty, which means that a certified teacher is present in the Alt Ed classroom for all program hours identified in the alternative education plan;
- (5) Teaching faculty with experiences or personal traits that qualify them for successful work with at-risk students, including
 - (A) At least one representative of the district’s alternative education program must attend at least one of the Fall regional meetings at the State Department of Education, and
 - (B) Professional development intentionally designed to support alternative education is used to improve instruction and student success;
- (6) Collaboration with state and local agencies;
- (7) Courses that meet the curricular standards adopted by the State Board of Education and additional remedial courses;
- (8) Individualized instruction;
- (9) Clear and measurable program goals and objectives;
- (10) Counseling and social service components, including:
 - (A) Students meet with licensed/certified counselor(s) at least twice a month in a group or individual setting
 - (B) An “at-risk” assessment is used to determine social service needs

(C) Counseling and social service agencies are an integral part of the alternative education program. Alternative Education programs engage with these agencies to provide additional student supports;

(11) Graduation plan for each student;

(12) Life skills instruction, which should be integrated weekly to include long term transition to self-sufficiency, employment, or financial stability for adult life;

(13) Opportunities for arts education, which must be infused into the academic curriculum at least monthly;

(14) A proposed annual budget;

~~(15) An evaluation component that includes an annual written self evaluation;~~

~~(16)~~(15) Service to students in grades ~~six (6)~~ seven (7) through twelve (12) who are most at risk of not completing high school for reasons other than disability, including

(A) Allocating adequate funding and resources to support and protect the integrity of the program; and

(B) Providing Alternative Education students standard services including but not limited to physical classroom space, library access, school nutrition, and transportation; and

~~(17)~~(16) Opportunities for student participation in vocational programs and extra-curricular activities such as athletics, band, and clubs.

(b) **Submission of alternative education plan.** ~~Each~~ Every school district shall submit and certify an Alternative Education Implementation Plan to the State Department of Education by September ~~15~~ of each year. This plan shall outline how the district will meet the criteria listed in subsection (a) to serve its at-risk students. The plan must be submitted and certified by school districts providing their own alternative education programs, as well as districts which offer alternative education through interlocal cooperative arrangements, and districts which have no alternative education program and receive no alternative education funding.

~~(c) **Alternative education waiver available for elementary school districts.** For an elementary school district, which does not offer high school grades, the State Board of Education is authorized at 70 O.S. § 1210.568(F) to grant a waiver from the statutory requirement to implement and provide an alternative education program. An elementary school district wishing to request such a waiver must submit an application to the State Department of Education Office of Accreditation no later than May 15 prior to the school year for which the waiver is requested. An elementary school district that has not received any alternative education funding pursuant to 70 O.S. § 1210.568 shall be granted this waiver automatically and need not apply, but an elementary district that has received any amount of alternative education funding must apply for the waiver by May 15 prior to the applicable school year in order to be exempt from implementing an alternative education program.~~

(d) **Deregulation not necessary for conforming alternative education programs.** A school district need not apply to the State Board of Education for a deregulation in order to implement an alternative education program that meets all requirements listed in this subchapter and at 70 O.S. § 1210.566 through 70 O.S. § 1210.568.

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210:35-29-9. Requirements for incentive amount for participating in a cooperative agreement

In order to be eligible for an allocation for participating in a cooperative agreement, districts must send students to the cooperative agreement's local education agency (LEA) for alternative education. Districts who do not send any students to a cooperative agreement's LEA for two years in a row are deemed no longer part of the cooperative agreement and are ineligible for the incentive amount.