

1 STATE OF OKLAHOMA

2 1st Session of the 47th Legislature (1999)

3 CONFERENCE COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 HOUSE BILL NO. 1284

6 By: Benson, Staggs, Wells and
7 Tyler of the House

8 and

9 Helton and Williams of the
10 Senate

11 CONFERENCE COMMITTEE SUBSTITUTE

12 An Act relating to education; amending Section 69,
13 Chapter 290, O.S.L. 1994, as amended by Section 1,
14 Chapter 39, O.S.L. 1996, Section 44, Chapter 247,
15 O.S.L. 1996, as amended by Section 1, Chapter 175,
16 O.S.L. 1997, and Section 1, Chapter 348, O.S.L. 1997
17 (70 O.S. Supp. 1998, Sections 1210.567, 1210.568 and
18 1210.569), which relate to alternative education;
19 requiring licensed or certified teachers in
20 alternative education programs, schools or certain
21 other facilities; clarifying certain standards;
22 requiring alternative education programs to allow
23 students to participate in graduation exercises;
24 requiring alternative education programs to allow
25 participation in extracurricular activities;
26 requiring alternative education programs to be
27 operational by a certain date; directing school
28 districts to expand certain amount of funds on
29 alternative education students; directing
30 consolidation of alternative education programs under
31 a certain size; requiring that certain equipment and
32 materials be used only in or for the alternative
education program; directing school districts to
submit expenditure data; requiring the Office of
Juvenile Affairs to submit certain data to the State
Department of Education; providing for codification;
providing an effective date; and declaring an
emergency.

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

SECTION 1. AMENDATORY Section 69, Chapter 290, O.S.L.
1994, as amended by Section 1, Chapter 39, O.S.L. 1996 (70 O.S.
Supp. 1998, Section 1210.567), is amended to read as follows:

Section 1210.567 A. Upon application of a district board of
education, the State Board of Education shall authorize an

1 abbreviated day schedule for an alternative school or alternative
2 education program that is or will be administered by the district
3 pursuant to the provisions of this act or for the education provided
4 for students in a residential or treatment facility located within
5 the district. A student assigned to the alternative school, an
6 alternative education program or receiving educational services in a
7 residential or treatment facility within the district who attends
8 for a full abbreviated day shall be counted in attendance for
9 purposes of computing average daily attendance and average daily
10 membership for the district.

11 B. A district board of education shall hire only licensed or
12 certified teachers to teach in an alternative education program or
13 alternative education school offered by the district or to teach
14 students who are in a residential or treatment facility.

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

24 1. The certification may be granted only upon application of a
25 district board of education offering an alternative education
26 program or alternative school pursuant to the provisions of this act
27 or upon application of a district board of education offering a
28 residential or treatment facility; and

29 2. The teacher's certification in subjects in which the teacher
30 does not otherwise hold certification pursuant to the provisions of
31 this section shall be valid only for purposes of teaching in the
32 alternative education program or alternative school offered by the

1 district board or in a residential or treatment facility located
2 within the district making application.

3 SECTION 2. AMENDATORY Section 44, Chapter 247, O.S.L.
4 1996, as amended by Section 1, Chapter 175, O.S.L. 1997 (70 O.S.
5 Supp. 1998, Section 1210.568), is amended to read as follows:

6 Section 1210.568 A. Beginning with the first semester of the
7 1996-1997 school year, the State Board of Education shall implement
8 a statewide system of alternative education programs which shall be
9 phased-in within five (5) years. The statewide system shall include
10 but not be limited to Alternative Approaches grant programs, funded
11 pursuant to Section 1210.561 of this title, Alternative Education
12 Academies pilot programs, funded pursuant to Section 1210.563 of
13 this title and alternative academies or alternative programs
14 implemented pursuant to this section. The funding for Alternative
15 Education Academies pilot programs, after the third year of funding
16 provided pursuant to Section 1210.563 of this title, shall be
17 provided from funds appropriated for the statewide system.

18 B. Beginning with the first semester of the 2000-2001 school
19 year, all school districts of this state shall provide alternative
20 education programs that conform to the requirements of statutes and
21 rules applicable to alternative education. A program shall:

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

24 2. Incorporate appropriate structure, curriculum, and
25 interaction and reinforcement strategies designed to provide
26 effective instruction;

27 3. Include an intake and screening process to determine
28 eligibility of students;

29 4. Demonstrate that teaching faculty are appropriately licensed
30 or certified teachers;

31 5. Demonstrate that teaching faculty have been selected on the
32 basis of a record of successful work with at-risk students or

1 personal and educational factors that qualify them for work with at-
2 risk students;

3 6. Reflect appropriate collaborative efforts with state
4 agencies and local agencies serving youth;

5 7. Provide courses that meet the academic curricula standards
6 adopted by the State Board of Education and additional remedial
7 courses;

8 8. Offer individualized instruction;

9 9. State clear and measurable program goals and objectives;

10 10. Include counseling and social services components with the
11 provision that providers of services are not required to be
12 certified as school counselors;

13 11. Require a plan leading to graduation be developed for each
14 child student in the program which will allow the student to
15 participate in graduation exercises for the school district after
16 meeting all of the graduation requirements of the school district;

17 12. Offer life skills instruction;

18 13. Provide opportunities for arts education to students,
19 including Artists in Residence programs coordinated with the
20 Oklahoma Arts Council;

21 14. Provide a proposed annual budget;

22 15. Include an evaluation component including an annual written
23 self-evaluation; ~~and~~

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

29 17. Allow students in the alternative education program, who
30 otherwise meet all of the participation requirements, to participate
31 in vocational programs and extracurricular activities, including but
32 not limited to athletics, band, and clubs.

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.

17 No alternative education program which has received funding for a
18 prior year shall receive less than a total of Ten Thousand Dollars
19 (\$10,000.00) per school year.

20 E. By September 15 of each school year, all revenue received
21 and expended for students participating in an alternative education
22 program shall be reported to the State Department of Education by
23 major object codes and by program classifications pursuant to the
24 Oklahoma Cost Accounting System as adopted by the State Board of
25 Education pursuant to Section 5-135 of this title. The school
26 district shall be required to expend on each student participating
27 in an alternative education program an amount equal to or greater
28 than the average amount expended for instructional costs on each
29 student in the school district who is not participating in an
30 alternative education program.

31 ~~D.~~ F. 1. The State Board of Education shall contract for
32 technical assistance for operation of an Alternative Education

1 Technical Assistance Center. The technical assistance provider
2 shall be an entity located in Oklahoma that has been officially
3 recognized by the United States Department of Education to assess
4 and facilitate dissemination of validated educational programs in
5 Oklahoma. The technical assistance provider shall have priority, if
6 its operations are deemed satisfactory by the State Board of
7 Education and if funds are available, for annual renewal of the
8 contract.

9 2. The duties of the technical assistance provider shall
10 include, but shall not be limited to:

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

24 ~~E.~~ G. All alternative education programs shall be subject to
25 statutes and rules applicable to alternative education, including
26 any exemptions from statutory or regulatory requirements authorized
27 by statutes or rule.

28 ~~F.~~ H. An alternative education program may be offered by an
29 individual school district or may be offered jointly by school
30 districts that have formed interlocal cooperative agreements
31 pursuant to Section 5-117b of ~~Title 70 of the Oklahoma Statutes~~ this
32 title. Any school district submitting a plan for an alternative

1 education program serving fewer than ten students shall enter into a
2 cooperative agreement with another school district to jointly
3 provide the program unless the program has been granted a waiver
4 from this requirement by the State Board of Education.

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

15 SECTION 3. AMENDATORY Section 1, Chapter 348, O.S.L.
16 1997 (70 O.S. Supp. 1998, Section 1210.569), is amended to read as
17 follows:

18 Section 1210.569 ~~Beginning with the 1997-98 school year, each~~
19 A. Each school district shall be required to update and submit on
20 an annual basis the student needs assessment and alternative
21 education plan outlined in Section 1210.566 of ~~Title 70 of the~~
22 ~~Oklahoma Statutes~~ this title. The alternative education plan of
23 each school district shall provide for specific professional
24 development programs for the teachers teaching in or working with an
25 alternative education program. The annual needs assessment data
26 shall be incorporated by the State Board of Education into an annual
27 report which shall be submitted to the Speaker of the House of
28 Representatives, the President Pro Tempore of the Senate and the
29 Governor. The report shall ~~also~~ include a listing by school
30 district of the number of students funded and the reported number of
31 students served in an alternative education program.

1 B. By July 1 of each year, each school district shall submit an
2 expenditure report to the State Department of Education listing all
3 of the expenditures made by the school district for the alternative
4 education program for the previous year.

5 SECTION 4. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 7302-2.5 of Title 10, unless
7 there is created a duplication in numbering, reads as follows:

8 On or before June 1st of each year the Office of Juvenile
9 Affairs shall annually report to the State Department of Education
10 the number of individual students who have been referred to a county
11 juvenile service unit, a county juvenile bureau or who have been
12 committed to the custody of the Office of Juvenile Affairs. The
13 number of students shall be reported by school district.

14 SECTION 5. This act shall become effective July 1, 1999.

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

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