

1 **SENATE FLOOR VERSION**

2 April 2, 2019

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 2520

By: West (Tammy) of the House

and

Pemberton of the Senate

7
8
9 COMMITTEE SUBSTITUTE

10 [schools - alternative education - establishing
11 annual deadline for alternative education plan -
12 modifying funding - ~~effective date~~ -
13 emergency]

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

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

17 Section 1210.566 A. Each year by ~~December 1~~ June 30, every
18 school district that serves ~~middle school, junior high school and~~
19 ~~secondary school~~ students in grades seven through twelve as outlined
20 in this section shall conduct and report to the State Department of
21 Education a needs assessment to identify those students ~~in grades~~
22 ~~six through twelve~~ who are most at risk of not completing a high
23 school education for a reason other than that identified in Section
24 13-101 of this title, including students under the age of nineteen

1 (19) who reside in the district and have dropped out of school or
2 are or have been suspended from school. ~~Districts shall utilize~~
3 ~~data and information from juvenile justice agencies and the Office~~
4 ~~of Accountability in conducting the needs assessments.~~ The results
5 of the needs assessments shall be reported to the ~~State~~ Department
6 ~~of Education~~ in a format specified by the Department.

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

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

1 D. ~~By September 1, 1995, the State Board of Education shall~~
2 ~~prepare and submit to the Legislature and the Governor a proposed~~
3 ~~statewide plan, including a statement of needed funding, for the~~
4 ~~provision of alternative education to students in grades six through~~
5 ~~twelve who have been identified by school districts in their needs~~
6 ~~assessments as being at risk of not completing a high school~~
7 ~~education for a reason other than that identified in Section 13-101~~
8 ~~of this title. The plan should include provisions for cooperative~~
9 ~~agreements to provide services for students in alternative education~~
10 ~~programs and coordination with the State Board of Career and~~
11 ~~Technology Education~~ The annual needs assessment data shall be
12 incorporated by the State Board of Education into an annual report
13 which shall be made available on the State Department of Education
14 website. The report shall include a listing by school district of
15 the number of students funded and the reported number of students
16 served in an alternative education program.

17 SECTION 2. AMENDATORY 70 O.S. 2011, Section 1210.567, as
18 amended by Section 25, Chapter 124, O.S.L. 2014 (70 O.S. Supp. 2018,
19 Section 1210.567), is amended to read as follows:

20 Section 1210.567 A. Upon application of a district board of
21 education, the State Board of Education shall authorize an
22 abbreviated day schedule for an alternative school or alternative
23 education program that is or will be administered by the district
24 pursuant to the provisions of this act or for the education provided

1 for students in a residential or treatment facility located within
2 the district. A student ~~assigned to the~~ enrolled in an alternative
3 school, an alternative education program or receiving educational
4 services in a residential or treatment facility within the district
5 who attends for a full abbreviated day shall be counted in
6 attendance for purposes of computing average daily attendance and
7 average daily membership for the district.

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

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

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

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

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

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

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

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

4 Section 1210.568 A. 1. Beginning with the first semester of
5 the 1996-1997 school year, the State Board of Education shall
6 implement a statewide system of alternative education programs which
7 shall be phased-in within seven (7) years. The statewide system
8 shall include but not be limited to Alternative Approaches grant
9 programs, funded pursuant to Section 1210.561 of this title, and
10 alternative academies or alternative programs implemented pursuant
11 to this section.

12 2. Beginning with the first semester of the 2020-2021 school
13 year, the State Board of Education shall implement a statewide
14 system of alternative education. The statewide system shall include
15 alternative education programs implemented pursuant to this section.

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

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

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- 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
7 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~~ at the sending school or district after

1 meeting the requirements of the school district as specified in the
2 individual graduation plan for that student; provided, ~~for students~~
3 ~~who enter the ninth grade in or prior to the 2007-08 school year,~~
4 the graduation plan shall specifically address whether the student
5 ~~is required to meet the graduation requirements established in~~
6 ~~Section 11-103.6 of this title~~ required by this paragraph shall not
7 be separate from the plan required by Section 1210.508-4 of this
8 title;

9 12. Offer life skills instruction;

10 13. Provide opportunities for hands-on arts education to
11 students, including ~~Artists in Residence~~ artist residency programs
12 coordinated with the 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~~ high school students in grades ~~six~~ seven
18 through 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.~~ 16. Allow students in the alternative education program,
22 who otherwise meet all of the participation requirements, to
23 participate in vocational programs and extracurricular activities at

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1 the sending school or district, including but not limited to
2 athletics, band, and clubs.

3 C. The alternative education program of a school district shall
4 be operational and serving students by ~~September 15~~ September 1 of
5 each school year.

6 D. 1. 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 average daily membership~~
19 ~~(ADM) of students served by an alternative education program in the~~
20 ~~prior school year according to the annual statistical report~~
21 ~~conducted by the State Department of Education. The per-student~~
22 ~~funding amount shall be based on the funding available for the~~
23 ~~program each fiscal year.~~

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1 2. Of the funding available for alternative education programs
2 each fiscal year, the State Department of Education shall designate
3 up to fifteen percent (15%) for districts participating in
4 cooperative agreements for alternative education services, which
5 shall be allocated on a pro rata basis as an incentive to each
6 participating district. The incentive amount received by each
7 district for participating in a cooperative agreement shall not
8 exceed Six Thousand Dollars (\$6,000.00) per fiscal year and shall be
9 in addition to the per-student funding amount required by paragraph
10 1 of this subsection. Any funds remaining after allocations
11 required by this paragraph are made shall be distributed to
12 districts in accordance with paragraph 1 of this subsection.

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

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

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.~~

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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~~ 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 section. Provided, any school
4 district ~~not receiving such a recommendation for continued funding~~
5 under consideration for suspension of funds may request a hearing
6 before the Board with a review of the evaluation prior to the
7 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~~

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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.~~

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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.~~

8 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
9 April 2, 2019 - DO PASS AS AMENDED and referred to second committee
and WITHDRAWN from Committee on Appropriations on April 11, 2019.

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