

A-Engrossed
Senate Bill 122

Ordered by the Senate April 14
Including Senate Amendments dated April 14

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Theodore R. Kulongoski for Teacher Standards and Practices Commission)

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.

Limits teaching licenses that are valid for teaching alternative education programs.
Clarifies language regarding alternative education programs.
Declares emergency, effective July 1, 2009.

A BILL FOR AN ACT

1
2 Relating to alternative education; creating new provisions; amending ORS 336.635 and 336.655; and
3 declaring an emergency.

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

5 **SECTION 1.** ORS 336.635 is amended to read:

6 336.635. (1) [*When necessary to meet a student's educational needs and interests,*] The parent or
7 guardian **of a student** [*with the approval of the resident district and the attending district*] may enroll
8 the student in one of the proposed [*appropriate and accessible*] public alternative education programs
9 or private alternative education programs of instruction or instruction combined with counseling
10 [*registered with the Department of Education.*] **if:**

11 (a) **The enrollment is necessary to meet the student's educational needs and interests.**

12 (b) **The program is appropriate and accessible to the student.**

13 (c) **For a program in a school district in which the student is a resident, the resident**
14 **school district approves the enrollment.**

15 (d) **For a program in a school district in which the student is not a resident, the resident**
16 **school district and the attending school district approve the enrollment.**

17 (e) **For a private alternative education program, the program is registered with the De-**
18 **partment of Education.**

19 (2) If the [*child is determined to be*] **student is** eligible for special education under ORS 343.221
20 to 343.236 and 343.261 to 343.295, the program must be approved by the Department of Education
21 prior to the placement of the student in the program.

22 (3) A student enrolled pursuant to this [*subsection or enrolled in an alternative education pro-*
23 *gram on or after July 1, 1995, because the student's educational needs and interests are best met*
24 *through participation in such a program shall be*] **section is** considered enrolled in the schools of the
25 district **offering the program** for purposes of the distribution of the State School Fund.

26 [(2)] (4) [*The*] **An** alternative education program [*in which the student enrolls with the districts'*

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 approval shall notify the school district in which the student or the student's parents or legal guardian,
 2 if any, resided at the time the student enrolled of the child's enrollment and] **that is offered to a**
 3 **student who is not a resident of the school district** may bill **tuition to** the school district [for
 4 tuition] **where the student is a resident**. The billing may be made annually or at the end of each
 5 term or semester of the alternative education program. For each full-time equivalent student en-
 6 rolled in the alternative education program, the **resident** school district shall pay the actual cost
 7 of the program or an amount at least equivalent to 80 percent of the district's estimated current
 8 year's average per student net operating expenditure, whichever is [lesser] **less**, in accordance with
 9 rules adopted by the State Board of Education. The alternative education program [shall be] **is ac-**
 10 **countable for the expenditures of all State School Fund moneys and other local school support**
 11 **moneys[, providing] and shall provide** the **resident** school district with an annual statement of
 12 [such] **the** expenditures.

13 [(3)] **(5)** 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] **are not** considered employees of any **school** district
 16 for purposes of ORS 342.173.

17 [(4)] **(6)** A school district is not required to provide a public alternative education program if
 18 [there are] **the student can be referred to** public or approved private alternative education pro-
 19 grams that are appropriate **for** and accessible to the student [to which a student can be referred].

20 [(5)] **(7)** Any [Oregon] **basic, standard, initial or continuing** teaching license **issued by the**
 21 **Teacher Standards and Practices Commission** is valid for teaching all subjects and grade levels
 22 in an alternative education program operated by a school district or education service district.

23 **SECTION 2.** ORS 336.655 is amended to read:

24 336.655. (1) Each school district operating, participating in or contracting for a public or private
 25 alternative education program shall evaluate the program at least annually. The district shall pro-
 26 vide the public or private alternative education program with a copy of the written evaluation.

27 (2) For private alternative education programs, the evaluation shall include, but is not limited
 28 to:

29 (a) A review of the private alternative education program's annual statement of expenditures
 30 as required by ORS 336.635 [(2)] **(4)**;

31 (b) A determination that the private alternative education program is in compliance with ORS
 32 336.625 (3)(c) and 336.631 (2);

33 (c) The approval of any contract between the district and the private alternative education
 34 program; and

35 (d) A review to ensure that the private alternative education program enhances the ability of
 36 the district and its students to achieve district and state standards.

37 **SECTION 3.** The amendments to ORS 336.635 by section 1 of this 2009 Act first apply to
 38 the 2009-2010 school year.

39 **SECTION 4.** This 2009 Act being necessary for the immediate preservation of the public
 40 peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect
 41 on July 1, 2009.