

# Senate Bill 619

Sponsored by Senator WALKER, Representative C EDWARDS; Senator KRUSE, Representatives BARNHART, BUCKLEY, DALLUM, FLORES, HANNA, KOMP, KRUMMEL, ROBLAN

## 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 **as introduced**.

Allows school districts and education service districts to establish public district-sponsored homeschool resource centers as alternative education programs. Allows school districts to contract with public and private centers.

Allows homeschooled students to enroll in programs at centers.

Specifies funding amount for centers.

Declares emergency, effective July 1, 2007.

## A BILL FOR AN ACT

1  
2 Relating to alternative education programs; creating new provisions; amending ORS 327.006 and  
3 336.635; and declaring an emergency.

4 Whereas the State of Oregon has long recognized the value of parents taking leading roles in  
5 the education of their children through homeschooling; and

6 Whereas many school districts work in partnership with homeschooling families to provide  
7 part-time, supplementary resources to homeschooled students; and

8 Whereas many school districts find it advantageous to engage with homeschool families and find  
9 that this engagement often leads to homeschool students moving between homeschooling and tradi-  
10 tional public schools to best meet the needs of students and families; and

11 Whereas Oregon's alternative education law has long provided regulation and funding for these  
12 part-time, supplementary programs serving homeschoolers; now, therefore,

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

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

16 **SECTION 2. (1) Each school district and education service district may establish a public**  
17 **district-sponsored homeschool resource center. A school district may contract with a private**  
18 **district-sponsored homeschool resource center or a public district-sponsored homeschool**  
19 **resource center for the provision of education services to children who reside in the district.**

20 **(2) The centers shall be established as alternative education programs and, except as**  
21 **provided in this section and sections 3 and 4 of this 2007 Act, must comply with the pro-**  
22 **visions of ORS 336.615 to 335.665 and administrative rules adopted by the State Board of Ed-**  
23 **ucation that relate to alternative education programs.**

24 **(3) The programs offered by the centers must be part-time and may not be comprehen-**  
25 **sive or offer diplomas.**

26 **(4) The programs offered by the centers must allow a student to attend public school**  
27 **part-time and be registered as a student who is taught by a parent, legal guardian or private**  
28 **teacher under ORS 339.035.**

**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       **(5)(a) A student who is taught by a parent, legal guardian or private teacher and who is**  
 2 **enrolled in a program offered by a center must meet the examination requirements of ORS**  
 3 **339.035 and may not be required to take the statewide assessment or other standardized**  
 4 **tests.**

5       **(b) Notwithstanding paragraph (a) of this subsection, if a student is enrolled in math-**  
 6 **ematics, science, English, history, geography, economics or civics at a public school or at a**  
 7 **center, the student may be required to take the statewide assessment in the subjects in**  
 8 **which the student is enrolled.**

9       **(6) The school district or education service district that established or contracted with**  
 10 **the center shall be responsible for evaluating and monitoring programs offered by the center.**

11       **SECTION 3. (1) Any student registered as a student who is taught by a parent, legal**  
 12 **guardian or private teacher under ORS 339.035 is eligible for enrollment in a district-**  
 13 **sponsored homeschool resource center that is located in the school district or education**  
 14 **service district within which the student resides. The parent or guardian of the student may**  
 15 **choose to enroll the student in a center.**

16       **(2) A parent or guardian who enrolls a student in a center must sign a form indicating**  
 17 **that the student is not simultaneously enrolled in a public or private school, or if that stu-**  
 18 **dent is enrolled in a public or private school, that those hours and the hours that the student**  
 19 **is enrolled at the center are not duplicative.**

20       **(3) The resident school district of a student who is enrolled in a center is not required**  
 21 **to evaluate the student for placement in the center.**

22       **SECTION 4. (1) A district-sponsored homeschool resource center shall receive funding**  
 23 **based on the requirements of ORS 336.635 and rules adopted by the State Board of Education.**

24       **(2) If a center provides classes that are small, as defined by rule of the board, then the**  
 25 **center shall receive funding based on the board's rules relating to funding of small classes**  
 26 **in alternative education programs.**

27       **(3) The maximum funding that can be requested for any student regardless of the stu-**  
 28 **dent's part-time status in a public school and a center is the funding allowed for one average**  
 29 **daily membership (ADM). If a student is simultaneously enrolled in a public school part-time**  
 30 **and a center part-time, the school district where the public school is located shall notify the**  
 31 **center of the portion of the average daily membership (ADM) available for the student's en-**  
 32 **rollment at the center.**

33       **SECTION 5. ORS 336.635 is amended to read:**

34       **336.635. (1) When necessary to meet a student's educational needs and interests, the parent or**  
 35 **guardian with the approval of the resident district and the attending district may enroll the student**  
 36 **in one of the proposed appropriate and accessible public alternative education programs or private**  
 37 **alternative education programs of instruction or instruction combined with counseling registered**  
 38 **with the Department of Education. If the child is determined to be eligible for special education**  
 39 **under ORS 343.221 to 343.236 and 343.261 to 343.295, the program must be approved by the Depart-**  
 40 **ment of Education prior to the placement of the student in the program. A student enrolled pursuant**  
 41 **to this subsection or enrolled in an alternative education program on or after July 1, 1995, because**  
 42 **the student's educational needs and interests are best met through participation in such a program**  
 43 **shall be considered enrolled in the schools of the district for purposes of the distribution of the State**  
 44 **School Fund.**

45       **(2) The alternative education program in which the student enrolls with the districts' approval**

1 shall notify the school district in which the student or the student’s parents or legal guardian, if  
 2 any, resided at the time the student enrolled of the child’s enrollment and may bill the school dis-  
 3 trict for tuition. The billing may be made annually or at the end of each term or semester of the  
 4 alternative education program. For each full-time equivalent student enrolled in the alternative ed-  
 5 ucation program, the school district shall pay the actual cost of the program or an amount at least  
 6 equivalent to 80 percent of the district’s estimated current year’s average per student net operating  
 7 expenditure, whichever is lesser, in accordance with rules adopted by the State Board of Education.  
 8 **The board may adopt rules that allow for a difference in payment based on whether class**  
 9 **sizes of the program are small, medium or large.**

10 (3) The alternative education program shall be accountable for the expenditures of all State  
 11 School Fund and other local school support moneys, providing the school district with an annual  
 12 statement of such expenditures.

13 [(3)] (4) A private alternative education program that is registered with the Department of Ed-  
 14 ucation is not required to employ only licensed teachers or administrators. Teachers and adminis-  
 15 trators in such private programs shall not be considered employees of any district for purposes of  
 16 ORS 342.173.

17 [(4)] (5) A school district is not required to provide a public alternative education program if  
 18 there are public or approved private alternative education programs that are appropriate and ac-  
 19 cessible to the student to which a student can be referred.

20 [(5)] (6) Any Oregon teaching license is valid for teaching all subjects and grade levels in an  
 21 alternative education program operated by a school district or education service district.

22 **SECTION 6.** ORS 327.006 is amended to read:

23 327.006. As used in ORS 327.006 to 327.133, 327.348, 327.355, 327.357, 327.360 and 327.731:

24 (1) “Aggregate days membership” means the sum of days present and absent, according to the  
 25 rules of the State Board of Education, of all resident pupils when school is actually in session during  
 26 a certain period. The aggregate days membership of kindergarten pupils shall be calculated on the  
 27 basis of a half-day program.

28 (2)(a) “Approved transportation costs” means those costs as defined by rule of the State Board  
 29 of Education and is limited to those costs attributable to transporting or room and board provided  
 30 in lieu of transporting:

31 (A) Elementary school students who live at least one mile from school;

32 (B) Secondary school students who live at least 1.5 miles from school;

33 (C) Any student required to be transported for health or safety reasons, according to supple-  
 34 mental plans from districts that have been approved by the state board identifying students who are  
 35 required to be transported for health or safety reasons, including special education;

36 (D) Preschool children with disabilities requiring transportation for early intervention services  
 37 provided pursuant to ORS 343.224 and 343.533;

38 (E) Students who require payment of room and board in lieu of transportation;

39 (F) A student transported from one school or facility to another school or facility when the  
 40 student attends both schools or facilities during the day or week; and

41 (G) Students participating in school-sponsored field trips that are extensions of classroom  
 42 learning experiences.

43 (b) “Approved transportation costs” does not include the cost of constructing boarding school  
 44 facilities.

45 (3) “Average daily membership” or “ADM” means the aggregate days membership of a school

1 during a certain period divided by the number of days the school was actually in session during the  
 2 same period. However, if a district school board adopts a class schedule that operates throughout  
 3 the year for all or any schools in the district, average daily membership shall be computed by the  
 4 Department of Education so that the resulting average daily membership will not be higher or lower  
 5 than if the board had not adopted such schedule.

6 (4) "Consumer Price Index" means the Consumer Price Index for All Urban Consumers of the  
 7 Portland, Oregon, Standard Metropolitan Statistical Area, as compiled by the United States De-  
 8 partment of Labor, Bureau of Labor Statistics.

9 (5) "Kindergarten" means a kindergarten program that conforms to the standards and rules  
 10 adopted by the State Board of Education.

11 (6) "Net operating expenditures" means the sum of expenditures of a school district in  
 12 kindergarten through grade 12 for administration, instruction, attendance and health services, op-  
 13 eration of plant, maintenance of plant, fixed charges and tuition for resident students attending in  
 14 another district, as determined in accordance with the rules of the State Board of Education, but  
 15 net operating expenditures does not include transportation, food service, student body activities,  
 16 community services, capital outlay, debt service or expenses incurred for nonresident students.

17 (7)(a) "Resident pupil" means any pupil:

18 (A) Whose legal school residence is within the boundaries of a school district reporting the pu-  
 19 pil, if the district is legally responsible for the education of the pupil, except that "resident pupil"  
 20 does not include a pupil who pays tuition or for whom the parent pays tuition or for whom the  
 21 district does not pay tuition for placement outside the district; [*or*]

22 (B) Whose legal residence is not within the boundaries of the district reporting the pupil but  
 23 attends school in the district with the written consent of the affected school district boards; **or**

24 **(C) Who is enrolled in a district-sponsored homeschool resource center that the district**  
 25 **established or with which the district has a contract under section 2 of this 2007 Act.**

26 (b) A pupil shall not be considered to be a resident pupil under paragraph (a)(A) of this sub-  
 27 section if the pupil is attending school in another school district pursuant to a contract under ORS  
 28 339.125 and in the prior year was considered to be a resident pupil in another school district under  
 29 paragraph (a)(B) of this subsection. The pupil shall continue to be considered a resident of another  
 30 school district under paragraph (a)(B) of this subsection.

31 (c) A pupil shall not be considered to be a resident pupil under paragraph (a)(B) of this sub-  
 32 section if the pupil is attending school in a school district pursuant to an agreement with another  
 33 school district under ORS 339.133 and in the prior year was considered to be a resident pupil under  
 34 paragraph (a)(A) of this subsection because the pupil was attending school in another school district  
 35 pursuant to a contract under ORS 339.125. The pupil shall continue to be considered a resident  
 36 pupil under paragraph (a)(A) of this subsection.

37 (d) "Resident pupil" includes a pupil admitted to a school district under ORS 339.115 (7).

38 (8) "Standard school" means a school meeting the standards set by the rules of the State Board  
 39 of Education.

40 (9) "Tax" and "taxes" includes all taxes on property, excluding exempt bonded indebtedness, as  
 41 those terms are defined in ORS 310.140.

42 **SECTION 7. The amendments to ORS 327.006 by section 6 of this 2007 Act apply to State**  
 43 **School Fund distributions commencing with the 2007-2008 distribution.**

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

1 **July 1, 2007.**

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