

Enrolled
Senate Bill 23

Sponsored by Senators WALKER, GORDLY; Senator DEVLIN

CHAPTER

AN ACT

Relating to Expanded Options Program; creating new provisions; amending ORS 340.005, 340.015, 340.025, 340.030, 340.037, 340.045 and 340.065; and declaring an emergency.

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

SECTION 1. ORS 340.005 is amended to read:

340.005. For purposes of this chapter:

(1) "Accelerated college credit program" has the meaning given that term by rules adopted by the State Board of Education.

(2) "At-risk student" means:

(a) A student who qualifies for a free or reduced lunch program; or

(b) An at-risk student as defined by rules adopted by the board if the board has adopted rules to define an at-risk student.

(3) "Duplicate course" means a course with a scope that is identical to the scope of another course.

(4)(a) "Eligible post-secondary course" means any nonsectarian course or program offered through an eligible post-secondary institution if the course or program may lead to high school completion, a certificate, professional certification, associate degree or baccalaureate degree.

(b) "Eligible post-secondary course" does not include a duplicate course offered at the student's resident school.

(c) "Eligible post-secondary course" includes:

(A) Academic and professional technical courses; and

(B) Distance education courses.

(5) "Eligible post-secondary institution" means:

(a) A community college;

(b) A state institution of higher education listed in ORS 352.002; and

(c) The Oregon Health and Science University.

(6)(a) "Eligible student" means a student who is enrolled in an Oregon public school and who:

(A) Is 16 years of age or older at the time of enrollment in a course under the Expanded Options Program;

[(A)] (B)(i) Is in grade 11 or 12 [or who is 16 years of age or older] at the time of enrollment in a course under the Expanded Options Program; or

(ii) Is not in grade 11 or 12, because the student has not completed the required number of credits, but who has been allowed by the school district to participate in the program;

[(B)] (C) Has developed an educational learning plan as described in ORS 340.025; and

[C)] **(D)** Has not successfully completed [*four years of high school*] **the requirements for a high school diploma as established by ORS 329.451, the State Board of Education and the school district board.**

(b) "Eligible student" does not include a foreign exchange student enrolled in a school under a cultural exchange program.

(7) "Expanded Options Program" means the program created under this chapter.

(8) "Scope" means depth and breadth of course content as evidenced through a planned course statement including content outline, applicable state content standards where appropriate, course goals and student outcomes.

SECTION 2. ORS 340.015 is amended to read:

340.015. (1) Prior to February [1] **15** of each year, each school district shall notify all high school students and the students' parents or guardians of the Expanded Options Program **for the following school year.**

(2) Notwithstanding subsection (1) of this section, a school district, in the district's enrollment materials, shall notify a student and the student's parent or guardian of the Expanded Options Program if the student enrolls in a school of the district after the district has issued the notice described in subsection (1) of this section and the student is:

(a) Transferring to a high school in the district from another district; or

(b) Returning to high school after dropping out of school.

[2)] **(3)** Each school district shall establish a process to ensure that all at-risk students and their parents are notified about the Expanded Options Program.

(4) A school district shall notify a high school student who has officially expressed an intent to participate in the Expanded Options Program pursuant to ORS 340.025 (1) or (2), and the student's parent or guardian, of the student's eligibility status within 20 business days after the student officially expressed the intent.

[3)] **(5)** The State Board of Education shall establish by rule the required components of the notice. The notice must include, but not be limited to, information about:

(a) Financial arrangements for tuition, textbooks, equipment and materials;

(b) Available transportation services;

(c) The effect of enrolling in the Expanded Options Program on the eligible student's ability to complete the required high school graduation requirements;

(d) The consequences of failing or not completing an eligible post-secondary course; [*and*]

(e) The requirement that participation in the Expanded Options Program is contingent on acceptance by an eligible post-secondary institution[.]; **and**

(f) School district timelines affecting student eligibility and duplicate course determinations.

SECTION 3. ORS 340.025 is amended to read:

340.025. (1) Prior to [*March 1*] **May 15** of each year, a student who is interested in participating in the Expanded Options Program shall notify the student's resident school district of the student's intent to enroll in eligible post-secondary courses during the following school year.

(2) Notwithstanding subsection (1) of this section, a high school transfer student or returning dropout described in ORS 340.015 (2) has 20 business days from the date of enrollment to indicate interest.

[2)] **(3)** The resident school district shall review with the student and the student's parent or guardian the student's current status toward meeting all state and school district graduation requirements and the applicability of the proposed eligible post-secondary course with respect to fulfilling the student's remaining graduation requirements.

[3)(a)] **(4)(a)** An eligible student who intends to participate in the Expanded Options Program shall develop an educational learning plan in cooperation with an advisory support team.

(b) The educational learning plan may include:

(A) The student's short-term and long-term learning goals and proposed activities; and

(B) The relationship of the eligible post-secondary courses proposed under the Expanded Options Program and the student's learning goals.

(c) An advisory support team may include the student, the student's parent or guardian and a teacher or a counselor.

SECTION 4. ORS 340.030 is amended to read:

340.030. (1) An eligible student may apply to an eligible post-secondary institution to enroll in eligible post-secondary courses offered by the eligible post-secondary institution.

(2) If an eligible post-secondary institution accepts an eligible student for enrollment under this section pursuant to ORS 341.505 or other admissions standards, the eligible post-secondary institution shall send written notice to the student, the student's resident school district and the Department of Education within 20 **business** days of acceptance. The notice shall indicate the eligible post-secondary courses and hours of enrollment offered to the student.

(3) If an eligible post-secondary institution accepts an eligible student for enrollment under this section, the eligible post-secondary institution shall provide academic advising to the student as appropriate.

(4) An eligible post-secondary institution may designate individual programs in which eligible students may enroll under this section.

(5)(a) *[If an eligible student wishes to take a course at an eligible post-secondary institution that a school district determines is a duplicate course,]* **Each school district shall establish a process to determine duplicate course designations.**

(b) A school district shall notify an eligible student and the student's parent or guardian of any course the student wishes to take that the district determines is a duplicate course, within 20 business days after the student has submitted a list of intended courses.

(c)(A) A student may appeal a duplicate course determination to the school district board based on evidence of the scope of the course.

(B) The school district board or the board's designee shall issue a decision on the appeal within 30 business days of receipt of the appeal.

(C) If the appeal is denied by the school district board, the student may appeal the determination of the school district to the Superintendent of Public Instruction or the superintendent's designee.

[(b)] **(d)** The Department of Education shall create a process for students to appeal the decision of a school district under paragraph *[(a)]* **(c)** of this subsection.

[(c)] **(e)** The superintendent or the superintendent's designee shall issue a decision on the appeal within 30 days of receipt of the appeal. If the superintendent or the superintendent's designee fails to issue a decision within 30 days of receipt of the appeal, the course shall be deemed to not be a duplicate course and the student may enroll in the course under the Expanded Options Program if the course and the student meet all other eligibility requirements for the program.

(6) Once participating in the Expanded Options Program, an eligible student must maintain satisfactory academic progress as defined by the eligible post-secondary institution.

(7) An eligible post-secondary institution may not be required to accept a student for enrollment under this section.

SECTION 5. ORS 340.037 is amended to read:

340.037. (1) An eligible student who enrolls in the Expanded Options Program may not enroll in eligible post-secondary courses under ORS 340.030 for more than the equivalent of two academic years. An eligible student who first enrolls in the Expanded Options Program in grade 12 may not enroll in eligible post-secondary courses under ORS 340.030 for more than the equivalent of one academic year. If an eligible student first enrolls in an eligible post-secondary course in the middle of the school year, the time of participation shall be reduced proportionately. If an eligible student is enrolled in a year-round program and begins each grade in the summer session, summer sessions are not counted against the time of participation.

(2) A student who has graduated from high school may not participate in the Expanded Options Program. *[However, an eligible student who has completed course requirements for graduation, but who has not received a diploma, may participate in the Expanded Options Program.]*

SECTION 6. ORS 340.045 is amended to read:

340.045. (1) An eligible student enrolled in an eligible post-secondary course at an eligible post-secondary institution pursuant to ORS 340.030 shall continue to be considered a resident pupil of the student's school district for purposes of calculation of the State School Fund grant under ORS 327.006 to 327.133, 327.348, 327.355, 327.357, 327.360 and 327.731.

(2) The amount of each school district's general purpose grant per extended ADMw as calculated under ORS 327.013 shall be determined each fiscal year by the Department of Education and made available to all school districts and, upon request, to any eligible post-secondary institution.

[(2)] (3) A school district and any eligible post-secondary institution that accepts a student for enrollment in an eligible post-secondary course pursuant to ORS 340.030 shall negotiate in good faith a financial agreement [with any eligible post-secondary institution that accepts a student for enrollment in an eligible post-secondary course pursuant to ORS 340.030] for the payment of actual [tuition, fees and other required] instructional costs associated with the enrollment of the eligible student in eligible post-secondary courses, including tuition and fees and the costs of textbooks, equipment and materials.

[(3)(a) The amount of each school district's general purpose grant per extended ADMw as calculated under ORS 327.013 shall be determined each fiscal year by the Department of Education and made available to all school districts and, upon request, to any eligible post-secondary institution.]

[(b) Each fiscal year, a school district shall expend per student participating in the Expanded Options Program a minimum of 50 percent of the school district's general purpose grant per extended ADMw. Expenditures that qualify under this paragraph include amounts expended on tuition, fees, textbooks, equipment and materials required for an eligible post-secondary course.]

[(c) A school district may request a waiver from the Superintendent of Public Instruction or the superintendent's designee of the requirements of paragraph (b) of this subsection. The superintendent or the superintendent's designee shall grant the waiver if:]

[(A) Compliance with the requirements of paragraph (b) of this subsection would cause the school district extreme financial distress; or]

[(B) The school district offers dual credit technical preparation programs, such as two-plus-two programs, advanced placement or International Baccalaureate programs and other accelerated college credit programs, and:]

[(i) The programs offered by the school district serve all qualified applicants; and]

[(ii) There are no charges to at-risk students.]

(4) As part of the negotiated financial agreement, an eligible post-secondary institution shall provide the school district with the published refund policy for eligible students who do not complete eligible post-secondary courses in which the students enroll and do not earn credit.

(5) If, after participating in good faith negotiations, a school district and an eligible post-secondary institution are unable to agree on the payment of actual instructional costs as described in subsection (3) of this section, either entity may appeal to the department for a determination of whether the negotiations were conducted in good faith.

(6) The department shall develop a process and criteria to use for appeals.

(7)(a) If the department determines that the negotiations were not conducted in good faith by either the school district or the eligible post-secondary institution, the department shall order the school district and the eligible post-secondary institution to conduct the negotiations again.

(b) If the department determines that the negotiations were conducted in good faith by the school district and the eligible post-secondary institution, the department shall grant the school district a waiver under section 10 of this 2007 Act from participating in the Expanded

Options Program with the eligible post-secondary institution with which the school district was negotiating.

(8) The decision of the department shall be binding on the school district and the eligible post-secondary institution.

~~[(4)]~~ **(9)** In addition to any financial agreement entered into under subsection ~~[(2)]~~ **(3)** of this section, the resident school district of the eligible student shall enter into an agreement with an eligible post-secondary institution that accepts a student for enrollment in an eligible post-secondary course that is a nontuition course or noncredit course pursuant to ORS 340.030 for the payment of the actual instructional costs associated with the student's attending the eligible post-secondary course at the institution.

~~[(5)]~~ **(10)** Nothing in this section shall prohibit an eligible post-secondary institution from receiving additional state funding that may be available under any other law.

SECTION 7. ORS 340.065 is amended to read:

340.065. (1) A resident school district may provide transportation services to eligible students who attend eligible post-secondary institutions within ~~[the]~~ **any education service district** boundaries ~~[of the school district pursuant to ORS 327.043]~~ **of which the school district is a component school district.**

(2) Any transportation costs incurred by a school district under this section shall be considered approved transportation costs for purposes of ORS 327.013 (9).

SECTION 8. Sections 9 and 10 of this 2007 Act are added to and made a part of ORS chapter 340.

SECTION 9. (1) A public charter school may elect to participate in the Expanded Options Program by amending its charter under ORS 338.065.

(2) Actual instructional costs associated with participating eligible students shall be negotiated and paid directly to the eligible post-secondary institution by the public charter school.

(3) The participating public charter school may not require funding from the sponsor of the school for payment of Expanded Options Program costs that is in addition to funding that already has been contractually established pursuant to ORS 338.155 (2)(b) or (3)(b) or 338.165 (3)(b).

SECTION 10. (1) A school district may request a waiver from the Department of Education of the requirements of this chapter. The department shall grant the waiver if:

(a) Compliance with the requirements of this chapter would adversely impact the finances of the school district; or

(b) The school district offers dual credit technical preparation programs, such as two-plus-two programs, advanced placement or International Baccalaureate programs and other accelerated college credit programs.

(2) The duration of a waiver granted based on subsection (1)(a) of this section shall be no more than two school years.

(3) The duration of a waiver granted under subsection (1)(b) of this section shall be the length of the program that was the basis for the waiver.

(4) There is no limit on the number of times a school district may apply for and be granted a waiver under this section.

SECTION 11. Sections 9 and 10 of this 2007 Act and the amendments to ORS 340.005, 340.015, 340.025, 340.030, 340.037, 340.045 and 340.065 by sections 1 to 7 of this 2007 Act first apply to the 2007-2008 school year.

SECTION 12. This 2007 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect July 1, 2007.

Passed by Senate April 16, 2007

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Secretary of Senate

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President of Senate

Passed by House June 4, 2007

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Speaker of House

Received by Governor:

.....M,....., 2007

Approved:

.....M,....., 2007

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Governor

Filed in Office of Secretary of State:

.....M,....., 2007

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Secretary of State