

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1460

By: Wells

COMMITTEE SUBSTITUTE

An Act relating to schools; amending 70 O.S. 1991, Section 1210.561, as last amended by Section 10, Chapter 348, O.S.L. 1996, Section 4, Chapter 248, O.S.L. 1992, Section 65, Chapter 290, O.S.L. 1994, Section 44, Chapter 247, O.S.L. 1996, as last amended by Section 6, Chapter 308, O.S.L. 2000 (70 O.S. Supp. 2000, Sections 1210.561, 1210.562, 1210.566 and 1210.568), which relate to alternative education; adding certain entity eligible for a grant award; providing criteria for grant awards; deleting category of student; modifying criteria for Alternative Approaches grants; providing criteria for High Challenge grants; modifying limitations for Alternative Approaches grants; adding certain criteria; deleting certain criteria; deleting obsolete language; requiring annual needs assessments by school districts; deleting Alternative Education Academies pilot programs from the statewide alternative education system; modifying alternative education program graduation requirements; modifying funding formula for alternative education programs; establishing certain base funding level; providing for distribution of certain remaining funds; limiting carryover of statewide alternative education funding; prohibiting certain uses of statewide alternative education funding; deleting certain yearly funding levels; stating legislative intent regarding expenditures for students in alternative education; allowing elementary school districts to request waiver from alternative education program requirements; prohibiting certain funding to school district granted a waiver; repealing Section 62, Chapter 290, O.S.L. 1994, as amended by Section 11, Chapter 348, O.S.L. 1996 and Section 63, Chapter 290, O.S.L. 1994 (70 O.S. Supp. 2000, Sections 1210.563 and 1210.564), which relate to Alternative Education Academy grants; 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 1210.561, as last amended by Section 10, Chapter 348, O.S.L. 1996 (70 O.S. Supp. 2000, 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~~, or entities formed by interlocal cooperative agreements pursuant to Section 5-117b of this title. The grant awards shall be made to school districts located in counties with a high number of dropouts for the school year preceding the year for which the grant is being sought, and a high number of referrals to the juvenile justice system. If the grant award is to a nonprofit organization or entity formed by an interlocal cooperative agreement, the program shall serve students in school districts located in counties with a high number of dropouts and a high number of referrals to the juvenile justice system. The funds shall be awarded to programs specifically providing targeted 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 for programs serving elementary and middle grade students and grants for middle grade level and other specified alternative education programs. ~~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~~ Competitive grants shall be of ~~local and state~~ statewide 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. To be eligible for a High Challenge grant, a program shall meet research-based criteria set by the State Department of Education. The Alternative Approaches Technical Assistance Center shall provide the Department with research and recommendations on effective programming for high challenge children.

C. 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~~ Alternative Approaches 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.~~ D. 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; and

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 July 1, 1992, 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.~~ E. 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 Oklahoma Arts Council; 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.

SECTION 2. AMENDATORY Section 4, Chapter 248, O.S.L. 1992 (70 O.S. Supp. 2000, Section 1210.562), is amended to read as follows:

Section 1210.562 Alternative Approaches grants for alternative education shall ~~not~~ be limited to middle grade level alternative schools provided by a school district and to secondary grade level programs provided pursuant to a contract with a nonprofit organization. Notwithstanding self-identification of a program as an alternative education program, a program shall not receive state-funded grants to provide alternative education administered through the State Department of Education unless the program meets the following criteria:

- ~~1. The program has an intake and screening process to determine eligibility of students;~~
- ~~2. The teaching faculty are certified teachers;~~
- ~~3. The program has entered into a service agreement with local agencies serving youth;~~
- ~~4. The program provides courses that meet the curricular standards adopted by the State Department of Education and remedial courses;~~
- ~~5. The program offers individualized instruction;~~
- ~~6. The program has clear and measurable program goals and objectives;~~
- ~~7. The school has counseling and social services components; however, providers of these services shall not be required to be certified school counselors;~~
- ~~8. A plan leading to graduation is developed for each child in the program;~~
- ~~9. The program offers life skills instruction; and~~
- ~~10. The program has an evaluation component requiring an annual written self-evaluation for Statewide Alternative Education programs as specified in Section 1210.568 of this title.~~

SECTION 3. AMENDATORY Section 65, Chapter 290, O.S.L. 1994 (70 O.S. Supp. 2000, Section 1210.566), is amended to read as follows:

Section 1210.566 A. ~~By July 1, 1994, the State Board of Education shall notify in writing every school district of the provisions of this act which relate to alternative education.~~

B. ~~By~~ Each year by December 1, ~~1994,~~ every school district that serves middle school, junior high school and secondary school students shall conduct and report to the State Department of Education a needs assessment to identify those 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 ~~Title 70 of the Oklahoma Statutes~~ this title, including students under the age of nineteen (19) who reside in the district and have dropped out of school or are or have been suspended from school. Districts shall utilize data and information from juvenile justice agencies and the Office of Accountability in conducting the needs assessments. The results of the needs assessments shall be reported to the State Department of Education in a format specified by the Department.

~~C.~~ B. By May 1, 1995, every school district as specified in subsection ~~B~~ A of this section shall develop and submit to the State Department of Education a proposed plan approved by the district board of education, for meeting the needs of the students at risk of not completing a high school education as identified through the needs assessment required in subsection ~~B~~ A of this section by establishing, continuing or expanding alternative education programs. The district shall include parents, students, teachers, law enforcement representatives, judicial system representatives, social service representatives, ~~area vocational-technical~~ technology center school district representatives, and others deemed appropriate by the board of education in the development of the proposed plan. If the school district overlaps ~~an area vocational-technical~~ a technology center school district or districts, the plan

shall be coordinated with the board of education of each overlapped ~~area vocational-technical~~ technology center school district.

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

~~E.~~ D. By September 1, 1995, the State Board of Education shall prepare and submit to the Legislature and the Governor a proposed statewide plan, including a statement of needed funding, for the provision of alternative education to students in grades six through twelve who have been identified by school districts in their needs assessments as being at risk of not completing a high school education for a reason other than that identified in Section 13-101 of ~~Title 70 of the Oklahoma Statutes~~ this title. The plan should include provisions for cooperative agreements to provide services for students in alternative education programs and coordination with the State Board of ~~Vocational Career and Technical~~ Technology Education.

SECTION 4. AMENDATORY Section 44, Chapter 247, O.S.L. 1996, as last amended by Section 6, Chapter 308, O.S.L. 2000 (70 O.S. Supp. 2000, 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 six (6) 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 2001-2002 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 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 as specified in the individual graduation plan for that student, provided the plan

shall specifically address whether the student is required to meet the graduation requirements established in Section 11-103.6 of this title;

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;

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. Contingent upon the provision of appropriated funds designated for such purpose, all school districts in the state providing alternative education programs as required in subsection B of this section shall expand the programs to include middle school grade students. The program shall conform to the requirements of subsection B of this section.

E. Contingent upon the provision of appropriated funds designated for such purpose, each urban school district identified by the State Department of Education as having a high population of elementary grade students who are at-risk and in need of alternative

education shall provide elementary level alternative education programs. The State Department of Education shall establish requirements for the programs. For purposes of this section, "urban school district" means a school district with an average daily membership of thirty thousand (30,000) or more.

F. ~~Each Beginning with the 2002-2003 school year, 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 enrollment and attendance in the alternative program for the district as reported in the district's needs assessments as required pursuant to Section 1210.566 of this title and confirmed by the audited enrollment data submitted to the State Department of Education for the preceding school year. School districts shall receive a base level of statewide alternative education funding calculated at a rate of One Thousand Dollars (\$1,000.00) per full-time student. After funds are allocated to the alternative education programs pursuant to this subsection, any remaining statewide alternative education funds shall be distributed on the basis of program size in accordance to a schedule determined annually by the State Board of Education. Any unauthorized carryover of statewide alternative education incentive funds shall be deducted from the next school year's allocation for the school district. Statewide alternative education funding shall~~

not be used to supplant existing school district resources or to support programs that do not meet all the criteria for the statewide alternative education system. 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.

G. By September 15 of each school year, all ~~revenue~~ statewide alternative education funds 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~~ It is the intent of the Legislature that school ~~district shall be required to~~ districts expend on each student participating in an alternative education program an amount, which includes the statewide alternative education funding, 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.

H. Elementary school districts, as defined in Section 5-103 of this title, may request a waiver from the State Board of Education from the requirements of this section to implement and provide an alternative education program. If a school district is granted a waiver, no statewide alternative education funding shall be allocated to the district.

I. 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.

~~I.~~ J. 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.

~~J.~~ K. 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 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.

~~K.~~ L. 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 5. REPEALER Section 62, Chapter 290, O.S.L. 1994, as amended by Section 11, Chapter 348, O.S.L. 1996 and Section 63, Chapter 290, O.S.L. 1994 (70 O.S. Supp. 2000, Sections 1210.563 and 1210.564), are hereby repealed.

SECTION 6. This act shall become effective July 1, 2001.

SECTION 7. 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.

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