

1 completing a high school education for a reason other than that
2 identified in Section 13-101 of this title, including students under
3 the age of nineteen (19) who reside in the district and have dropped
4 out of school or are or have been suspended from school. Districts
5 shall utilize data and information from juvenile justice agencies
6 and the Office of Accountability in conducting the needs
7 assessments. The results of the needs assessments shall be reported
8 to the State Department of Education in a format specified by the
9 Department.

10 B. By ~~May 1, 1995~~ July 1 of each year, every school district as
11 specified in subsection A of this section shall develop and
12 electronically submit to the State Department of Education through
13 the student identification system, established pursuant to Section
14 18-200.1 of this title, a proposed plan approved by the district
15 board of education, for meeting the needs of the students at risk of
16 not completing a high school education as identified through the
17 needs assessment required in subsection A of this section ~~by~~
18 ~~establishing, continuing or expanding alternative education programs~~
19 and meeting the needs of students identified for receiving
20 educational services through Academy Programs, Specialty Programs
21 and Targeted Support Services pursuant to Section 1210.568 of this
22 title. The district shall include parents, students, teachers, law
23 enforcement representatives, judicial system representatives, social
24 service representatives, technology center school district

1 representatives, and others deemed appropriate by the board of
2 education in the development of the proposed plan. If the school
3 district overlaps a technology center school district or districts,
4 the plan shall be coordinated with the board of education of each
5 overlapped technology center school district.

6 C. The proposed plan shall be placed on file at the office of
7 the school district superintendent where it shall be made available
8 to the public on request by July 1 of each year.

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

20 SECTION 2. AMENDATORY 70 O.S. 2011, Section 1210.567, is
21 amended to read as follows:

22 Section 1210.567. A. Upon application of a district board of
23 education, the State Board of Education shall authorize an
24 abbreviated day schedule for an alternative school or alternative

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

10 B. A district board of education may authorize enrollment on a
11 part-time basis utilizing Internet-based courses for students who
12 have dropped out of school or are or have been suspended from
13 school. State Aid shall be calculated for such students based upon
14 the percentage of the total school day in which the student is
15 enrolled multiplied by the appropriate grade level weight pursuant
16 to Section 18-201.1 of this title, ~~provided such student was~~
17 ~~enrolled at any time in a public school in this state during the~~
18 ~~previous three (3) school years.~~

19 C. A district board of education shall hire only licensed or
20 certified teachers to teach in an alternative education program or
21 alternative education school offered by the district or to teach
22 students who are in a residential or treatment facility.

23 D. No later than August 1, 1994, the State Board of Education
24 in consultation with the Oklahoma Commission for Teacher Preparation

1 shall promulgate rules by which a certified teacher who is qualified
2 to teach in an alternative education program or alternative school
3 as determined by the district board of education offering the
4 alternative education program or alternative school or who teaches
5 students in a residential or treatment facility may be certified to
6 teach subjects in which the teacher does not hold certification.

7 The rules shall provide:

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

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

19 SECTION 3. AMENDATORY 70 O.S. 2011, Section 1210.568, is
20 amended to read as follows:

21 Section 1210.568. A. Beginning with the first semester of the
22 ~~1996-1997~~ 2013-2014 school year, the State Board of Education shall
23 implement a three-tiered statewide system of alternative education
24 programs ~~which shall be phased-in within seven (7) years~~ consisting

1 of Academy Programs, Specialty Programs and Targeted Support
2 Services. The statewide system shall include ~~but not be limited to~~
3 ~~Alternative Approaches grant programs, funded pursuant to Section~~
4 ~~1210.561 of this title, and alternative academies or alternative~~
5 ~~programs implemented pursuant to~~ Academy Programs, Specialty
6 Programs and Targeted Support Services, as defined in this section.

7 1. Academy Programs are designed for public school students in
8 grades six through twelve identified as exhibiting characteristics
9 placing the student at risk of dropping out of school. The purpose
10 of the Academy Program is to provide intervention services to
11 identified students in grades six through twelve whose needs are
12 best met in a nontraditional learning environment. Academies may be
13 offered by an individual local education agency or may be offered
14 jointly by local education agencies, charter schools, career
15 technology centers or entities formed by interlocal cooperative
16 agreements pursuant to Section 5-117b of this title.

17 2. Specialty Programs are designed for public school students
18 in grades six through twelve identified as exhibiting
19 characteristics placing the student at risk of dropping out of
20 school. The purpose of Specialty Programs is to provide intensive
21 support in a nontraditional learning environment to students whose
22 circumstances place them at extremely high risk for dropping out of
23 school. These circumstances include, but are not limited to,
24 pregnancy and parenting status, serious medical conditions, unstable

1 home environment, substance abuse, involvement in the juvenile court
2 and/or child welfare system and out-of-school suspensions.
3 Specialty Program options include, but are not limited to,
4 challenge-based programming models, teen parenting programs with
5 childcare provided, restorative justice programming models and
6 educational programming in residential facilities. Specialty
7 Programs may be offered by an individual local education agency or
8 may be offered jointly by local education agencies, charter schools,
9 career technology centers or entities formed by interlocal
10 cooperative agreements pursuant to Section 5-117b of this title.

11 3. Targeted Support Services are designed for public school
12 students in grades kindergarten through twelve identified as
13 exhibiting characteristics placing the student at risk of dropping
14 out of school.

15 B. Beginning with the first semester of the ~~2002-2003~~ 2013-2014
16 school year, all school districts of this state shall provide
17 ~~alternative education programs~~ at least one Academy Program or
18 Specialty Program that conform conforms to the requirements of
19 statutes and rules applicable to alternative education. ~~A program~~
20 programs. All Academy Programs and Specialty Programs shall provide
21 documentation of meeting all requirements to the State Department of
22 Education in a manner prescribed by the Department. Programs
23 implemented pursuant to this section shall:

24

1 1. Allow class sizes and student/teacher ratios which are
2 conducive to effective learning for at-risk students, not to exceed
3 fifteen students per classroom teacher. Credit recovery labs shall
4 not exceed twenty students per classroom teacher;

5 2. Incorporate appropriate structure, curriculum, and
6 interaction and reinforcement strategies designed to provide
7 effective instruction that meet or exceed Oklahoma graduation
8 requirements;

9 3. Include an intake and screening process developed by the
10 school district to determine eligibility of students. The intake
11 and screening process shall include the following:

12 a. a meeting with the identified student and the
13 student's parent or legal guardian,

14 b. a State Board of Education approved assessment of
15 mathematics and reading skills administered prior to
16 enrollment in the alternative education program, and

17 c. evidence that placement is not punitive in nature but
18 a partnership between the school district, student and
19 parent or legal guardian;

20 4. Demonstrate that teaching faculty are appropriately licensed
21 or certified teachers and have been selected on the basis of a
22 record of successful work with at-risk students;

23 5. ~~Demonstrate that teaching faculty have been selected on the~~
24 ~~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~~ Be developed in
4 collaboration with state ~~agencies~~ and local agencies, local
5 businesses and other community-based organizations serving youth;

6 ~~7.~~ 6. Provide courses that meet all the academic curricula
7 standards adopted by the State Board of Education and additional
8 remedial courses, as necessary;

9 ~~8. Offer individualized instruction;~~

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

11 ~~10.~~ 7. Include counseling and social services components based
12 upon the individual needs of each student, with the provision that
13 providers of services are not required to be certified as school
14 counselors;

15 ~~11.~~ 8. Require ~~a plan leading to graduation~~ an Individualized
16 Graduation Plan be developed for each student in the ~~program~~ Academy
17 Program or Specialty Program which will allow the student to
18 ~~participate in graduation exercises for the school district after~~
19 ~~meeting the requirements of the school district as specified in the~~
20 ~~individual graduation plan for that student; provided, for students~~
21 ~~who enter the ninth grade in or prior to the 2007-08 school year,~~
22 ~~the plan shall specifically address whether the student is required~~
23 ~~to meet the graduation requirements established in Section 11-103.6~~
24 ~~of this title~~ progress toward the goal of fulfilling Oklahoma high

1 school graduation requirements and transitioning effectively into
2 postsecondary educational opportunities;

3 ~~12.~~ 9. Offer life skills instruction;

4 ~~13.~~ 10. Provide opportunities for arts education to students,
5 ~~including Artists in Residence programs coordinated with the~~
6 ~~Oklahoma Arts Council;~~

7 ~~14.~~ 11. Provide a proposed annual budget to be submitted to the
8 State Board of Education by July 1 of each year;

9 ~~15.~~ 12. ~~Include an evaluation component including an annual~~
10 ~~written self-evaluation~~ completion and electronic submission of the
11 State Department of Education's Alternative Education Self-
12 Evaluation Report and Student Data Information no later than July 1
13 of each year;

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

19 ~~17.~~ ~~Allow~~ 14. Include policies that allow students in the
20 alternative education program Academy Programs and Specialty
21 Programs, who otherwise meet all of the participation requirements,
22 to participate in vocational programs and extracurricular activities
23 offered to students otherwise enrolled in the local education
24

1 agency, including but not limited to graduation exercises,
2 athletics, band, and clubs;

3 15. Include intervention strategies that are individualized to
4 address the needs and interests of each student, based upon the
5 information gained through the intake and screening process;

6 16. Include initial and ongoing professional development of
7 faculty and staff employed in the Academy Programs and Specialty
8 Programs on effective strategies for providing appropriate
9 structure, curriculum, interaction and reinforcement to students at
10 risk of dropping out of school in accordance with State Board of
11 Education guidelines;

12 17. Pay the certified teacher providing direct instruction a
13 five percent (5%) increment above the designated step for that
14 teacher within the adopted salary schedule of the district for the
15 time served in the Academy Program or Specialty Program. As funds
16 are available, districts may elect to pay teachers an additional
17 incentive pay of up to five percent (5%) increment based upon
18 student progress, improvement and successful completion of the
19 program;

20 18. Serve a minimum of ten students per school year; and

21 19. Provide a minimum of four (4) hours of instructional time
22 per day.

23 ~~C. The alternative education program of a school district shall~~
24 ~~be operational and serving students by September 15 of each school~~

1 ~~year~~ In addition to the requirements of subsection B of this
2 section, Specialty Programs shall also meet the following
3 requirements:

4 1. Provide professional development to faculty and staff in the
5 area of the program's specialty services, in accordance with the
6 guidelines adopted by the State Board of Education; and

7 2. Provide additional resources, training and transition as
8 needed for student graduation success.

9 D. Beginning in the 2013-14 school year, all public school
10 districts in the state that serve students in grades six through
11 twelve shall submit electronically to the State Department of
12 Education an Alternative Education Implementation Plan form no later
13 than July 1 of each year.

14 E. In addition to Academy Programs and Specialty Programs,
15 beginning in the 2013-2014 school year, all public school districts
16 in the state shall identify students in grades kindergarten through
17 twelve who are considered at risk but do not meet the needs of an
18 Academy Program or Specialty Program. These students shall be
19 served within the traditional school setting and receive Targeted
20 Support Services pursuant to this subsection.

21 1. The purpose of Targeted Support Services is to provide
22 prevention and early intervention to identified students in grades
23 kindergarten through twelve within the traditional school setting.
24 Targeted Support Services are supplemental to traditional school

1 offerings and should assist the identified student in making
2 satisfactory progress toward high school graduation.

3 2. Targeted Support Services programming includes, but is not
4 limited to, tutoring services, mentoring services, graduation
5 assistance programming, expanded counseling services, work-based
6 learning opportunities, attendance monitoring, credit recovery
7 programming, extended school-day or school-year programming and
8 advisement classes.

9 3. Based on the criteria of the Targeted Support Services,
10 students shall be identified according to local district policy,
11 which may include using the Oklahoma Student Information System.

12 ~~D. Each alternative education program of a school district~~
13 ~~shall receive funding based on the combined number of dropouts and~~
14 ~~students within the district who have been referred to a county~~
15 ~~juvenile service unit, a county juvenile bureau or who have been~~
16 ~~committed to the custody of the Office of Juvenile Affairs. Each~~
17 ~~alternative education program shall receive incentive funding as~~
18 ~~follows:~~

19 ~~1. For the first year of operation, One Thousand Dollars~~
20 ~~(\$1,000.00) per student;~~

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

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

1 4. Statewide alternative education funding shall not be used to
2 supplant existing school district resources or to support programs
3 that do not meet all the criteria for the statewide alternative
4 education system. ~~No alternative education program shall receive~~
5 ~~less than a total of Ten Thousand Dollars (\$10,000.00) per school~~
6 ~~year.~~

7 ~~E. By September 15 of each school year, all~~ F. Beginning in
8 the 2013-2014 school year, all public school districts shall receive
9 funding for alternative education programs for students identified
10 for Academy Programs, Specialty Programs and Targeted Support
11 Services based on the October 1 student enrollment data submitted to
12 the State Department of Education. Allocations shall be made on a
13 per-student basis. Allocation and payment notices shall be sent to
14 the respective school districts after October 1 of each year.

15 G. All statewide alternative education funds received and
16 expended for students participating in an alternative education
17 program shall be reported to the State Department of Education by
18 major object codes and by program classifications pursuant to the
19 Oklahoma Cost Accounting System as adopted by the State Board of
20 Education pursuant to Section 5-135 of this title.

21 ~~F. Elementary school districts, as defined in Section 5-103 of~~
22 ~~this title, may request a waiver from the State Board of Education~~
23 ~~from the requirements of this section to implement and provide an~~
24 ~~alternative education program. Any elementary school district that~~

1 ~~has not received funding pursuant to the provisions of subsection D~~
2 ~~of this section shall be automatically granted a waiver. If a~~
3 ~~school district is granted a waiver, no statewide alternative~~
4 ~~education funding shall be allocated to the district.~~

5 H. The alternative education program of a school district shall
6 be operational and serving students by the start of each school year
7 with an approved implementation plan on file with the State
8 Department of Education by July 1 of each year.

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

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

21 a. providing initial and ongoing training of personnel
22 who will educate at-risk populations through
23 alternative education programs,

24

- 1 b. providing technical assistance to school districts to
2 enhance the probability of success of their
3 alternative education programs,
4 c. evaluating state-funded alternative education
5 programs,
6 d. reporting to the State Board of Education the
7 evaluation results of state-funded alternative
8 education programs, and
9 e. providing in-depth program analysis and evaluation of
10 state-funded alternative education programs.

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

18 ~~H.~~ J. All alternative education programs shall be subject to
19 statutes and rules applicable to alternative education, including
20 any exemptions from statutory or regulatory requirements authorized
21 by statutes or rule.

22 ~~I.~~ K. An alternative education program may be offered by an
23 individual school district or may be offered jointly by school
24 districts that have formed interlocal cooperative agreements

1 pursuant to Section 5-117b of this title. Any school district
2 submitting a plan for an ~~alternative education program~~ Academy
3 Programs or Specialty Programs serving fewer than ten students shall
4 enter into a cooperative agreement with another school district to
5 jointly provide the program unless the program has been granted a
6 waiver from this requirement by the State Board of Education.

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

17 ~~K. Upon implementation of this subsection as provided for in~~
18 ~~subsection M of this section and contingent upon the provision of~~
19 ~~appropriated funds designated for such purpose, all school districts~~
20 ~~in the state providing alternative education programs as required in~~
21 ~~subsection B of this section shall expand the programs to include~~
22 ~~middle-school-grade students. The program shall conform to the~~
23 ~~requirements of subsection B of this section.~~

24

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

12 ~~M. Implementation of subsections K and L of this section shall~~
13 ~~be delayed until the current expenditure per pupil in average daily~~
14 ~~attendance in public elementary and secondary schools in unadjusted~~
15 ~~dollars for the 1998-99 school year or any school year thereafter~~
16 ~~for Oklahoma, as reported by the National Center for Education~~
17 ~~Statistics annually in the Digest of Education Statistics, reaches~~
18 ~~at least ninety percent (90%) of the regional average expenditure~~
19 ~~for that same year, and funds are provided. For purposes of this~~
20 ~~subsection, the regional average expenditure shall consist of the~~
21 ~~current expenditure per pupil in average daily attendance in public~~
22 ~~elementary and secondary schools in unadjusted dollars for each of~~
23 ~~the following states: Arkansas, Colorado, Kansas, Missouri, New~~
24 ~~Mexico, Oklahoma, and Texas, averaged together. By January 1 of~~

1 ~~each year, the State Board of Education shall report whether or not~~
2 ~~the ninety-percent expenditure level has been reached based on~~
3 ~~information reported annually in the Digest of Education Statistics~~
4 ~~by the National Center for Education Statistics. Subsections K and~~
5 ~~L of this section shall be implemented on July 1 after the first~~
6 ~~January 1 report verifies that the ninety-percent expenditure level~~
7 ~~has been reached and funds have been provided for the specific~~
8 ~~purposes of this section.~~

9 SECTION 4. AMENDATORY 70 O.S. 2011, Section 1210.569, is
10 amended to read as follows:

11 Section 1210.569. A. Each school district shall be required to
12 update and submit on an annual basis the student needs assessment
13 and alternative education plan outlined in Section 1210.566 of this
14 title. The alternative education plan of each school district shall
15 provide for specific professional development programs for the
16 teachers teaching in or working with an alternative education
17 program in accordance with State Board of Education guidelines. The
18 annual needs assessment data shall be incorporated by the State
19 Board of Education into an annual report which shall be submitted to
20 the Speaker of the House of Representatives, the President Pro
21 Tempore of the Senate and the Governor. The report shall include a
22 listing by school district of the number of students funded and the
23 reported number of students served in an alternative education
24 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 C. Upon implementation of this subsection as provided for in
6 ~~subsections~~ subsection D and E of this section, each urban school
7 district as defined in Section 1210.568 of this title and as
8 identified by the State Department of Education as having a high
9 population of elementary grade students who are at-risk and in need
10 of alternative education shall expand the annual student needs
11 assessment and alternative education plan as required in subsection
12 A of this section to include a needs assessment and education plan
13 for elementary students who are at-risk and in need of alternative
14 education.

15 D. Implementation of subsection C of this section shall be
16 contingent upon the appropriation by the Legislature of state funds
17 for the specific purpose of implementing subsection C of this
18 section. Nothing in this section shall prevent the State Board of
19 Education or a school district board of education from utilizing
20 private, local, or federal funds to implement subsection C of this
21 section.

22 ~~E. Implementation of subsection C of this section shall be~~
23 ~~delayed until the current expenditure per pupil in average daily~~
24 ~~attendance in public elementary and secondary schools in unadjusted~~

1 ~~dollars for the 1998-99 school year or any school year thereafter~~
2 ~~for Oklahoma, as reported by the National Center for Education~~
3 ~~Statistics annually in the Digest of Education Statistics, reaches~~
4 ~~at least ninety percent (90%) of the regional average expenditure~~
5 ~~for that same year, and funds are provided. For purposes of this~~
6 ~~subsection, the regional average expenditure shall consist of the~~
7 ~~current expenditure per pupil in average daily attendance in public~~
8 ~~elementary and secondary schools in unadjusted dollars for each of~~
9 ~~the following states: Arkansas, Colorado, Kansas, Missouri, New~~
10 ~~Mexico, Oklahoma, and Texas, averaged together. By January 1 of~~
11 ~~each year, the State Board of Education shall report whether or not~~
12 ~~the ninety-percent expenditure level has been reached based on~~
13 ~~information reported annually in the Digest of Education Statistics~~
14 ~~by the National Center for Education Statistics. Subsection C of~~
15 ~~this section shall be implemented on July 1 after the first January~~
16 ~~1 report verifies that the ninety-percent expenditure level has been~~
17 ~~reached and funds have been provided for the specific purposes of~~
18 ~~the section.~~

19 SECTION 5. REPEALER 70 O.S. 2011, Sections 1210.561,
20 1210.562 and 1210.565, are hereby repealed.

21 SECTION 6. This act shall become effective July 1, 2013.

22 SECTION 7. It being immediately necessary for the preservation
23 of the public peace, health and safety, an emergency is hereby
24

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

3

4 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 04/03/2013
5 - DO PASS, As Amended.

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