

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 2520

By: West (Tammy)

4  
5 AS INTRODUCED

6 An Act relating to schools; amending 70 O.S. 2011,  
7 Sections 1210.566, 1210.567, as amended by Section  
8 25, Chapter 124, O.S.L. 2014 and 1210.568, as amended  
9 by Section 26, Chapter 124, O.S.L. 2014 (70 O.S.  
10 Supp. 2018, Sections 1210.567 and 1210.568), which  
11 relate to alternative education; modifying date of  
12 report; updating grades for reporting; clarifying  
13 office for data utilization; establishing deadline  
14 for district to develop and submit alternative  
15 education plan; requiring incorporation of annual  
16 needs assessment data into annual report; mandating  
17 report be available on State Department of Education  
18 website; providing for contents of report; directing  
19 State Board of Education to promulgate rules;  
20 prescribing Board implement statewide alternative  
21 education system; listing beginning date; requiring  
22 certain school districts to provide alternative  
23 education programs; modifying alternative education  
24 funding calculation; removing incentive funding  
provisions; striking minimum funding requirement;  
authorizing elementary schools to request waiver;  
setting deadline for waiver request; requiring waiver  
to include certain assurance; deleting automatic  
waiver; permitting Board to contract with technical  
assistance provider; authorizing Board to suspend  
funds; providing hearing for certain school district;  
mandating cooperative agreement for certain school  
districts; directing cooperating districts to send  
state funding allocation to the cooperative; deleting  
obsolete language; repealing 70 O.S. 2011, Sections  
1210.561, as amended by Section 1, Chapter 364,  
O.S.L. 2001, 1210.562, 1210.565 and 1210.569 (70 O.S.  
Supp. 2018, Section 1210.561), which relate to  
alternative education; providing an effective date;  
and declaring an emergency.

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

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

4 Section 1210.566 A. Each year by ~~December 1~~ June 30, every  
5 school district that serves ~~middle school, junior high school and~~  
6 ~~secondary school~~ students in grades six through twelve as outlined  
7 in this section shall conduct and report to the State Department of  
8 Education a needs assessment to identify those students ~~in grades~~  
9 ~~six through twelve~~ who are most at risk of not completing a high  
10 school education for a reason other than that identified in Section  
11 13-101 of this title, including students under the age of nineteen  
12 (19) who reside in the district and have dropped out of school or  
13 are or have been suspended from school. Districts shall utilize  
14 data and information from juvenile justice agencies and the ~~Office~~  
15 ~~of Accountability~~ State Department of Education office of  
16 accountability in conducting the needs assessments. The results of  
17 the needs assessments shall be reported to the ~~State~~ Department of  
18 ~~Education~~ in a format specified by the Department.

19 B. ~~By May 1, 1995, every~~ Every school district as specified in  
20 subsection A of this section shall develop and submit to the ~~State~~  
21 Department of ~~Education~~ by September 15 of each year a proposed plan  
22 approved by the district board of education, for meeting the needs  
23 of the students at risk of not completing a high school education as  
24 identified through the needs assessment required in subsection A of

1 this section by establishing, continuing or expanding alternative  
2 education programs. The district shall include parents, students,  
3 teachers, law enforcement representatives, judicial system  
4 representatives, social service representatives, technology center  
5 school district representatives, and others deemed appropriate by  
6 the board of education in the development of the proposed plan. If  
7 the school district overlaps a technology center school district or  
8 districts, the plan shall be coordinated with the board of education  
9 of each overlapped technology center school district.

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

13 ~~D. By September 1, 1995, the State Board of Education shall~~  
14 ~~prepare and submit to the Legislature and the Governor a proposed~~  
15 ~~statewide plan, including a statement of needed funding, for the~~  
16 ~~provision of alternative education to students in grades six through~~  
17 ~~twelve who have been identified by school districts in their needs~~  
18 ~~assessments as being at risk of not completing a high school~~  
19 ~~education for a reason other than that identified in Section 13-101~~  
20 ~~of this title. The plan should include provisions for cooperative~~  
21 ~~agreements to provide services for students in alternative education~~  
22 ~~programs and coordination with the State Board of Career and~~  
23 ~~Technology Education. The annual needs assessment data shall be~~  
24 ~~incorporated by the State Board of Education into an annual report~~

1 which shall be made available on the State Department of Education  
2 website. The report shall include a listing by school district of  
3 the number of students funded and the reported number of students  
4 served in an alternative education program.

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

8 Section 1210.567 A. Upon application of a district board of  
9 education, the State Board of Education shall authorize an  
10 abbreviated day schedule for an alternative school or alternative  
11 education program that is or will be administered by the district  
12 pursuant to the provisions of this act or for the education provided  
13 for students in a residential or treatment facility located within  
14 the district. A student assigned to the alternative school, an  
15 alternative education program or receiving educational services in a  
16 residential or treatment facility within the district who attends  
17 for a full abbreviated day shall be counted in attendance for  
18 purposes of computing average daily attendance and average daily  
19 membership for the district.

20 B. A district board of education may authorize enrollment on a  
21 part-time basis utilizing Internet-based courses for students who  
22 have dropped out of school or are or have been suspended from  
23 school. State Aid shall be calculated for such students based upon  
24 the percentage of the total school day in which the student is

1 enrolled multiplied by the appropriate grade level weight pursuant  
2 to Section 18-201.1 of this title, provided such student was  
3 enrolled at any time in a public school in this state during the  
4 previous three (3) school years.

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

9 D. ~~No later than August 1, 1994, the~~ The State Board of  
10 Education ~~in consultation with the Oklahoma Commission for Teacher~~  
11 ~~Preparation~~ shall promulgate rules by which a certified teacher who  
12 is qualified to teach in an alternative education program or  
13 alternative school as determined by the district board of education  
14 offering the alternative education program or alternative school or  
15 who teaches students in a residential or treatment facility may be  
16 certified to teach subjects in which the teacher does not hold  
17 certification. The rules shall provide:

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

23 2. The teacher's certification in subjects in which the teacher  
24 does not otherwise hold certification pursuant to the provisions of

1 this section shall be valid only for purposes of teaching in the  
2 alternative education program or alternative school offered by the  
3 district board or in a residential or treatment facility located  
4 within the district making application.

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

8 Section 1210.568 A. Beginning with the first semester of the  
9 ~~1996-1997~~ 2019-2020 school year, the State Board of Education shall  
10 implement a statewide system of alternative education ~~programs which~~  
11 ~~shall be phased in within seven (7) years.~~ The statewide system  
12 shall include ~~but not be limited to Alternative Approaches grant~~  
13 ~~programs, funded pursuant to Section 1210.561 of this title, and~~  
14 ~~alternative academies or~~ alternative education programs implemented  
15 pursuant to this section.

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

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

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- 1        2. Incorporate appropriate structure, curriculum, and  
2 interaction and reinforcement strategies designed to provide  
3 effective instruction;
- 4        3. Include an intake and screening process to determine  
5 eligibility of students;
- 6        4. Demonstrate that teaching faculty are appropriately  
7 certified teachers;
- 8        5. Demonstrate that teaching faculty have been selected on the  
9 basis of a record of successful work with at-risk students or  
10 personal and educational factors that qualify them for work with at-  
11 risk students;
- 12       6. Reflect appropriate collaborative efforts with state  
13 agencies and local agencies serving youth;
- 14       7. Provide courses that meet the academic curricula standards  
15 adopted by the State Board of Education and additional remedial  
16 courses;
- 17       8. Offer individualized instruction;
- 18       9. State clear and measurable program goals and objectives;
- 19       10. Include counseling and social services components with the  
20 provision that providers of services are not required to be  
21 certified as school counselors;
- 22       11. Require a plan leading to graduation be developed for each  
23 student in the program which will allow the student to participate  
24 in graduation exercises for the school district after meeting the

1 requirements of the school district as specified in the individual  
2 graduation plan for that student; provided, for students who enter  
3 the ninth grade in or prior to the 2007-08 school year, the plan  
4 shall specifically address whether the student is required to meet  
5 the graduation requirements established in Section 11-103.6 of this  
6 title;

7 12. Offer life skills instruction;

8 13. Provide opportunities for arts education to students,  
9 including Artists in Residence programs coordinated with the  
10 Oklahoma Arts Council;

11 14. Provide a proposed annual budget;

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

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

19 17. Allow students in the alternative education program, who  
20 otherwise meet all of the participation requirements, to participate  
21 in vocational programs and extracurricular activities, including but  
22 not limited to athletics, band, and clubs.

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

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

11 1. ~~For the first year of operation, One Thousand Dollars~~  
12 ~~(\$1,000.00) per student;~~

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

15 3. ~~For the third year of operation and each year thereafter,~~  
16 ~~Seven Hundred Dollars (\$700.00) per student~~ enrolled in alternative  
17 education programs according to the October 1 consolidated report  
18 conducted by the State Department of Education. The per student  
19 funding amount shall be based on the funding available for the  
20 program each fiscal year. Statewide alternative education funding  
21 shall not be used to supplant existing school district resources or  
22 to support programs that do not meet all the criteria for the  
23 statewide alternative education system. ~~No alternative education~~

1 ~~program shall receive less than a total of Ten Thousand Dollars~~  
2 ~~(\$10,000.00) per school year.~~

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

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

21 G. 1. The State Board of Education shall ~~contract for~~  
22 ~~technical assistance for operation of an Alternative Education~~  
23 ~~Technical Assistance Center.~~ ~~The technical assistance provider~~  
24 ~~shall be an entity located in Oklahoma that has been officially~~

1 ~~recognized by the United States Department of Education to assess~~  
2 ~~and facilitate dissemination of validated educational programs in~~  
3 ~~Oklahoma. The technical assistance provider shall have priority, if~~  
4 ~~its operations are deemed satisfactory by the State Board of~~  
5 ~~Education and if funds are available, for annual renewal of the~~  
6 ~~contract.~~

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

- 9 a. ~~providing~~ provide initial and ongoing training of  
10 personnel who will educate at-risk populations through  
11 alternative education programs,
- 12 b. ~~providing~~ provide technical assistance to school  
13 districts to enhance the probability of success of  
14 their alternative education programs,
- 15 c. ~~evaluating~~ evaluate state-funded alternative education  
16 programs,
- 17 d. ~~reporting to the State Board of Education~~ report the  
18 evaluation results of state-funded alternative  
19 education programs, and
- 20 e. ~~providing~~ provide in-depth program analysis and  
21 evaluation of state-funded alternative education  
22 programs.

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

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

13        H. All alternative education programs shall be subject to  
14 statutes and rules applicable to alternative education, including  
15 any exemptions from statutory or regulatory requirements authorized  
16 by statutes or rule.

17        I. An alternative education program may be offered by an  
18 individual school district or may be offered jointly by school  
19 districts that have formed interlocal cooperative agreements  
20 pursuant to Section 5-117b of this title. Any school district  
21 submitting a plan for an alternative education program serving fewer  
22 than ten students on average over a period of three (3) years shall  
23 enter into a cooperative agreement with another school district to  
24 jointly provide the program unless the program has been granted a

1 waiver from this requirement by the State Board of Education. A  
2 school district participating in a cooperative agreement shall be  
3 required to send its state funding allocation to the cooperative,  
4 regardless of whether or not the school district sends students to  
5 the cooperative in any given year.

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

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

23 ~~L. Upon implementation of this subsection as provided for in~~  
24 ~~subsection M of this section and contingent upon the provision of~~

1 ~~appropriated funds designated for such purpose, each urban school~~  
2 ~~district identified by the State Department of Education as having a~~  
3 ~~high population of elementary grade students who are at risk and in~~  
4 ~~need of alternative education shall provide elementary level~~  
5 ~~alternative education programs. The State Department of Education~~  
6 ~~shall establish requirements for the programs. For purposes of this~~  
7 ~~section, "urban school district" means a school district with an~~  
8 ~~average daily membership of thirty thousand (30,000) or more.~~

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

1 ~~by the National Center for Education Statistics. Subsections K and~~  
2 ~~L of this section shall be implemented on July 1 after the first~~  
3 ~~January 1 report verifies that the ninety percent expenditure level~~  
4 ~~has been reached and funds have been provided for the specific~~  
5 ~~purposes of this section.~~

6 SECTION 4. REPEALER 70 O.S. 2011, Sections 1210.561, as  
7 amended by Section 1, Chapter 364, O.S.L. 2001, 1210.562, 1210.565  
8 and 1210.569 (70 O.S. Supp. 2018, Section 1210.561), are hereby  
9 repealed.

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

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

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16 57-1-5238 EK 12/31/18

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