

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
SENATE BILL NO. 475

By: Williams (Penny) and  
Haney of the Senate

and

Larason of the House

COMMITTEE SUBSTITUTE

An Act relating to schools; amending 70 O.S. 1991, Sections 1210.301, 1210.307 and 1210.561, as amended by Section 3, Chapter 248, O.S.L. 1992 (70 O.S. Supp. 1992, Section 1210.561), which relate to gifted and talented programs and alternative approaches grants; modifying definition of gifted and talented programs; providing for adoption of gifted child educational program plan; providing criteria for plan; requiring certain reports; applying certain procedures and limitations to alternative education grants; and deleting obsolete language.

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

SECTION 1. AMENDATORY 70 O.S. 1991, Section 1210.301, is amended to read as follows:

Section 1210.301 As used in this act:

1. "Gifted and talented children" means those children identified at the preschool, elementary and secondary level as having demonstrated potential abilities of high performance capability and needing differentiated or accelerated education or services. For the purpose of this definition, "demonstrated abilities of high performance capability" means:

- a. ~~for the 1985-86 school year, those identified students who score in the top three percent (3%) on any national standardized test or may include~~

~~students who excel in one or more of the following areas:~~

- ~~(1) Intellectual ability,~~
- ~~(2) Creative thinking ability,~~
- ~~(3) Leadership ability,~~
- ~~(4) Visual and performing arts ability, and~~
- ~~(5) Specific academic ability;~~

~~b. beginning with the 1986-87 school year,~~ those identified students who score in the top three percent (3%) on any national standardized test of intellectual ability. Said definition may also include students who excel in one or more of the following areas:

- ~~(1) a. creative thinking ability,~~
- ~~(2) b. leadership ability,~~
- ~~(3) c. visual and performing arts ability, and~~
- ~~(4) d. specific academic ability;~~

A school district shall identify children in capability areas by means of a multicriteria evaluation. Provided, with first and second grade level children, a local school district may utilize other evaluation mechanisms such as, but not limited to, teacher referrals in lieu of standardized testing measures;

2. "Gifted child educational programs" means those special instructional programs, supportive services, unique educational materials, learning settings and other educational services which differentiate, supplement and support the regular educational program in meeting the needs of the gifted and talented child;

3. "Department" means the State Department of Education;

4. "Board" means the Oklahoma State Board of Education; and

5. "Act" means Sections 1210.301 through 1210.307 of this title.

SECTION 2. AMENDATORY 70 O.S. 1991, Section 1210.307, is amended to read as follows:

Section 1210.307 A. It shall be the duty of each school district to provide gifted child educational programs for all identified gifted children, as defined in Section 1210.301 of this

title, who reside in that school district. This duty may be satisfied by:

1. The district directly providing gifted child educational programs for such children;

2. The district joining in a cooperative program with another district or districts to provide gifted child educational programs for such children;

3. The district joining in a cooperative program with a private or public institution within such district; or

4. The district transferring identified gifted and talented children to other school districts which provide the appropriate gifted child educational programs, provided, no transfer shall be made without the consent of the board of education of the receiving school district. The district in which the child resides shall provide transportation for the transferred student and pay an amount of tuition equal to the proportion of the operating costs of the program to the receiving district. Transfers authorized by this section shall be made under such rules and regulations as the State Board of Education may prescribe; ~~or~~

~~5. The district located wholly or in part in a county participating in any program established by that county superintendent of schools. The county superintendent of schools of any county may establish and maintain a gifted child educational program with the approval of the Board and county funds may be expended for that purpose. A district shall have authority to contribute school district funds, either directly or by reimbursement to the county participating in the program.~~

B. Each district shall, regardless of the method used for accomplishing the duty set forth in subsection A of this section, notify in writing the parents of each child identified as gifted of the fact that the child has been so identified. The district shall also provide each such parent a summary of the program to be offered such child.

C. ~~Each~~ Beginning with the 1993-94 school year, and each three (3) years thereafter, each board of education shall ~~adopt a~~

submit a plan for gifted child educational programs as defined in Section 1210.301 of this title to the State Department of Education which shall include:

1. A written policy statement which specifies criteria for placement of children in gifted and talented programs that is consistent for grades one through twelve;

2. A description of curriculum for the gifted child educational program or learner outcomes for gifted children. Such description shall demonstrate that the curriculum is differentiated from the normal curriculum in pace and/or depth and that it has scope and sequence;

3. Criteria for evaluation of the gifted child educational program;

4. Evidence of parent participation in planning, child identification criteria and program evaluation; and

5. Required competencies and duties of gifted child educational program staff.

D. Beginning with the 1993-94 school year, and each year thereafter, each board of education shall submit a budget for its gifted child educational programs to the State Department of Education.

~~D.~~ E. The State Department of Education shall, after each school year, report to the President Pro Tempore of the Senate and the Speaker of the House of Representatives concerning request a report from each school district on the number of children identified for the programs, number of children served by the programs, type of programs provided, type of screening procedures utilized, cost analysis of the programs and the estimated number of gifted and talented children unserved by the programs. The State Department of Education shall compile the information from the school districts into a report to be submitted to the Governor, President Pro Tempore of the Senate, and the Speaker of the House of Representatives by December 1 of each year.

SECTION 3. AMENDATORY 70 O.S. 1991, Section 1210.561, as amended by Section 3, Chapter 248, O.S.L. 1992 (70 O.S. Supp. 1992, Section 1210.561), is amended to read as follows:

Section 1210.561 A. Contingent upon the provision of appropriated funds designated for Alternative Approaches grants, the State Board of Education is authorized to award one or more such competitive grants to local education agencies or nonprofit organizations for programs providing services to high challenge children and youth. High challenge children and youth are those at risk of failing to complete a satisfactory education. Alternative Approaches grants shall include high challenge grants and grants for alternative education. Alternative Approaches grants shall be awarded to local education agencies or nonprofit organizations for programs serving school districts identified by the Board as having high percentages of children who are considered to be high challenge students. Such competitive grants shall be of local and state significance and shall be replicable across the state. Beginning July 1, 1993, at least twenty percent (20%) of the total dollar amount of Alternative Approaches grants shall be awarded to districts replicating state-validated programs. State validation is a process carried out by the Alternative Approaches Programs Technical Assistance Center by which grant-funded programs are evaluated for effectiveness in reaching the targeted population, local and state significance, and replicability. The Technical Assistance Center shall report to the State Department of Education the name and description of any program which receives state validation.

B. The State Board of Education is further authorized to award one competitive grant for operation of an Alternative Approaches Programs Technical Assistance Center. Said programs shall not supplant programs or activities funded by the United States Government pursuant to Chapter 1 of Title I of the Elementary and Secondary Education Act of 1965, as amended. The High Challenge Programs Technical Assistance Center grant recipient 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 grant.

C. Service program grant recipients shall have priority, if recommended by the Technical Assistance Center and if funds are

available, for annual renewal of grants by the State Board of Education in amounts and on conditions as provided in this section. If a district has received grants for an at risk, ~~or~~ high challenge, or alternative education program for three consecutive school years and if the program upon evaluation by the Technical Assistance Center meets the criteria set forth in subsection A of this section and satisfies criteria set forth in rules adopted by the State Board of Education pursuant to subsection D of this section, funding shall be as follows:

1. Funding for the fourth consecutive school year shall be in the amount of fifty percent (50%) of the average amount of grants awarded for the program pursuant to this section for the first three (3) consecutive school years;

2. Except as otherwise provided, funding for the fifth consecutive school year shall be awarded only if the program has been state-validated and replicated by another district; for programs that have received funding for three (3) years prior to the effective date of this act, funding will be awarded only if the program is state-validated and the grantee documents attempts to have the program replicated; if funding is awarded, it shall be in the amount of twenty-five percent (25%) of the average amount of grants awarded to the program pursuant to this section for the first three (3) consecutive school years.

All grants for the fourth and fifth school years as provided above shall be matched with local funds or in-kind contributions. Programs which received grants continuously for five (5) consecutive school years shall not thereafter be eligible for grants pursuant to this section.

D. Rules adopted by the State Board of Education shall incorporate or provide for, but not necessarily be limited to:

1. Definition of the children and youth deemed high challenge for whom services are sought; provided the definition shall be consistent with the description of high challenge children and youth set forth in subsection A of this section;

2. The possibility of awards for one or more of a variety of program proposals targeted for services to limited portions of the

high challenge population according to such distinctions as age groupings, rural or urban settings, other cultural characteristics, or innovative service delivery strategies;

3. Requirements that service program grant recipients have clear and measurable goals and objectives; show evidence of having given reasonable consideration to coordination with other community agencies and resources, where appropriate, in the development of their proposals; and agree to comply with all requirements of the Technical Assistance Center regarding use of assessment instruments, provision of data, and provision of information necessary for program evaluation;

4. Requirements that the recipient of the Technical Assistance Center grant show command of relevant research and demonstrate capability for: Providing technical assistance, including operation of clearinghouse functions; coordinating with agencies such as the State Arts Council of Oklahoma; performing assessment of high challenge children and youth; evaluating programs for effectiveness; making program cost assessments; promoting replication of successful programs; and capability for assisting program providers in attaining national validation of their programs and qualifying for federal funding;

5. Utilization of a selection committee to review applications for program and Technical Assistance Center grants and make recommendations to the State Board of Education, said selection committee to include, to the greatest extent feasible under constraints of time and funding, nationally recognized experts in the education of high challenge children and youth; and

6. Revocation of any high challenge or at risk grant awarded to, and ineligibility for award of any future high challenge grant pursuant to this act to, any grant recipient who has employed prior to May 24, 1991, any person who served as a volunteer assisting with the initial preparation of proposed rules for high challenge (formerly designated as at risk) grant programs or any person serving as a member of a selection committee during or within two (2) years following such person's service pursuant to paragraph 5 of this subsection.

44-1-6971

KB