

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 59th Legislature (2024)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 3551

By: Sterling of the House

and

**Green** of the Senate

7  
8  
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10                                   COMMITTEE SUBSTITUTE

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17                   striking reference to repealed statute; establishing  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

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

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

3 Section 1210.567 A. Upon application of a district board of  
4 education, the State Board of Education shall authorize an  
5 abbreviated day schedule for an alternative school or alternative  
6 education program that is or will be administered by the district  
7 pursuant to the provisions of this act or for the education provided  
8 for students in a residential or treatment facility located within  
9 the district. A student enrolled in an alternative school, an  
10 alternative education program or receiving educational services in a  
11 residential or treatment facility within the district who attends  
12 for a full abbreviated day shall be counted in attendance for  
13 purposes of computing average daily attendance and average daily  
14 membership for the district.

15 B. A district board of education shall hire only certified  
16 teachers to teach in an alternative education program or alternative  
17 education school offered by the district or to teach students who  
18 are in a residential or treatment facility. A certified teacher  
19 shall be present in the alternative education program classroom for  
20 all program hours identified in the alternative education plan.

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. A person providing counseling or social services in an  
2 alternative education program or school shall be certified as a  
3 school counselor by the State Board of Education or as a mental  
4 health provider.

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

13 1. The certification may be granted only upon application of a  
14 district board of education offering an alternative education  
15 program or alternative school pursuant to the provisions of this act  
16 or upon application of a district board of education offering a  
17 residential or treatment facility. If granted, the State Department  
18 of Education shall approve the certification by completing the  
19 teaching out of certification form; and

20 2. The teacher's certification in subjects in which the teacher  
21 does not otherwise hold certification pursuant to the provisions of  
22 this section shall be valid only for purposes of teaching in the  
23 alternative education program or alternative school offered by the  
24

1 district board or in a residential or treatment facility located  
2 within the district making application.

3 F. As used in this section:

4 1. "Abbreviated school day" means a school day which:

- 5 a. consists of not less than four (4) hours and twelve  
6 (12) minutes per day devoted to academic instruction  
7 for the locally approved one-hundred-eighty-day school  
8 calendar, provided that students shall be physically  
9 present on-site in the alternative education program  
10 for a minimum of four (4) hours and twelve (12)  
11 minutes a day or seven hundred fifty-six (756) hours  
12 in a one-hundred-sixty-five-day school calendar as  
13 indicated in the alternative education plan, or  
14 b. may consist of less than four (4) hours and twelve  
15 (12) minutes per day devoted to academic instruction,  
16 provided that students in alternative education  
17 programs are physically present on-site for at least  
18 seven hundred fifty-six (756) hours of academic  
19 instruction per school year. A school district that  
20 chooses the total instructional hours scheduling  
21 approach for its alternative education program shall  
22 submit for approval a deregulation waiver to the State  
23 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;

5           4. Demonstrate that teaching faculty are appropriately  
6 certified teachers;

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

16           6. Reflect appropriate collaborative efforts with state  
17 agencies and local agencies serving youth;

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

21           8. Offer individualized instruction;

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

23           10. Include counseling and social services components  
24 including, but not limited to:

- 1           a.   requiring students to meet with a licensed or  
2                   certified counselor at least two times per month in a  
3                   group or individual setting,  
4           b.   using an at-risk assessment to determine social  
5                   services needs of the student, and  
6           c.   engaging with counseling and social services agencies  
7                   to provide additional student supports;

8           11.   Require a plan leading to graduation be developed for each  
9 student in the program which will allow the student to participate  
10 in graduation exercises at the sending school or district after  
11 meeting the requirements of the school district as specified in the  
12 individual graduation plan for that student; provided, the  
13 graduation plan required by this paragraph shall not be separate  
14 from the plan required by Section 1210.508-4 of this title;

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

19           13.   ~~Provide~~ Involve alternative education students in  
20 opportunities for hands-on arts education to students within the  
21 academic curriculum on at least a monthly basis, including artist  
22 residency programs coordinated with the Oklahoma Arts Council;

23           14.   Provide a proposed annual budget;



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

6 16. Allow students access to standard school services  
7 including, but not limited to, physical classroom space, library  
8 media services, school nutrition programs, and school  
9 transportation; and

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

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

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

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.

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

23           ~~F. Elementary school districts, as defined in Section 5-103 of~~  
24 ~~this title, may request a waiver by May 15 of each year from the~~

1 ~~State Board of Education from the requirements of this section to~~  
2 ~~implement and provide an alternative education program. Any request~~  
3 ~~for a waiver shall be accompanied by an assurance that the school~~  
4 ~~district does not have students in need of alternative education~~  
5 ~~services. If a school district is granted a waiver, no statewide~~  
6 ~~alternative education funding shall be allocated to the district.~~

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

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

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

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

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

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

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

23           ~~J.~~ I. 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~~ materials or equipment may be used for other  
8 purposes when the alternative education program is not operating.

9 J. As used in this section, "at-risk student" means a student  
10 whose present or expected status indicates the student might fail to  
11 complete his or her secondary education for reasons which may  
12 include academic deficiency, behavioral difficulties, excessive  
13 absences, pregnancy or parenting, family issues, substance abuse,  
14 financial issues, physical or mental health issues, juvenile justice  
15 involvement, or other such factors, not including disability status.

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

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

21  
22 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02/28/2024  
23 - DO PASS, As Amended and Coauthored.  
24