

Enrolled Senate Bill 122

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CHAPTER

AN ACT

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

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

SECTION 1. ORS 336.635 is amended to read:

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

- (a) **The enrollment is necessary to meet the student's educational needs and interests.**
- (b) **The program is appropriate and accessible to the student.**
- (c) **For a program in a school district in which the student is a resident, the resident school district approves the enrollment.**
- (d) **For a program in a school district in which the student is not a resident, the resident school district and the attending school district approve the enrollment.**
- (e) **For a private alternative education program, the program is registered with the Department of Education.**

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

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

[(2)] (4) [*The*] **An** alternative education program [*in which the student enrolls with the districts' approval shall notify the school district in which the student or the student's parents or legal guardian, if any, resided at the time the student enrolled of the child's enrollment and*] **that is offered to a student who is not a resident of the school district** may bill **tuition to** the school district [*for tuition*] **where the student is a resident.** The billing may be made annually or at the end of each term or semester of the alternative education program. For each full-time equivalent student enrolled in the alternative education program, the **resident** school district shall pay the actual cost

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

[(3)] (5) A private alternative education program that is registered with the department [*of Education*] is not required to employ only licensed teachers or administrators. Teachers and administrators in [*such*] private programs [*shall not be*] **are not** considered employees of any **school** district for purposes of ORS 342.173.

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

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

SECTION 2. ORS 336.655 is amended to read:

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

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

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

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

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

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

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

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

Passed by Senate April 16, 2009

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Secretary of Senate

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President of Senate

Passed by House May 26, 2009

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Speaker of House

Received by Governor:

.....M,....., 2009

Approved:

.....M,....., 2009

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Governor

Filed in Office of Secretary of State:

.....M,....., 2009

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Secretary of State