

1 ENGROSSED HOUSE
2 BILL NO. 3551

By: Sterling of the House

3 and

4 Green of the Senate

5
6 An Act relating to alternative education; amending 70
7 O.S. 2021, Sections 1210.567 and 1210.568, which
8 relate to alternative education programs; providing
9 for certain form to be completed; defining terms;
10 striking reference to repealed statute; establishing
11 maximum class size ratio; including use of certain
12 data and student supports in program; requiring
13 student enrollment and pre-assessment; directing
14 faculty to complete certain professional development;
15 mandating counseling and other social services
16 supports; prescribing frequency and content of life
17 skills instruction; establishing frequency for
18 participation in arts education; deleting waiver
19 option for elementary school districts; providing an
20 effective date; and declaring an emergency.

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

22 SECTION 1. AMENDATORY 70 O.S. 2021, Section 1210.567, is
23 amended to read as follows:

24 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

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

7 B. A district board of education shall hire only certified
8 teachers to teach in an alternative education program or alternative
9 education school offered by the district or to teach students who
10 are in a residential or treatment facility.

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

15 D. A person providing counseling or social services in an
16 alternative education program or school shall be certified as a
17 school counselor by the State Board of Education or as a mental
18 health provider.

19 E. The State Board of Education shall promulgate rules by which
20 a certified teacher who is qualified to teach in an alternative
21 education program or alternative school as determined by the
22 district board of education offering the alternative education
23 program or alternative school or who teaches students in a
24 residential or treatment facility may be certified to teach subjects

1 in which the teacher does not hold certification. The rules shall
2 provide:

3 1. The certification may be granted only upon application of a
4 district board of education offering an alternative education
5 program or alternative school pursuant to the provisions of this act
6 or upon application of a district board of education offering a
7 residential or treatment facility. If granted, the State Department
8 of Education shall approve the certification by completing the
9 teaching out of certification form; and

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

16 F. As used in this section:

17 1. "Abbreviated school day" means a school day which consists
18 of not less than seven hundred fifty-six (756) hours in a one-
19 hundred-sixty-five-day school calendar as indicated in the
20 alternative education plan. A school district that chooses the
21 total instructional hours scheduling approach for its alternative
22 education program shall submit for approval a deregulation waiver to
23 the State Board of Education by September 1 of each applicable
24 school year; and

1 2. "Academic instruction" means:

- 2 a. instruction in any subject offered by the school
3 district for core or elective credit, whether part of
4 the standard educational program or offered
5 specifically to students in the alternative education
6 program,
- 7 b. instruction in any subject offered for credit through
8 a technology center or through concurrent enrollment
9 at a college or university, and
- 10 c. participation in programs and activities that are part
11 of the school district or interlocal cooperative's
12 approved alternative education implementation plan and
13 are intended to fulfill the requirements for
14 alternative education programs, including counseling,
15 life skills instruction, concurrent enrollment, work
16 study, and other content approved by the State Board
17 of Education.

18 SECTION 2. AMENDATORY 70 O.S. 2021, Section 1210.568, is
19 amended to read as follows:

20 Section 1210.568 A. 1. Beginning with the first semester of
21 the 1996-1997 school year, the State Board of Education shall
22 implement a statewide system of alternative education programs which
23 shall be phased-in within seven (7) years. The statewide system
24 shall include but not be limited to Alternative Approaches grant

1 programs, ~~funded pursuant to Section 1210.561 of this title,~~ and
2 alternative academies or alternative programs implemented pursuant
3 to this section.

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

8 B. All school districts of this state serving students in
9 grades seven through twelve shall provide alternative education
10 programs that conform to the requirements of statutes and rules
11 applicable to alternative education. A program shall:

12 1. Allow class sizes and ~~student/teacher~~ student-teacher ratios
13 which are conducive to effective learning for at-risk students,
14 provided that the class size shall not exceed a 15:1 student-teacher
15 ratio;

16 2. Incorporate appropriate structure, curriculum, and
17 interaction and reinforcement strategies designed to provide
18 effective instruction, including but not limited to:

19 a. utilizing attendance, academic, and behavior data for
20 program improvement, and

21 b. utilizing a system of student support such as Response
22 to Intervention (RTI), Positive Behavioral
23 Interventions and Supports (PBIS), or Multi-Tiered
24 System of Support (MTSS);

1 3. Include an intake and screening process to determine
2 eligibility of students. The process shall ensure students are
3 involved in enrolling in the program and given an at-risk pre-
4 assessment to determine eligibility, which may include, but is not
5 limited to, a student whose present or expected status indicates the
6 student might fail to complete his or her secondary education for
7 reasons which may include academic deficiency, behavioral
8 difficulties, excessive absences, pregnancy or parenting, family
9 issues, substance abuse, financial issues, physical or mental health
10 issues, or juvenile justice involvement;

11 4. Demonstrate that teaching faculty are appropriately
12 certified teachers;

13 5. Demonstrate that teaching faculty have been selected on the
14 basis of a record of successful work with at-risk students or
15 personal and educational factors that qualify them for work with at-
16 risk students. Selected teaching faculty shall complete
17 professional development programs intentionally designed to support
18 alternative education to improve instruction and student success.
19 At least one representative of the school district's alternative
20 education program shall attend at least one of the fall regional
21 meetings presented by the State Department of Education;

22 6. Reflect appropriate collaborative efforts with state
23 agencies and local agencies serving youth;

24

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

4 8. Offer individualized instruction;

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

6 10. Include counseling and social services components
7 including, but not limited to:

8 a. requiring students to meet with a licensed or
9 certified counselor at least two times per month in a
10 group or individual setting,

11 b. using an at-risk assessment to determine social
12 services needs of the student, and

13 c. engaging with counseling and social services agencies
14 to provide additional student supports;

15 11. Require a plan leading to graduation be developed for each
16 student in the program which will allow the student to participate
17 in graduation exercises at the sending school or district after
18 meeting the requirements of the school district as specified in the
19 individual graduation plan for that student; provided, the
20 graduation plan required by this paragraph shall not be separate
21 from the plan required by Section 1210.508-4 of this title;

22 12. ~~Offer~~ Engage alternative education students in life skills
23 instruction on a weekly basis which shall include information on
24

1 transitioning to self-sufficiency, securing employment, and
2 achieving financial stability in adulthood;

3 13. Provide interested alternative education students in
4 opportunities for hands-on arts education to students within the
5 academic curriculum on at least a monthly basis, including artist
6 residency programs coordinated with the Oklahoma Arts Council;

7 14. Provide a proposed annual budget;

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

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

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

21 D. 1. Each alternative education program of a school district
22 shall receive funding based on the average daily membership (ADM) of
23 students served by an alternative education program in the prior
24 school year according to the annual statistical report conducted by

1 the State Department of Education. The per-student funding amount
2 shall be based on the funding available for the program each fiscal
3 year.

4 2. Of the funding available for alternative education programs
5 each fiscal year, the State Department of Education shall designate
6 up to fifteen percent (15%) for districts participating in
7 cooperative agreements for alternative education services, which
8 shall be allocated on a pro rata basis as an incentive to each
9 participating district. The incentive amount received by each
10 district for participating in a cooperative agreement shall not
11 exceed Six Thousand Dollars (\$6,000.00) per fiscal year and shall be
12 in addition to the per-student funding amount required by paragraph
13 1 of this subsection. Any funds remaining after allocations
14 required by this paragraph are made shall be distributed to
15 districts in accordance with paragraph 1 of this subsection.

16 3. Statewide alternative education funding shall not be used to
17 supplant existing school district resources or to support programs
18 that do not meet all the criteria for the statewide alternative
19 education system.

20 E. All statewide alternative education funds received and
21 expended for students participating in an alternative education
22 program shall be reported to the State Department of Education by
23 major object codes and by program classifications pursuant to the
24

1 Oklahoma Cost Accounting System as adopted by the State Board of
2 Education pursuant to 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 request~~
7 ~~for a waiver shall be accompanied by an assurance that the school~~
8 ~~district does not have students in need of alternative education~~
9 ~~services. If a school district is granted a waiver, no statewide~~
10 ~~alternative education funding shall be allocated to the district.~~

11 ~~G.~~ 1. The State Board of Education shall:

- 12 a. provide initial and ongoing training of personnel who
13 will educate at-risk student populations through
14 alternative education programs,
- 15 b. provide technical assistance to school districts to
16 enhance the probability of success of their
17 alternative education programs,
- 18 c. evaluate state-funded alternative education programs,
- 19 d. report the evaluation results of state-funded
20 alternative education programs, and
- 21 e. provide in-depth program analysis and evaluation of
22 state-funded alternative education programs.

23
24

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

4 3. The State Board of Education may contract with a technical
5 assistance provider in order to meet the requirements of this
6 subsection.

7 4. The State Board of Education shall have the authority to
8 suspend funds for an alternative education program that does not
9 meet the requirements of subsection B of this section. Provided,
10 any school district under consideration for suspension of funds may
11 request a hearing before the Board with a review of the evaluation
12 prior to the Board's final determination.

13 ~~H.~~ G. All alternative education programs shall be subject to
14 statutes and rules applicable to alternative education, including
15 any exemptions from statutory or regulatory requirements authorized
16 by statutes or ~~rule~~ rules.

17 ~~I.~~ H. An alternative education program may be offered by an
18 individual school district or may be offered jointly by school
19 districts that have formed interlocal cooperative agreements
20 pursuant to Section 5-117b of this title. Any school district
21 submitting a plan for an alternative education program serving fewer
22 than ten students shall enter into ~~a~~ an interlocal cooperative
23 agreement with another school district to jointly provide the
24 program unless the program has been granted a waiver from this

1 requirement by the State Board of Education. A school district
2 participating in a an interlocal cooperative agreement shall be
3 required to send its alternative education funding allocation to the
4 cooperative.

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

15 SECTION 3. This act shall become effective July 1, 2024.

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

20
21
22
23
24

1 Passed the House of Representatives the 13th day of March, 2024.

2
3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2024.

6
7
8 _____
9 Presiding Officer of the Senate