

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 3121

By: Jones

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5
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2001,
8 Section 1210.568, as last amended by Section 7,
9 Chapter 289, O.S.L. 2006 (70 O.S. Supp. 2007, Section
10 1210.568), which relates to the statewide system of
11 alternative education programs; deleting obsolete
12 language; requiring the statewide system of
13 alternative education to be provided by technology
14 center school districts; providing for enrollment of
15 students from school districts; providing options for
16 school districts not a part of a technology center
17 school district; changing funding provisions to
18 technology center school districts; making technology
19 center school districts responsible for certain
20 requirements; deleting waiver provisions for
21 elementary school districts; deleting authorization
22 for cooperative agreements between school districts;
23 deleting contingent requirement to expand alternative
24 programs to middle school students; deleting
contingent requirement to expand alternative programs
to elementary students in certain school districts;
deleting certain calculation; 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. 2001, Section 1210.568, as
last amended by Section 7, Chapter 289, O.S.L. 2006 (70 O.S. Supp.
2007, Section 1210.568), is amended to read as follows:

1 Section 1210.568 A. Beginning with the ~~first semester of the~~
2 ~~1996-1997~~ 2009-2010 school year, the ~~State Board of Education shall~~
3 ~~implement a statewide system of alternative education programs which~~
4 shall be ~~phased in within seven (7) years~~ provided by the technology
5 center school districts in the state. Each technology center school
6 district shall provide an alternative education program which shall
7 be available to the students of each school district located within
8 the technology center school district boundaries. School districts
9 which are not part of a technology center school district may
10 provide their own alternative education program to the students
11 enrolled in the school district or may utilize a program provided by
12 the nearest technology center school district. The statewide system
13 shall include but not be limited to Alternative Approaches grant
14 programs, funded pursuant to Section 1210.561 of this title, dropout
15 recovery programs, and alternative academies or alternative programs
16 implemented pursuant to this section.

17 B. Beginning with the first semester of the ~~2002-2003~~ 2009-2010
18 school year, all technology center school districts of this state
19 shall provide alternative education programs that conform to the
20 requirements of statutes and rules applicable to alternative
21 education. ~~A program~~ or dropout recovery programs that conform to
22 requirements established by the State Board of Education and shall:

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

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

1 student is a resident after meeting the requirements of the school
2 district as specified in the individual graduation plan for that
3 student; provided, for students who enter the ninth grade in or
4 prior to the 2007-08 school year, the plan shall specifically
5 address whether the student is required to meet the graduation
6 requirements established in Section 11-103.6 of this title;

7 12. Offer life skills instruction;

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

11 14. Provide a proposed annual budget;

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

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

19 17. Allow students in the alternative education program, who
20 otherwise meet all of the participation requirements, to participate
21 in vocational programs and extracurricular activities, including but
22 not limited to athletics, band, and clubs.

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1 C. The alternative education program of a technology center
2 school district shall be operational and serving students by
3 September 15 of each school year.

4 D. Each alternative education program of a technology center
5 school district shall receive funding based on the combined number
6 of dropouts and students within the technology center school
7 district who have been referred to a county juvenile service unit, a
8 county juvenile bureau or who have been committed to the custody of
9 the Office of Juvenile Affairs. Each alternative education program
10 shall receive incentive funding as 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 Statewide alternative education funding shall not be used to
18 supplant existing ~~school-district~~ resources or to support programs
19 that do not meet all the criteria for the statewide alternative
20 education system. No alternative education program shall receive
21 less than a total of Ten Thousand Dollars (\$10,000.00) per school
22 year.

23 E. By September 15 of each school year, all statewide
24 alternative education funds received and expended for students

1 participating in an alternative education program shall be reported
2 to the State Department of Education by major object codes and by
3 program classifications pursuant to the Oklahoma Cost Accounting
4 System as adopted by the State Board of Education pursuant to
5 Section 5-135 of this title.

6 ~~F. Elementary school districts, as defined in Section 5-103 of~~
7 ~~this title, may request a waiver from the State Board of Education~~
8 ~~from the requirements of this section to implement and provide an~~
9 ~~alternative education program. Any elementary school district that~~
10 ~~has not received funding pursuant to the provisions of subsection D~~
11 ~~of this section shall be automatically granted a waiver. If a~~
12 ~~school district is granted a waiver, no statewide alternative~~
13 ~~education funding shall be allocated to the district.~~

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

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

3 a. providing initial and ongoing training of personnel
4 who will educate at-risk populations through
5 alternative education programs,

6 b. providing technical assistance to technology center
7 school districts to enhance the probability of success
8 of their alternative education programs,

9 c. evaluating state-funded alternative education
10 programs,

11 d. reporting to the State Board of Education the
12 evaluation results of state-funded alternative
13 education programs, and

14 e. providing in-depth program analysis and evaluation of
15 state-funded alternative education programs.

16 3. The State Board of Education shall not provide funding to an
17 alternative education program that does not receive a recommendation
18 for continued funding in the evaluation provided for in this
19 subsection. Provided, any technology center school district not
20 receiving such a recommendation for continued funding may request a
21 hearing before the Board with a review of the evaluation prior to
22 the Board's final determination.

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

23 ~~K. Upon implementation of this subsection as provided for in~~
24 ~~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~~
24 ~~subsection, the regional average expenditure shall consist of the~~

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

13 SECTION 2. This act shall become effective July 1, 2008.

14 SECTION 3. It being immediately necessary for the preservation
15 of the public peace, health and safety, an emergency is hereby
16 declared to exist, by reason whereof this act shall take effect and
17 be in full force from and after its passage and approval.

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