

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

COMMITTEE SUBSTITUTE  
FOR

HOUSE BILL NO. 2520

By: West (Tammy)

COMMITTEE SUBSTITUTE

An Act relating to schools; amending 70 O.S. 2011, Sections 1210.566, 1210.567, as amended by Section 25, Chapter 124, O.S.L. 2014 and 1210.568, as amended by Section 26, Chapter 124, O.S.L. 2014 (70 O.S. Supp. 2018, Sections 1210.567 and 1210.568), which relate to alternative education; modifying date of report; updating grades for reporting; deleting certain data utilization for needs assessment; establishing deadline for district to develop and submit alternative education plan; requiring incorporation of annual needs assessment data into annual report; mandating report be available on State Department of Education website; providing for contents of report; eliminating authorization for part-time enrollment; requiring additional compensation for certified alternative education teacher; mandating certification for alternative education counselors; directing State Board of Education to promulgate rules; prescribing Board implement statewide alternative education system; listing beginning date; requiring certain school districts to provide alternative education programs; modifying alternative education program requirements; altering deadline for program operation; changing alternative education funding calculation; removing incentive funding provisions; providing additional funding for cooperative programs; authorizing elementary schools to request waiver; setting deadline for waiver request; requiring waiver to include certain assurance; deleting automatic waiver; allowing Board to create an evaluation schedule;

1        permitting Board to contract with technical  
2        assistance provider; authorizing Board to suspend  
3        funds; providing hearing for certain school district;  
4        directing cooperating districts to send alternative  
5        education funding allocation to the cooperative;  
6        deleting obsolete language; repealing 70 O.S. 2011,  
7        Sections 1210.561, 1210.562, 1210.565 and 1210.569,  
8        which relate to alternative education; providing an  
9        effective date; and declaring an emergency.

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

10        SECTION 1.        AMENDATORY        70 O.S. 2011, Section 1210.566, is  
11        amended to read as follows:

12        Section 1210.566    A.    Each year by ~~December 1~~ June 30, every  
13        school district that serves ~~middle school, junior high school and~~  
14        ~~secondary school~~ students in grades seven through twelve as outlined  
15        in this section shall conduct and report to the State Department of  
16        Education a needs assessment to identify those students ~~in grades~~  
17        ~~six through twelve~~ who are most at risk of not completing a high  
18        school education for a reason other than that identified in Section  
19        13-101 of this title, including students under the age of nineteen  
20        (19) who reside in the district and have dropped out of school or  
21        are or have been suspended from school. ~~Districts shall utilize~~  
22        ~~data and information from juvenile justice agencies and the Office~~  
23        ~~of Accountability in conducting the needs assessments.~~    The results  
24

1 of the needs assessments shall be reported to the ~~State~~ Department  
2 ~~of Education~~ in a format specified by the Department.

3 B. ~~By May 1, 1995, every~~ Every school district as specified in  
4 subsection A of this section shall develop and submit to the ~~State~~  
5 ~~Department of Education~~ by September 1 of each year a proposed plan  
6 approved by the district board of education, for meeting the needs  
7 of the students at risk of not completing a high school education as  
8 identified through the needs assessment required in subsection A of  
9 this section by establishing, continuing or expanding alternative  
10 education programs. The district shall include parents, students,  
11 teachers, law enforcement representatives, judicial system  
12 representatives, social service representatives, technology center  
13 school district representatives, and others deemed appropriate by  
14 the board of education in the development of the proposed plan. If  
15 the school district overlaps a technology center school district or  
16 districts, the plan shall be coordinated with the board of education  
17 of each overlapped technology center school district.

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

21 D. ~~By September 1, 1995, the State Board of Education shall~~  
22 ~~prepare and submit to the Legislature and the Governor a proposed~~  
23 ~~statewide plan, including a statement of needed funding, for the~~  
24 ~~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 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 Career and Technology Education~~ The annual needs assessment data shall be incorporated by the State Board of Education into an annual report which shall be made available on the State Department of Education website. The report shall include a listing by school district of the number of students funded and the reported number of students served in an alternative education program.

SECTION 2. AMENDATORY 70 O.S. 2011, Section 1210.567, as amended by Section 25, Chapter 124, O.S.L. 2014 (70 O.S. Supp. 2018, 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~~ enrolled in an alternative school, an alternative education program or receiving educational services in a residential or treatment facility within the district

1 who attends for a full abbreviated day shall be counted in  
2 attendance for purposes of computing average daily attendance and  
3 average daily membership for the district.

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

13 ~~C.~~ A district board of education shall hire only certified  
14 teachers to teach in an alternative education program or alternative  
15 education school offered by the district or to teach students who  
16 are in a residential or treatment facility.

17 C. A certified teacher in an alternative education program or  
18 school shall be paid five percent (5%) more than the designated  
19 salary step for that teacher within the adopted salary schedule of  
20 the school district.

21 ~~D. No later than August 1, 1994, the~~ A person providing  
22 counseling or social services in an alternative education program or  
23 school shall be certified as a school counselor by the State Board  
24 of Education or as a mental health provider.

1        E.    The State Board of Education ~~in consultation with the~~  
2 ~~Oklahoma Commission for Teacher Preparation~~ shall promulgate rules  
3 by which a certified teacher who is qualified to teach in an  
4 alternative education program or alternative school as determined by  
5 the district board of education offering the alternative education  
6 program or alternative school or who teaches students in a  
7 residential or treatment facility may be certified to teach subjects  
8 in which the teacher does not hold certification. The rules shall  
9 provide:

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

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

21        SECTION 3.        AMENDATORY        70 O.S. 2011, Section 1210.568, as  
22 amended by Section 26, Chapter 124, O.S.L. 2014 (70 O.S. Supp. 2018,  
23 Section 1210.568), is amended to read as follows:

1       Section 1210.568 A. Beginning with the first semester of the  
2 ~~1996-1997~~ 2019-2020 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.~~ The statewide system  
5 shall include ~~but not be limited to Alternative Approaches grant~~  
6 ~~programs, funded pursuant to Section 1210.561 of this title, and~~  
7 ~~alternative academies or~~ alternative education programs implemented  
8 pursuant to this section.

9       B. ~~Beginning with the first semester of the 2002-2003 school~~  
10 ~~year, all~~ All school districts of this state serving students in  
11 grades seven through twelve shall provide alternative education  
12 programs that conform to the requirements of statutes and rules  
13 applicable to alternative education. A program shall:

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

16       2. Incorporate appropriate structure, curriculum, and  
17 interaction and reinforcement strategies designed to provide  
18 effective instruction;

19       3. Include an intake and screening process to determine  
20 eligibility of students;

21       4. Demonstrate that teaching faculty are appropriately  
22 certified teachers;

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 with state  
4 agencies and local agencies serving youth;

5 7. Provide courses that meet the academic curricula standards  
6 adopted by the State Board of Education and additional remedial  
7 courses;

8 8. Offer individualized instruction;

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

10 10. Include counseling and social services components ~~with the~~  
11 ~~provision that providers of services are not required to be~~  
12 ~~certified as school counselors;~~

13 11. Require a plan leading to graduation be developed for each  
14 student in the program which will allow the student to participate  
15 in graduation exercises ~~for~~ at the sending school or district after  
16 meeting the requirements of the school district as specified in the  
17 individual graduation plan for that student; provided, ~~for students~~  
18 ~~who enter the ninth grade in or prior to the 2007-08 school year,~~  
19 the graduation plan ~~shall specifically address whether the student~~  
20 ~~is required to meet the graduation requirements established in~~  
21 ~~Section 11-103.6 of this title~~ required by this paragraph shall not  
22 be separate from the plan required by Section 1210.508-4 of this  
23 title;

24 12. Offer life skills instruction;



1 13. Provide opportunities for hands-on arts education to  
2 students, including ~~Artists in Residence~~ artist residency programs  
3 coordinated with the Oklahoma Arts Council;

4 14. Provide a proposed annual budget;

5 15. ~~Include an evaluation component including an annual written~~  
6 ~~self-evaluation;~~

7 ~~16.~~ Be appropriately designed to serve middle school, junior  
8 high school and secondary school students in grades ~~six~~ seven  
9 through twelve who are most at risk of not completing a high school  
10 education for a reason other than that identified in Section 13-101  
11 of this title; and

12 ~~17.~~ 16. Allow students in the alternative education program,  
13 who otherwise meet all of the participation requirements, to  
14 participate in vocational programs and extracurricular activities at  
15 the sending school or district, including but not limited to  
16 athletics, band, and clubs.

17 C. The alternative education program of a school district shall  
18 be operational and serving students by ~~September 15~~ October 1 of  
19 each school year.

20 D. Each alternative education program of a school district  
21 shall receive funding based on the ~~combined~~ number of ~~dropouts and~~  
22 ~~students within the district who have been referred to a county~~  
23 ~~juvenile service unit, a county juvenile bureau or who have been~~  
24 ~~committed to the custody of the Office of Juvenile Affairs. Each~~

1 ~~alternative education program shall receive incentive funding as~~  
2 ~~follows:~~

3 ~~1. For the first year of operation, One Thousand Dollars~~  
4 ~~(\$1,000.00) per student;~~

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

7 ~~3. For the third year of operation and each year thereafter,~~  
8 ~~Seven Hundred Dollars (\$700.00) per student~~ enrolled in alternative  
9 education programs according to the October 1 consolidated report  
10 conducted by the State Department of Education. The per-student  
11 funding amount shall be based on the funding available for the  
12 program each fiscal year. Statewide alternative education funding  
13 shall not be used to supplant existing school district resources or  
14 to support programs that do not meet all the criteria for the  
15 statewide alternative education system. ~~No~~ Each alternative  
16 education program that is a cooperative agreement between school  
17 disricts shall receive ~~less than a total of~~ Ten Thousand Dollars  
18 (\$10,000.00) per school year in addition to the per-student funding  
19 amount required by this subsection.

20 E. ~~By September 15 of each school year, all~~ All statewide  
21 alternative education funds received and expended for students  
22 participating in an alternative education program shall be reported  
23 to the State Department of Education by major object codes and by  
24 program classifications pursuant to the Oklahoma Cost Accounting

1 System as adopted by the State Board of Education pursuant to  
2 Section 5-135 of this title.

3 F. Elementary school districts, as defined in Section 5-103 of  
4 this title, may request a waiver by May 15 of each year from the  
5 State Board of Education from the requirements of this section to  
6 implement and provide an alternative education program. Any  
7 ~~elementary school district that has not received funding pursuant to~~  
8 ~~the provisions of subsection D of this section~~ request for a waiver  
9 ~~shall be automatically granted a waiver~~ accompanied by an assurance  
10 that the school district does not have students in need of  
11 alternative education services. If a school district is granted a  
12 waiver, no statewide alternative education funding shall be  
13 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.~~

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

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

17       2. The State Board of Education may create an evaluation  
18 schedule for effective and highly effective programs, requiring them  
19 to be evaluated not less than once every three (3) years.

20       3. The State Board of Education may contract with a technical  
21 assistance provider in order to meet the requirements of this  
22 subsection.

23       4. The State Board of Education shall ~~not provide funding to~~  
24 have the authority to suspend funds for an alternative education

1 program that does not ~~receive a recommendation for continued funding~~  
2 ~~in the evaluation provided for in this subsection~~ meet the  
3 requirements of subsection B of this subsection. Provided, any  
4 school district ~~not receiving such a recommendation for continued~~  
5 ~~funding~~ under consideration for suspension of funds may request a  
6 hearing before the Board with a review of the evaluation prior to  
7 the Board's final determination.

8 H. All alternative education programs shall be subject to  
9 statutes and rules applicable to alternative education, including  
10 any exemptions from statutory or regulatory requirements authorized  
11 by statutes or rule.

12 I. An alternative education program may be offered by an  
13 individual school district or may be offered jointly by school  
14 districts that have formed interlocal cooperative agreements  
15 pursuant to Section 5-117b of this title. Any school district  
16 submitting a plan for an alternative education program serving fewer  
17 than ten students shall enter into a cooperative agreement with  
18 another school district to jointly provide the program unless the  
19 program has been granted a waiver from this requirement by the State  
20 Board of Education. A school district participating in a  
21 cooperative agreement shall be required to send its alternative  
22 education funding allocation to the cooperative.

23 J. Any materials or equipment purchased by a school district  
24 with revenue received for students participating in an alternative

1 education program shall be used only in or directly for the  
2 alternative education program offered by the district or any  
3 subsequent alternative education program offered to students  
4 enrolled in that district. Such materials and equipment shall be  
5 made available exclusively to alternative education students during  
6 the hours that the alternative education program is operating;  
7 provided, the material or equipment may be used for other purposes  
8 when the alternative education program is not operating.

9 ~~K. Upon implementation of this subsection as provided for in~~  
10 ~~subsection M of this section and contingent upon the provision of~~  
11 ~~appropriated funds designated for such purpose, all school districts~~  
12 ~~in the state providing alternative education programs as required in~~  
13 ~~subsection B of this section shall expand the programs to include~~  
14 ~~middle-school-grade students. The program shall conform to the~~  
15 ~~requirements of subsection B of this section.~~

16 ~~L. Upon implementation of this subsection as provided for in~~  
17 ~~subsection M of this section and contingent upon the provision of~~  
18 ~~appropriated funds designated for such purpose, each urban school~~  
19 ~~district identified by the State Department of Education as having a~~  
20 ~~high population of elementary grade students who are at-risk and in~~  
21 ~~need of alternative education shall provide elementary level~~  
22 ~~alternative education programs. The State Department of Education~~  
23 ~~shall establish requirements for the programs. For purposes of this~~  
24

1 ~~section, "urban school district" means a school district with an~~  
2 ~~average daily membership of thirty thousand (30,000) or more.~~

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

1       SECTION 4.       REPEALER       70 O.S. 2011, Sections 1210.561,  
2 1210.562, 1210.565 and 1210.569, are hereby repealed.

3       SECTION 5.   This act shall become effective July 1, 2019.

4       SECTION 6.   It being immediately necessary for the preservation  
5 of the public peace, health or safety, an emergency is hereby  
6 declared to exist, by reason whereof this act shall take effect and  
7 be in full force from and after its passage and approval.

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9       57-1-8262       EK       02/26/19

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