

# Senate Bill 686

Sponsored by Senator PROZANSKI (at the request of Dean Livelybrooks)

## 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**.

Defines "private alternative education program" for purposes of laws applicable to alternative education programs.

Allows resident school district with approval of parent or guardian and attending district to enroll student in alternative education program.

Declares emergency, effective July 1, 2007.

## A BILL FOR AN ACT

1  
2 Relating to alternative education programs; creating new provisions; amending ORS 336.615 and  
3 336.635; and declaring an emergency.

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

5 **SECTION 1.** ORS 336.615 is amended to read:

6 336.615. As used in ORS 336.615 to 336.665[.]:

7 (1) "Alternative education program" means a school or separate class group designed to best  
8 serve students' educational needs and interests and assist students in achieving the academic stan-  
9 dards of the school district and the state.

10 (2) "**Private alternative education program**" means **an alternative education program that**  
11 **accepts tuition payments from 50 percent or more of the parents and guardians of students**  
12 **who attend the program.**

13 **SECTION 2.** ORS 336.635 is amended to read:

14 336.635. (1) When necessary to meet a student's educational needs and interests, the **resident**  
15 **school district of a student with the approval of the** parent or guardian [*with the approval of the*  
16 *resident district*] and the attending district may enroll the student in one of the proposed appropriate  
17 and accessible public alternative education programs or private alternative education programs of  
18 instruction or instruction combined with counseling registered with the Department of Education.  
19 If the child is determined to be eligible for special education under ORS 343.221 to 343.236 and  
20 343.261 to 343.295, the program must be approved by the Department of Education prior to the  
21 placement of the student in the program. A student enrolled pursuant to this subsection or enrolled  
22 in an alternative education program on or after July 1, 1995, because the student's educational needs  
23 and interests are best met through participation in such a program shall be considered enrolled in  
24 the schools of the district for purposes of the distribution of the State School Fund.

25 (2) The alternative education program in which the student enrolls [*with the districts' approval*  
26 *shall notify the school district in which the student or the student's parents or legal guardian, if any,*  
27 *resided at the time the student enrolled of the child's enrollment and*] may bill the **resident** school  
28 district for tuition. The billing may be made annually or at the end of each term or semester of the  
29 alternative education program. For each full-time equivalent student enrolled in the alternative ed-  
30 ucation program, the school district shall pay the actual cost of the program or an amount at least

**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 equivalent to 80 percent of the district's estimated current year's average per student net operating  
2 expenditure, whichever is lesser, in accordance with rules adopted by the State Board of Education.  
3 The alternative education program shall be accountable for the expenditures of all State School  
4 Fund and other local school support moneys, providing the school district with an annual statement  
5 of such expenditures.

6 (3) A private alternative education program that is registered with the Department of Education  
7 is not required to employ only licensed teachers or administrators. Teachers and administrators in  
8 such private programs shall not be considered employees of any district for purposes of ORS 342.173.

9 (4) A school district is not required to provide a public alternative education program if there  
10 are public or approved private alternative education programs that are appropriate and accessible  
11 to the student to which a student can be referred.

12 (5) Any Oregon teaching license is valid for teaching all subjects and grade levels in an alter-  
13 native education program operated by a school district or education service district.

14 **SECTION 3. The amendments to ORS 336.615 and 336.635 by sections 1 and 2 of this 2007**  
15 **Act first apply to the 2007-2008 school year.**

16 **SECTION 4. This 2007 Act being necessary for the immediate preservation of the public**  
17 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**  
18 **July 1, 2007.**

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