



JANET BARRESI
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
STATE OF OKLAHOMA

MEMORANDUM

TO: The Honorable Members of the State Board of Education
FROM: Janet Barresi
DATE: February 23, 2012
SUBJECT: Statutory Waiver Concerning Cooperative Agreements
for Alternative Education Programs

The following school is requesting a statutory waiver of 70 O.S. § 1210.568, which requires them to enter into a cooperative agreement with another school district if enrollment in their alternative education program is less than ten (10) students. Approval is recommended.

District	County	Duration of Waiver (Years)
Pocola Public Schools	LeFlore (2)*	2

* The number in the County category represents the Congressional District.
See the attached map.

rr

Attachments

Section 915. Alternative Education Programs - Statewide System.

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

B. Beginning with the first semester of the 2002-2003 school year, all school districts of this state shall provide alternative education programs that conform to the requirements of statutes and rules applicable to alternative education. A program shall:

1. Allow class sizes and student/teacher ratios which are conducive to effective learning for at-risk students;
2. Incorporate appropriate structure, curriculum, and interaction and reinforcement strategies designed to provide effective instruction;
3. Include an intake and screening process to determine eligibility of students;
4. Demonstrate that teaching faculty are appropriately licensed or certified teachers;
5. Demonstrate that teaching faculty have been selected on the basis of a record of successful work with at-risk students or personal and educational factors that qualify them for work with at-risk students;
6. Reflect appropriate collaborative efforts with state agencies and local agencies serving youth;
7. Provide courses that meet the academic curricula standards adopted by the State Board of Education and additional remedial courses;
8. Offer individualized instruction;
9. State clear and measurable program goals and objectives;
10. Include counseling and social services components with the provision that providers of services are not required to be certified as school counselors;
11. Require a plan leading to graduation be developed for each student in the program which will allow the student to participate in graduation exercises for the school district after meeting the requirements of the school district as specified in the individual graduation plan for that student; provided, for students who enter the ninth grade in or prior to the 2007-08 school year, the plan shall specifically address whether the student is required to meet the graduation requirements established in Section 11-103.6 of this title;
12. Offer life skills instruction;
13. Provide opportunities for arts education to students, including Artists in Residence programs coordinated with the Oklahoma Arts Council;
14. Provide a proposed annual budget;
15. Include an evaluation component including an annual written self-evaluation;
16. Be appropriately designed to serve middle school, junior high school and secondary school students in grades six through twelve who are most at risk of not completing a high school education for a reason other than that identified in Section 13-101 of this title; and
17. Allow students in the alternative education program, who otherwise meet all of the participation requirements, to participate in vocational programs and extracurricular activities, including but not limited to athletics, band, and clubs.

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

D. Each alternative education program of a school district shall receive funding based on the combined number of dropouts and students within the district who have been referred to a county juvenile service unit, a county juvenile bureau or who have been committed to the custody of the Office of Juvenile Affairs. Each alternative education program shall receive incentive funding as follows:

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

2. For the second year of operation, Seven Hundred Fifty Dollars (\$750.00) per student; and
3. For the third year of operation and each year thereafter, Seven Hundred Dollars (\$700.00) per student.

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

E. By September 15 of each school year, all statewide alternative education funds received and expended for students participating in an alternative education program shall be reported to the State Department of Education by major object codes and by program classifications pursuant to the Oklahoma Cost Accounting System as adopted by the State Board of Education pursuant to Section 5-135 of this title.

F. Elementary school districts, as defined in Section 5-103 of this title, may request a waiver from the State Board of Education from the requirements of this section to implement and provide an alternative education program. Any elementary school district that has not received funding pursuant to the provisions of subsection D of this section shall be automatically granted a waiver. If a school district is granted a waiver, no statewide alternative education funding shall be allocated to the district.

G. 1. The State Board of Education shall contract for technical assistance for operation of an Alternative Education Technical Assistance Center. The technical assistance provider shall be an entity located in Oklahoma that has been officially recognized by the United States Department of Education to assess and facilitate dissemination of validated educational programs in Oklahoma. The technical assistance provider shall have priority, if its operations are deemed satisfactory by the State Board of Education and if funds are available, for annual renewal of the contract.

2. The duties of the technical assistance provider shall include, but shall not be limited to:
 - a. providing initial and ongoing training of personnel who will educate at-risk populations through alternative education programs,
 - b. providing technical assistance to school districts to enhance the probability of success of their alternative education programs,
 - c. evaluating state-funded alternative education programs,
 - d. reporting to the State Board of Education the evaluation results of state-funded alternative education programs, and
 - e. providing in-depth program analysis and evaluation of state-funded alternative education programs.

3. The State Board of Education shall not provide funding to an alternative education program that does not receive a recommendation for continued funding in the evaluation provided for in this subsection. Provided, any school district not receiving such a recommendation for continued funding may request a hearing before the Board with a review of the evaluation prior to the Board's final determination.

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

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

J. Any materials or equipment purchased by a school district with revenue received for students participating in an alternative education program shall be used only in or directly for the alternative education program offered by the district or any subsequent alternative education program offered to students enrolled in that district. Such materials and equipment shall be made available exclusively to alternative education students during the hours that the alternative education program is operating; provided, the material or equipment may be used for other purposes when the alternative education program is not operating.

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

L. Upon implementation of this subsection as provided for in subsection M of this section and contingent upon the provision of appropriated funds designated for such purpose, each urban school district identified by the State Department of Education as having a high population of elementary grade students who are at-risk and in need of alternative education shall provide elementary level alternative education programs. The State Department of Education shall establish requirements for the programs. For purposes of this section, "urban school district" means a school district with an average daily membership of thirty thousand (30,000) or more.

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

(70-1210.568)

OKLAHOMA STATE DEPARTMENT OF EDUCATION

ACCREDITATION DIVISION
2500 North Lincoln Boulevard, Suite 210
Oklahoma City, Oklahoma 73105-4599
(405) 521-3333

SCHOOL SITE STATUTORY WAIVER/EXEMPTION APPLICATION

FOR 20¹¹ - 20¹² SCHOOL YEAR

Name of Site(s): POCOLA HIGH SCHOOL

Name of School District: POCOLA PUBLIC SCHOOLS
Signature of Principal(s): *Sandy Ryland Date 12/6/11

Signature of Superintendent: *[Signature]

County Name: LEFLORE

SDE USE ONLY

PROJECT YEARS

2 of 2

ENROLLMENT

High School	<u>260</u>
Jr./Middle High	<u>179</u>
Elementary	<u>460</u>
District Total	<u>899</u>

Date Received _____

70 O.S. _____

I hereby certify that this deregulation application was approved by our local board of education at the meeting on Dec 12, 2011.

Signature of Board President* [Signature]

Notary: Carolyn A. Jones

Date: 12.12.2011 My Commission Expires: 5.25.2014
#02007126

1. Statement of the Statute to be Waived: (specify statutory citation)

THE POCOLA PUBLIC SCHOOL DISTRICT I-007 IS REQUESTING A STATUTORY WAIVER FOR 70-OS-1210.568 FOR THE 2011-2012 SCHOOL YEAR, DUE TO THE LOW ENROLLMENT OF ALTERNATIVE EDUCATION STUDENTS.

*Original signatures are required.

RECEIVED
ACCREDITATION

JAN 10 2012

STATE DEPT. OF EDUCATION

A. A description of the educational benefits to be derived (i.e., describe specific benefits to learning/achievement).

STUDENTS BENEFIT IN THE ENROLLMENT OF ALTERNATIVE EDUCATION DUE TO THEIR RISK OF HIGH DROP OUT AND EXTENSIVE ABSENCES.

B. A definition of the standards of the plan (i.e., alternate strategies proposed).

THE PROGRAM WILL COMPLY WITH THE SEVENTEEN (17) ALTERNATIVE EDUCATION CRITERIA.

C. Development of definitive work products, such as site improvement plans and progress reports (i.e., describe the expected student performance levels to be demonstrated or results of the Statutory Waiver).

PROGRESS REPORTS ARE MADE AVAILABLE AT PARENT/TEACHER CONFERENCES AND UPON ANY PARENT REQUEST THROUGHOUT THE YEAR FOR ALL STUDENTS PERFORMING ABOVE AND/OR BELOW THE 70TH PERCENTILE.

D. Demonstration of collaboration of teachers, administrators, higher education representatives, students, parents/families, and the community.

OTAC EVALUATE AND MONITORING PROGRESS.

E. Development and the use of an assessment mechanism to determine progress in meeting the goals and objectives of the plan (i.e., method of evaluation).

STUDENTS TAKE THE TABE PRE TEST AT THE BEGINING OF THEIR ENROLLMENT AND THE POST TEST AT THE END OF THE YEAR.

F. Development of an in-service training plan to be provided to personnel at the site who will participate in the projects.

ALTERNATIVE EDUCATION DIRECTOR/INSTRUCTOR AND COUNSELOR ATTEND PROFESSIONAL DEVELOPMENT.

G. Report on the results of the plan to the State Board of Education and provision of appropriate technical assistance to other school districts and the State Department of Education as required (i.e., describe how you will report to the State Board of Education annually).

THE DISTRICT WILL REPORT THE RESULTS OF THE CURRENT ALTERNATIVE EDUCATION PLAN TO THE SDE.

H. Explanation of how the plan will affect other schools, programs or sites in the district.

THE CURRENT ALTERNATIVE EDUCATION PLAN CURRENTLY INVOLVES THE POCOLA PUBLIC SCHOOL.

I. Period of public review on the proposed plan.

THE ALTERNATIVE EDUCATION PLAN WILL BE REVIEWED YEARLY.

J. Notification and comments from the district bargaining agent, or if no bargaining agent exists, the teachers directly affected.

THE CURRENT PLAN/PROGRAM AFFECTS THE DIRECTOR/INSTRUCTOR AND THE SCREENING COMMITTEE.

K. All comments, recommendations and objections made by the bargaining agent and others to the local board of education shall be forwarded to the State Board of Education for consideration prior to review of the plan.

BEFORE REVISIONS, THE SDE WILL BE CONTACTED.

L. Timeline for implementing the Statutory Waiver, specifying the period requested.

THE POCOLA PUBLIC SCHOOL DISTRICT IS REQUESTING A ONE YEAR WAIVER FOR THE SCHOOL YEAR 2011-2012 TO 70-1210.568.



Pocola Public Schools
Ron Sherrell, Superintendent

December 12, 2011

Oklahoma State Department of Education
Accreditation Division
2500 North Lincoln Boulevard, Suite 210
Oklahoma City, OK 73105-4599

Attn: Regina

Please accept our application for Statutory Waiver for our Alternative Education Department. Our enrollment has fallen below the requirement pursuant to 70-OS-1210.568. This request is for the 2011-2012 school year.

Should you need any further information, please feel free to contact me at the number below.

Sincerely,

Ron Sherrell
Superintendent

RS/ps

RECEIVED
ACCREDITATION

JAN 14 2012

STATE DEPT. OF EDUCATION

Home of The Indians