JOY HOFMEISTER
STATE SUPERINTENDENT *of* PUBLIC INSTRUCTION
OKLAHOMA STATE DEPARTMENT *of* EDUCATION

MEMORANDUM

TO: The Honorable Members of the State Board of Education

FROM: Joy Hofmeister

DATE: June 27, 2019

SUBJECT: Statutory Waiver Concerning Cooperative Agreements for Alternative Education Programs.

The following schools are requesting a statutory waiver of 70 O.S. § 1210.568, which requires them to enter into a cooperative agreement with another school district if enrollment in their alternative education program is less than ten (10) students. Approval is recommended.

County	District	Waiver Year (Total)
Caddo	Hydro-Eakly	2 of 2

* The number in the County category represents the Congressional District. See the attached map.

Ab
Attachments

2500 North Lincoln Boulevard, Oklahoma City, OK 73105-4599 • (405) 521-3301 • Joy.Hofmeister@sde.ok.gov

Section 915. Alternative Education Programs - Statewide System.

A. 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.

B. Beginning with the first semester of the 2002-2003 school year, all school districts of this state 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 licensed or 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 the school 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 plan shall specifically address whether the student is required to meet the graduation requirements established in Section 11-103.6 of this title;
12. Offer life skills instruction;
13. Provide opportunities for arts education to students, including Artists in Residence 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 school 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; and
17. Allow students in the alternative education program, who otherwise meet all of the participation requirements, to participate in vocational programs and extracurricular activities, 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 of each school year.

D. 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.

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

3. The State Board of Education shall not provide funding to an alternative education program that does not receive a recommendation for continued funding in the evaluation provided for in this subsection. Provided, any school district not receiving such a recommendation for continued funding 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.

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.
(70-1210.568)

Oklahoma Congressional Districts
2012 - 2020 Elections

LEGEND

Congressional Districts

- 1
- 2
- 3
- 4
- 5
- Counties

N 0 25 50 100 Miles

Oklahoma House of Representatives, GIS Office

SCHOOL SITE STATUTORY WAIVER/DEREGULATION APPLICATION
for 20 19 – 20 20 school year

Caddo	Hydro-Eakly	
COUNTY	SCHOOL DISTRICT	
407 East 7th Street	Hydro	73048
SCHOOL DISTRICT MAILING ADDRESS	CITY	ZIP CODE

Hydro-Eakly High School
NAME OF SITE

Lora Burch — 6-10-19
PRINCIPAL SIGNATURE* — DATE

RECEIVED JUN 12 2019

PRINCIPAL SIGNATURE* — DATE

PRINCIPAL SIGNATURE* — DATE

Jeremy Bussey
SUPERINTENDENT NAME (PLEASE PRINT)

jbussey@hydroeakly.k12.ok.us
SUPERINTENDENT E-MAIL ADDRESS

SUPERINTENDENT SIGNATURE* — 6/10/19 DATE

I hereby certify that this waiver/deregulation application was approved by our local board of education at the meeting on June 10, 20 19

BOARD PRESIDENT SIGNATURE*

NOTARY SEAL →

Mindy King — 6/10/19
NOTARY — DATE

7/17/2022
COMMISSION EXPIRATION DATE

MINDY KING NOTARY #18007055 EXP. 07-17-2022 STATE OF OKLAHOMA

Statute/Oklahoma Administrative Code to be Waived: 70 O.S. § 1210.568
(specify statute or OAC (deregulation) number(s) – see instructions)

*Original signatures are required. The attached questionnaire must be answered to process.**

THE WAIVER/DEREGUALTION IS REQUESTED FOR:

___ One Year Only

✔ Three Years*

*Please see instruction page for additional requirements for a three year request

SDE USE ONLY

PROJECT YEARS
2 of 2

ENROLLMENT

___ High School

___ Jr./Middle High

___ Elementary

442 **District Total**

6-12-19
DATE RECEIVED

70 O.S. 1210.568

OAC ___

Coop-Agreement
NAME OF WAIVER

A. Reason for the waiver/deregulation request (be specific).

The number of alternative education students currently enrolled in our program has dropped below ten students. We have developed a successful alternative education program over the last few years, in part due to the relationships that we have with our students in our small school. We want to continue serving our at-risk students without COOPing with another school district. We anticipate serving six students for the 2019-2020 school year.

B. List alternate strategies/plans which the district/site proposes, and how this plan will best serve the students of your district, i.e., a description of the educational benefits to the students and learning achievement.

The alternative education program students will complete online digital curricula under the guidance of an experienced alternative education teacher to satisfy course requirements. The certified teacher assigned to these students has previous experience with at-risk youth at our school and in a juvenile detention facility. In addition, the online curriculum vendor will provide a certified teacher for each course and teachers from our traditional high school will be available to assist students. This educational team and method has proven be successful for our district in recent years.

C. Educational impact to the district: Results of the Statutory Waiver/Deregulation, i.e., effect on student performance levels, impact of plan on other sites in the district.

Maintaining a local alternative educational program will provide opportunies for at-risk students to graduate with the support of faculty and administrators who are familiar with each student's background and abilities. We will continue to provide support from our teachers of the traditional classroom, career and guidance counseling, and transportation to the career tech center for job training.

D. Timeline: Please submit class schedule, calendars, assessment forms and other attachments as necessary, or described in instructions.

A waiver/deregulation can be granted for up to 3 years. (Please see instructions for additional requirements)

The program follows the district's school calendar. The hours of operation are 7:50 AM to 12: 30 PM. The students are transported to career tech for afternoon classes.

E. Any financial impact to the District (positive or negative) for the proposed waiver/deregulation.

The district will spend approximately $15,000 for online curriculum and $25,000 for the alternative education teacher's salary.

F. Describe method of assessment or evaluation of effectiveness of the plan.

Throughout the school year, the success of the alternative education program is determined by course completion and proficiency levels. Graduation rates, progress made toward graduation, career tech program certification, and college entrance exam scores are also used to evaluate the effectiveness of the program.

** You will be contacted if more information is needed to process this request.

HYDRO-EAKLY PUBLIC SCHOOLS

Challenging Students to Achieve a Productive Future of Excellence!

Jeremy Bussey
Superintendent

Lora Burch
Secondary Principal

Jeremy Tharp
Elementary Principal

06/10/19

To Whom It May Concern:

Hydro-Eakly Public Schools (08-011) requests a waiver of 70 O.S. § 1210.568 requiring a public school serving fewer than 10 alternative education students to form a COOP with other districts. Our program is now serving five students, but we feel that they are best served at our site through our established and successful alternative education program under the supervision of an experienced alternative education instructor. We are willing to incur any additional costs associated with maintaining this program because it is in the best interest of our students.

Thank you for considering this request.

Sincerely,

Jeremy Bussey, Superintendent

407 East 7th Street, Hydro, OK 73048 Phone: 405-663-2246 Fax: 405-663-2139