

A-Engrossed
House Bill 2040

Ordered by the House June 22
Including House Amendments dated June 22

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Education)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Eliminates teacher experience as factor in school district funding formula.]

[Establishes Successful Schools Fund.]

[Continuously appropriates moneys in fund to Department of Education for incentive rewards to schools. Transfers to Successful Schools Fund amount determined by department that was distributed to school districts based on teacher experience factor.]

[Modifies successful schools program.]

Authorizes certain school districts to contract with qualified private alternative education programs to provide services to homeschooled children. Directs State Board of Education to adopt formula for calculation of amount of funding to be received by programs from State School Fund distributions.

Declares emergency, effective July 1, 2007.

A BILL FOR AN ACT

1
2 Relating to education; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Sections 2 to 6 of this 2007 Act are added to and made a part of ORS 336.615**
5 **to 336.665.**

6 **SECTION 2. As used in sections 2 to 6 of this 2007 Act:**

7 (1) **“Qualified homeschooled child” means a child who is registered as a child who is**
8 **taught by a parent, legal guardian or private teacher under ORS 339.035 and who is:**

9 (a) **A resident of a county with a population of more than 320,000 but less than 325,000**
10 **according to the federal decennial census conducted in 2000; or**

11 (b) **A resident of a school district that contracted with a qualified private alternative**
12 **education program prior to the 2007-2008 school year.**

13 (2) **“Qualified private alternative education program” means a private alternative educa-**
14 **tion program that:**

15 (a) **First contracted with a qualified school district beginning with the 1996-1997 school**
16 **year, and has continued to have a contract with a qualified school district through the**
17 **2006-2007 school year, to provide services to homeschooled students; and**

18 (b) **Is in compliance with ORS 336.615 to 336.665 and rules adopted by the State Board of**
19 **Education that relate to private alternative education programs.**

20 (3) **“Qualified school district” means a school district:**

21 (a) **With an administrative office located in the county seat of a county with a population**
22 **of more than 320,000 but less than 325,000 according to the federal decennial census con-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 ducted in 2000; and

2 (b) That had a contract with a qualified private alternative education program during the
3 2006-2007 school year.

4 **SECTION 3.** (1) A qualified school district may contract with a qualified private alterna-
5 tive education program to provide services to homeschooled children. A qualified school dis-
6 trict that contracts with a program under this section shall evaluate and monitor the
7 program.

8 (2) Other school districts may place students in a qualified private alternative education
9 program. Except as provided in subsection (1) of this section, if a school district places a
10 student in a program under this subsection, the school district is not required to evaluate
11 and monitor the program.

12 (3) When necessary to meet a qualified homeschooled child's educational needs and in-
13 terests, the parent or legal guardian with the approval of the resident district and the at-
14 tending district may enroll the child in a qualified private alternative education program. If
15 the child is determined to be eligible for special education under ORS 343.221 to 343.236 and
16 343.261 to 343.295, the program must be approved by the Department of Education prior to
17 the placement of the student in the program.

18 (4) As a condition of enrolling in a qualified private alternative education program:

19 (a) A qualified homeschooled child may not be required to have previously attended a
20 public school;

21 (b) A school district is not required to find that the student is not benefiting, has not
22 benefited or will not benefit from attendance in public school or other alternative education
23 programs; and

24 (c) A school district is not required to conduct an assessment of the child in order to find
25 that the program would meet the child's educational needs and interests.

26 **SECTION 4.** Notwithstanding section 3 (3) of this 2007 Act, if a qualified homeschooled
27 child was enrolled in a qualified private alternative education program prior to the effective
28 date of this 2007 Act, additional approval from the resident or attending school district is not
29 required and the qualified homeschooled child may continue to attend the program.

30 **SECTION 5.** (1) A qualified private alternative education program shall receive funding
31 from a qualified school district that has entered into a contract with the program. The
32 funding shall be calculated based on this section and section 6 of this 2007 Act.

33 (2) A qualified private alternative education program may receive funding for a qualified
34 homeschooled child only if the child enrolls in one or more the following courses that meet
35 the academic content standards adopted by the State Board of Education for that course:

36 (a) Mathematics.

37 (b) Science.

38 (c) English.

39 (d) History.

40 (e) Geography.

41 (f) Economics.

42 (g) Civics.

43 (h) Physical education.

44 (i) Health.

45 (j) The arts.

1 (k) Second languages.

2 (L) Computer technology.

3 (3)(a) Except as provided in paragraph (b) of this subsection, for purposes of receiving
4 funding for a qualified private alternative education program from the State School Fund, a
5 qualified school district that enters into a contract with a program under section 3 of this
6 2007 Act shall be considered to be the resident district of a qualified homeschooled child who
7 attends the program.

8 (b) Paragraph (a) of this subsection does not apply to a qualified homeschooled child who
9 is receiving special education and related services.

10 **SECTION 6.** (1) As used in this section:

11 (a) "ADM" means the average daily membership as defined in ORS 327.006.

12 (b) "Small group" means instruction provided in a qualified private alternative education
13 program approved by a qualified school district to a class of two to five students.

14 (c) "Intermediate group" means instruction provided in a qualified private alternative
15 education program approved by a qualified school district to a class of six to 15 students.

16 (d) "Large group" means instruction provided in a qualified private alternative education
17 program approved by a qualified school district to a class of 16 or more students.

18 (e) "Tutorial" means instruction provided in a qualified private alternative education
19 program approved by a qualified school district to a class of one student.

20 (2) The State Board of Education shall adopt by rule a formula for the calculation of the
21 amount of funding to be received by a qualified private alternative education program. The
22 formula shall be based on:

23 (a) The ADM of the program;

24 (b) Whether the program operates full-time or part-time; and

25 (c) Whether instruction in the program is given as tutorials or in small groups, inter-
26 mediate groups or large groups.

27 **SECTION 7.** Sections 5 and 6 of this 2007 Act first apply to State School Fund distrib-
28 utions commencing with the 2007-2008 distribution.

29 **SECTION 8.** This 2007 Act being necessary for the immediate preservation of the public
30 peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect
31 July 1, 2007.

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