

Senate Bill 122

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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**.

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 with the approval of the resident district and the attending district*] **The parent or guardian**
8 **of a student** may enroll the student in [*one of the proposed appropriate and accessible*] **a public al-**
9 **ternative education [programs or] program or a private alternative education [programs] program**
10 **of instruction or instruction combined with counseling [registered with the Department of**
11 **Education.] if:**

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

13 **(b) The program is registered with the Department of Education and is appropriate for**
14 **and accessible to the student.**

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

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

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

25 [(2)] **(4) [The] An** alternative education program [*in which the student enrolls with the districts'*
26 *approval shall notify the school district in which the student or the student's parents or legal guardian,*
27 *if any, resided at the time the student enrolled of the child's enrollment and*] **that is offered to a**
28 **student who is not a resident of the school district** may bill **tuition to** the school district [*for*
29 *tuition*] **where the student is a resident.** The billing may be made annually or at the end of each
30 term or semester of the alternative education program. For each full-time equivalent student en-

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

8 [(3)] (5) A private alternative education program that is registered with the department [*of Ed-*
 9 *ucation*] is not required to employ only licensed teachers or administrators. Teachers and adminis-
 10 trators in [such] private programs [shall not be] **are not** considered employees of any **school** district
 11 for purposes of ORS 342.173.

12 [(4)] (6) A school district is not required to provide a public alternative education program if
 13 [there are] **the student can be referred to** public or approved private alternative education pro-
 14 grams that are appropriate **for** and accessible to the student [*to which a student can be referred*].

15 [(5)] (7) Any [*Oregon*] **basic, standard, initial or continuing** teaching license **issued by the**
 16 **Teacher Standards and Practices Commission** is valid for teaching all subjects and grade levels
 17 in an alternative education program operated by a school district or education service district.

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

19 336.655. (1) Each school district operating, participating in or contracting for a public or private
 20 alternative education program shall evaluate the program at least annually. The district shall pro-
 21 vide the public or private alternative education program with a copy of the written evaluation.

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

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

26 (b) A determination that the private alternative education program is in compliance with ORS
 27 336.625 (3)(c) and 336.631 (2);

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

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

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

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