

SB 801

THE STATE SENATE
Tuesday, February 25, 2003

Senate Bill No. 801
As Amended

SENATE BILL NO. 801 - By: ROZELL of the Senate and STAGGS of the House.

[schools - statewide system of alternative education programs - effective date - emergency]

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

SECTION 1. AMENDATORY 70 O.S. 2001, 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 seven (7) years. The statewide system shall include but not be limited to Alternative Approaches grant programs, funded pursuant to Section 1210.561 of this title, and alternative academies or alternative programs implemented pursuant to this section.

B. Beginning with the first semester of the 2002-2003 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 1. Allow class sizes and student/teacher ratios which are
2 conducive to effective learning for at-risk students;
- 3 2. Incorporate appropriate structure, curriculum, and
4 interaction and reinforcement strategies designed to provide
5 effective instruction;
- 6 3. Include an intake and screening process to determine
7 eligibility of students;
- 8 4. Demonstrate that teaching faculty are appropriately licensed
9 or certified teachers;
- 10 5. Demonstrate that teaching faculty have been selected on the
11 basis of a record of successful work with at-risk students or
12 personal and educational factors that qualify them for work with at-
13 risk students;
- 14 6. Reflect appropriate collaborative efforts with state
15 agencies and local agencies serving youth;
- 16 7. Provide courses that meet the academic curricula standards
17 adopted by the State Board of Education and additional remedial
18 courses;
- 19 8. Offer individualized instruction;
- 20 9. State clear and measurable program goals and objectives;
- 21 10. Include counseling and social services components with the
22 provision that providers of services are not required to be
23 certified as school counselors;

1 11. Require a plan leading to graduation be developed for each
2 student in the program which will allow the student to participate
3 in graduation exercises for the school district after meeting the
4 requirements of the school district as specified in the individual
5 graduation plan for that student; provided, the plan shall
6 specifically address whether the student is required to meet the
7 graduation requirements established in Section 11-103.6 of this
8 title;

9 12. Offer life skills instruction;

10 13. Provide opportunities for arts education to students,
11 including Artists in Residence programs coordinated with the
12 Oklahoma Arts Council;

13 14. Provide a proposed annual budget;

14 15. Include an evaluation component including an annual written
15 self-evaluation;

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

21 17. Allow students in the alternative education program, who
22 otherwise meet all of the participation requirements, to participate

1 in vocational programs and extracurricular activities, including but
2 not limited to athletics, band, and clubs.

3 C. The alternative education program of a school district shall
4 be operational and serving students by September 15 of each school
5 year.

6 D. Each alternative education program of a school district
7 shall receive funding based on the combined number of dropouts and
8 students within the district who have been referred to a county
9 juvenile service unit, a county juvenile bureau or who have been
10 committed to the custody of the Office of Juvenile Affairs. Each
11 alternative education program shall receive incentive funding as
12 follows:

13 1. For the first year of operation, One Thousand Dollars
14 (\$1,000.00) per student;

15 2. For the second year of operation, Seven Hundred Fifty
16 Dollars (\$750.00) per student; and

17 3. For the third year of operation and each year thereafter,
18 Seven Hundred Dollars (\$700.00) per student.

19 Statewide alternative education funding shall not be used to
20 supplant existing school district resources or to support programs
21 that do not meet all the criteria for the statewide alternative
22 education system. No alternative education program shall receive

1 less than a total of Ten Thousand Dollars (\$10,000.00) per school
2 year.

3 E. By September 15 of each school year, all statewide
4 alternative education funds received and expended for students
5 participating in an alternative education program shall be reported
6 to the State Department of Education by major object codes and by
7 program classifications pursuant to the Oklahoma Cost Accounting
8 System as adopted by the State Board of Education pursuant to
9 Section 5-135 of this title.

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

16 G. 1. The State Board of Education shall contract for
17 technical assistance for operation of an Alternative Education
18 Technical Assistance Center. The technical assistance provider
19 shall be an entity located in Oklahoma that has been officially
20 recognized by the United States Department of Education to assess
21 and facilitate dissemination of validated educational programs in
22 Oklahoma. The technical assistance provider shall have priority, if
23 its operations are deemed satisfactory by the State Board of

1 Education and if funds are available, for annual renewal of the
2 contract.

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

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

18 3. The State Board of Education shall not provide funding to an
19 alternative education program that does not receive a recommendation
20 for continued funding in the evaluation provided for in this
21 subsection.

22 H. All alternative education programs shall be subject to
23 statutes and rules applicable to alternative education, including

1 any exemptions from statutory or regulatory requirements authorized
2 by statutes or rule.

3 I. An alternative education program may be offered by an
4 individual school district or may be offered jointly by school
5 districts that have formed interlocal cooperative agreements
6 pursuant to Section 5-117b of this title. Any school district
7 submitting a plan for an alternative education program serving fewer
8 than ten students shall enter into a cooperative agreement with
9 another school district to jointly provide the program unless the
10 program has been granted a waiver from this requirement by the State
11 Board of Education.

12 J. Any materials or equipment purchased by a school district
13 with revenue received for students participating in an alternative
14 education program shall be used only in or directly for the
15 alternative education program offered by the district or any
16 subsequent alternative education program offered to students
17 enrolled in that district. Such materials and equipment shall be
18 made available exclusively to alternative education students during
19 the hours that the alternative education program is operating;
20 provided, the material or equipment may be used for other purposes
21 when the alternative education program is not operating.

22 K. Upon implementation of this subsection as provided for in
23 subsection M of this section and contingent upon the provision of

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

6 L. Upon implementation of this subsection as provided for in
7 subsection M of this section and contingent upon the provision of
8 appropriated funds designated for such purpose, each urban school
9 district identified by the State Department of Education as having a
10 high population of elementary grade students who are at-risk and in
11 need of alternative education shall provide elementary level
12 alternative education programs. The State Department of Education
13 shall establish requirements for the programs. For purposes of this
14 section, "urban school district" means a school district with an
15 average daily membership of thirty thousand (30,000) or more.

16 M. Implementation of subsections K and L of this section shall
17 be delayed until the current expenditure per pupil in average daily
18 attendance in public elementary and secondary schools in unadjusted
19 dollars for the 1998-99 school year or any school year thereafter
20 for Oklahoma, as reported by the National Center for Education
21 Statistics annually in the Digest of Education Statistics, reaches
22 at least ninety percent (90%) of the regional average expenditure
23 for that same year, and funds are provided. For purposes of this

1 subsection, the regional average expenditure shall consist of the
2 current expenditure per pupil in average daily attendance in public
3 elementary and secondary schools in unadjusted dollars for each of
4 the following states: Arkansas, Colorado, Kansas, Missouri, New
5 Mexico, Oklahoma, and Texas, averaged together. By January 1 of
6 each year, the State Board of Education shall report whether or not
7 the ninety-percent expenditure level has been reached based on
8 information reported annually in the Digest of Education Statistics
9 by the National Center for Education Statistics. Subsections K and
10 L of this section shall be implemented on July 1 after the first
11 January 1 report verifies that the ninety-percent expenditure level
12 has been reached and funds have been provided for the specific
13 purposes of this section.

14 SECTION 2. This act shall become effective July 1, 2003.

15 SECTION 3. 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.

19 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-19-03 - DO
20 PASS, As Amended and Coauthored.