SHORT TITLE: Schools; modifying requirements related to alternative schools and Alternative Approaches grant programs; codification; noncodification; effective date; emergency.

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

SENATE BILL NO. 1108 By: Haney

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 1991, Sections 1-111, as amended by Section 5, Chapter 324, O.S.L. 1992, and 1210.561, as amended by Section 3, Chapter 248, O.S.L. 1992 (70 O.S. Supp. 1993, Sections 1-111 and 1210.561), which relate to length of school day and high challenge grant programs; exempting certain programs from length of school day requirements; clarifying eligibility of certain programs for certain grants; establishing certain funding cycle for certain programs; applying certain eligibility requirements to certain programs; modifying eligibility requirements for certain grant selection committees; authorizing abbreviated school day schedule for certain programs; providing for certain students to be included in average daily attendance and average daily membership counts; allowing district board of education to contract with certain certified teachers to teach in certain programs; requiring submission of certain plan and certain report to State Department of Education; requiring certain report to be filed with Legislature and Governor by State Department of Education; creating certain legislative committee; providing for membership, chair, and vice-chair of certain committee; requiring certain staff to be

provided; stating duties and responsibilities of committee; requiring certain report by certain date; deleting obsolete language; providing for codification; providing for noncodification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 1991, Section 1-111, as amended by Section 5, Chapter 324, O.S.L. 1992 (70 O.S. Supp. 1993, Section 1-111), is amended to read as follows:

Section 1-111. A. A school day for any group of pupils shall consist of not less than six (6) hours devoted to school activities, except that a school day for nursery, early childhood education, kindergarten, first grade, ~~and~~ extended day program, and alternative education program shall be as otherwise defined by law or as defined by the State Board of Education. Except for schools operating under an extended day schedule as provided for in Section 1-109 of this title, not more than one (1) school day shall be counted for attendance purposes in any twenty-four-hour period. Pupils absent from school in which they are regularly enrolled may be considered as being in attendance if the reason for such absence is to participate in scheduled school activities under the direction and supervision of a regular member of the faculty.

B. Beginning with the 1993-94 school year, the school day for kindergarten may consist of six (6) hours devoted to school activities.

SECTION 2. AMENDATORY 70 O.S. 1991, Section 1210.561, as amended by Section 3, Chapter 248, O.S.L. 1992 (70 O.S. Supp. 1993, 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~~ 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 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~~ E 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. Except for continuous renewals in accordance with the five-year funding cycle as provided in this subsection, a local

education agency or nonprofit organization shall not be eligible for an Alternative Approaches grant for a program for which the agency or organization has received a previous Alternative Approaches grant.

D. A local education agency or nonprofit organization that receives an Alternative Approaches grant for an alternative education program for fiscal year 1995 shall be eligible for annual renewal of the grant for three (3) consecutive school years 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 promulgated by the State Board of Education pursuant to subsection E of this section. If the agency or nonprofit organization receives funding for three (3) consecutive school years for the alternative education program, funding shall be provided for the fourth and fifth years as provided in paragraphs 1 and 2 of subsection C of this section.

E. Rules ~~adopted~~ promulgated 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.~~ Requirement that members of selection committees shall abstain from rating applications originating in the member's quadrant of the state.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.563 of Title 70, unless there is created a duplication in numbering, reads as follows:

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 and is certified by the Technical Assistance Center. A student assigned to the alternative school or alternative education program 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 contract with a teacher certified in adult education to provide instruction in a subject or subjects determined appropriate by the district board of education in an alternative school or alternative education program that is or will be administered by the district and is certified by the Technical Assistance Center.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.564 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Beginning with the 1994-95 school year, and each year thereafter, each board of education that identifies any students for purposes of the economically disadvantaged or bilingual weight pursuant to Section 18-201 of Title 70 of the Oklahoma Statutes shall submit a plan for serving economically disadvantaged and limited English proficient students to the State Department of Education. The plan shall include:

1. A description of the needs of economically disadvantaged or limited English proficient students within the district;

2. A description of any special programs or efforts for economically disadvantaged, high challenge, or limited English proficient students;

3. The grades the special programs or efforts serve;

4. How long the programs have been operational;

5. The number of students involved each semester;

6. Whether the programs or efforts address prevention, intervention, or recovery;

7. The results of the programs or efforts;

8. The district's allocation of resources among school sites, particularly whether the district has addressed more money to school sites with the most economically disadvantaged or limited English proficient students;

9. The names and types of community organizations included in the district's programs or efforts; and

10. The number and percentage of students identified by the district for purposes of the economically disadvantaged or bilingual weights.

B. At the conclusion of the 1994-95 school year and each school year thereafter, the board of education of each school district shall prepare a report which outlines the expenditures made by the district during that year for economically disadvantaged or limited English proficient students. The report shall identify expenditures by major object codes and program classifications pursuant to the Oklahoma Cost Accounting System, as adopted by the State Board of Education pursuant to Section 5-135 of Title 70 of the Oklahoma Statutes. Copies of the report shall be sent to the State Department of Education by August 1 of each year.

C. 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 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 economically disadvantaged and limited English proficient students not served by the programs.

SECTION 5. There is hereby created until February 1, 1995, the "Joint Select Interim Committee to Study the School Funding Formula". The committee shall be composed of the members of the Education Committees of the Oklahoma State Senate and the House of Representatives. The chair of the Senate Education Committee shall chair the committee. The chair of the House Education Committee shall serve as vice-chair. Staff for the committee shall be furnished by the Senate and the House of Representatives with assistance from the State Department of Education upon request. The duties and responsibilities of the committee shall include but not be limited to:

1. Conducting a study of the school funding formula;

2. Evaluating the effectiveness of the formula in equalizing school funding;

3. Evaluating the effectiveness of the weights in encouraging efforts, services, or programs for populations identified for purposes of the weights;

4. Preparing recommendations for legislation related to school funding; and

5. Filing a report on its findings and recommendations prior to January 1, 1995, with the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the State Superintendent of Public Instruction.

SECTION 6. NONCODIFICATION The provisions of Section 5 of this act shall not be codified in the Oklahoma Statutes.

SECTION 7. This act shall become effective July 1, 1994.

SECTION 8. It being immediately necessary for the preservation of the public peace, health and 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.

44-2-1524 SB