

ENROLLED HOUSE
BILL NO. 1284

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

and

Helton, Williams and Morgan
of the Senate

An Act relating to education; amending Section 69, Chapter 290, O.S.L. 1994, as amended by Section 1, Chapter 39, O.S.L. 1996, Section 44, Chapter 247, O.S.L. 1996, as amended by Section 1, Chapter 175, O.S.L. 1997, and Section 1, Chapter 348, O.S.L. 1997 (70 O.S. Supp. 1998, Sections 1210.567, 1210.568 and 1210.569), which relate to alternative education; requiring licensed or certified teachers in alternative education programs, schools or certain other facilities; clarifying certain standards; requiring alternative education programs to allow students to participate in graduation exercises; requiring alternative education programs to allow participation in extracurricular activities; requiring alternative education programs to be operational by a certain date; directing school districts to expand certain amount of funds on alternative education students; directing consolidation of alternative education programs under a certain size; requiring that certain equipment and 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 abbreviated day schedule for an alternative school or alternative education program that is or will be administered by the district pursuant to the provisions of this act or for the education provided for students in a residential or treatment facility located within the district. A student assigned to the alternative school, an alternative education program or receiving educational services in a residential or treatment facility within the district 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 shall hire only licensed or certified teachers to teach in an alternative education program or alternative education school offered by the district or to teach students who are in a residential or treatment facility.

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

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

2. The teacher's certification in subjects in which the teacher does not otherwise hold certification pursuant to the provisions of this section shall be valid only for purposes of teaching in the alternative education program or alternative school offered by the district board or in a residential or treatment facility located within the district making application.

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

Section 1210.568 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 five (5) years. The statewide system shall include but not be limited to Alternative Approaches grant programs, funded pursuant to Section 1210.561 of this title, Alternative Education Academies pilot programs, funded pursuant to Section 1210.563 of this title and alternative academies or alternative programs implemented pursuant to this section. The funding for Alternative Education Academies pilot programs, after the third year of funding provided pursuant to Section 1210.563 of this title, shall be provided from funds appropriated for the statewide system.

B. Beginning with the first semester of the 2000-2001 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 child student in the program which will allow the student to participate in graduation exercises for the school district after meeting all of the graduation requirements of the school district;

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; ~~and~~

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.

No alternative education program which has received funding for a prior year 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 revenue 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. The school district shall be required to expend on each student participating in an alternative education program an amount equal to or greater than the average amount expended for instructional costs on each student in the school district who is not participating in an alternative education program.

~~D.~~ F. 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.

~~E.~~ G. 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.

~~F.~~ H. 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 ~~Title 70 of the Oklahoma Statutes~~ 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.

I. 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.

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

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

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

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

On or before June 1st of each year the Office of Juvenile Affairs shall annually report to the State Department of Education the number of individual students 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. The number of students shall be reported by school district.

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

SECTION 6. 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.

Passed the House of Representatives the 18th day of May, 1999.

Speaker of the House of
Representatives

Passed the Senate the 19th day of May, 1999.

President of the Senate