

FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3551 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Danny Sterling _____

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 FLOOR SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 3551

By: Sterling of the House

and

Green of the Senate

7
8 FLOOR SUBSTITUTE

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13 striking reference to repealed statute; establishing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

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

SECTION 1. AMENDATORY 70 O.S. 2021, 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

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 enrolled in an 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 shall hire only certified
11 teachers to teach in an alternative education program or alternative
12 education school offered by the district or to teach students who
13 are in a residential or treatment facility.

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

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

22 E. The State Board of Education shall promulgate rules by which
23 a certified teacher who is qualified to teach in an alternative
24 education program or alternative school as determined by the

1 district board of education offering the alternative education
2 program or alternative school or who teaches students in a
3 residential or treatment facility may be certified to teach subjects
4 in which the teacher does not hold certification. The rules shall
5 provide:

6 1. The certification may be granted only upon application of a
7 district board of education offering an alternative education
8 program or alternative school pursuant to the provisions of this act
9 or upon application of a district board of education offering a
10 residential or treatment facility. If granted, the State Department
11 of Education shall approve the certification by completing the
12 teaching out of certification form; 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 F. As used in this section:

20 1. "Abbreviated school day" means a school day which consists
21 of not less than seven hundred fifty-six (756) hours in a one-
22 hundred-sixty-five-day school calendar as indicated in the
23 alternative education plan. A school district that chooses the
24 total instructional hours scheduling approach for its alternative

1 education program shall submit for approval a deregulation waiver to
2 the State Board of Education by September 1 of each applicable
3 school year; and

4 2. "Academic instruction" means:

5 a. instruction in any subject offered by the school
6 district for core or elective credit, whether part of
7 the standard educational program or offered
8 specifically to students in the alternative education
9 program,

10 b. instruction in any subject offered for credit through
11 a technology center or through concurrent enrollment
12 at a college or university, and

13 c. participation in programs and activities that are part
14 of the school district or interlocal cooperative's
15 approved alternative education implementation plan and
16 are intended to fulfill the requirements for
17 alternative education programs, including counseling,
18 life skills instruction, concurrent enrollment, work
19 study, and other content approved by the State Board
20 of Education.

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

23 Section 1210.568 A. 1. Beginning with the first semester of
24 the 1996-1997 school year, the State Board of Education shall

1 implement a statewide system of alternative education programs which
2 shall be phased-in within seven (7) years. The statewide system
3 shall include but not be limited to Alternative Approaches grant
4 programs, ~~funded pursuant to Section 1210.561 of this title,~~ and
5 alternative academies or alternative programs implemented pursuant
6 to this section.

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

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

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

19 2. Incorporate appropriate structure, curriculum, and
20 interaction and reinforcement strategies designed to provide
21 effective instruction, including but not limited to:

22 a. utilizing attendance, academic, and behavior data for
23 program improvement, and
24

1 b. utilizing a system of student support such as Response
2 to Intervention (RTI), Positive Behavioral
3 Interventions and Supports (PBIS), or Multi-Tiered
4 System of Support (MTSS);

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

15 4. Demonstrate that teaching faculty are appropriately
16 certified teachers;

17 5. Demonstrate that teaching faculty have been selected on the
18 basis of a record of successful work with at-risk students or
19 personal and educational factors that qualify them for work with at-
20 risk students. Selected teaching faculty shall complete
21 professional development programs intentionally designed to support
22 alternative education to improve instruction and student success.
23 At least one representative of the school district's alternative
24

1 education program shall attend at least one of the fall regional
2 meetings presented by the State Department of Education;

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

11 including, but not limited to:

12 a. requiring students to meet with a licensed or
13 certified counselor at least two times per month in a
14 group or individual setting,

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

17 c. engaging with counseling and social services agencies
18 to provide additional student supports;

19 11. Require a plan leading to graduation be developed for each
20 student in the program which will allow the student to participate
21 in graduation exercises at the sending school or district after
22 meeting the requirements of the school district as specified in the
23 individual graduation plan for that student; provided, the
24

1 graduation plan required by this paragraph shall not be separate
2 from the plan required by Section 1210.508-4 of this title;

3 12. ~~Offer~~ Engage alternative education students in life skills
4 instruction on a weekly basis which shall include information on
5 transitioning to self-sufficiency, securing employment, and
6 achieving financial stability in adulthood;

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

11 14. Provide a proposed annual budget;

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

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

22 C. The alternative education program of a school district shall
23 be operational and serving students by September 1 of each school
24 year.

1 D. 1. Each alternative education program of a school district
2 shall receive funding based on the average daily membership (ADM) of
3 students served by an alternative education program in the prior
4 school year according to the annual statistical report conducted by
5 the State Department of Education. The per-student funding amount
6 shall be based on the funding available for the program each fiscal
7 year.

8 2. Of the funding available for alternative education programs
9 each fiscal year, the State Department of Education shall designate
10 up to fifteen percent (15%) for districts participating in
11 cooperative agreements for alternative education services, which
12 shall be allocated on a pro rata basis as an incentive to each
13 participating district. The incentive amount received by each
14 district for participating in a cooperative agreement shall not
15 exceed Six Thousand Dollars (\$6,000.00) per fiscal year and shall be
16 in addition to the per-student funding amount required by paragraph
17 1 of this subsection. Any funds remaining after allocations
18 required by this paragraph are made shall be distributed to
19 districts in accordance with paragraph 1 of this subsection.

20 3. Statewide alternative education funding shall not be used to
21 supplant existing school district resources or to support programs
22 that do not meet all the criteria for the statewide alternative
23 education system.

24

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

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

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

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

1 e. provide in-depth program analysis and evaluation of
2 state-funded alternative education programs.

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

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

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

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

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

1 agreement with another school district to jointly provide the
2 program unless the program has been granted a waiver from this
3 requirement by the State Board of Education. A school district
4 participating in a an interlocal cooperative agreement shall be
5 required to send its alternative education funding allocation to the
6 cooperative.

7 ~~¶~~ I. 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~~ materials or equipment may be used for other
16 purposes when the alternative education program is not operating.

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

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

22
23 59-2-10717 EK 03/07/24

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