

Senate Bill 927

Sponsored by Senator BONAMICI, Representative HARKER

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**.

Establishes Oregon Option Consortium for purpose of providing online courses to students in kindergarten through grade 12.

Establishes Oregon Option Advisory Committee. Directs advisory committee to establish standards and requirements for Oregon Option Consortium.

Provides requirements for public charter school related to provision of online courses to school. Allows public charter school to become established as virtual alternative education program.

Declares emergency, effective July 1, 2011.

A BILL FOR AN ACT

1
2 Relating to online education; creating new provisions; amending ORS 329.840, 329.842, 336.615,
3 336.635, 338.005, 338.025, 338.035 and 338.135; repealing ORS 338.120 and sections 9, 13b and 13c,
4 chapter 691, Oregon Laws 2009, and sections 6 and 11, chapter 72, Oregon Laws 2010; and de-
5 claring an emergency.

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

7 **SECTION 1. (1) The Oregon Option Consortium is established within the Department of**
8 **Education for the purpose of operating through the Oregon Virtual School District estab-**
9 **lished in ORS 329.840.**

10 **(2) The consortium consists of providers of online courses that meet standards and re-**
11 **quirements established by the Oregon Option Advisory Committee established in section 2**
12 **of this 2011 Act and that are available through school districts and education service districts**
13 **for students in kindergarten through grade 12 who are eligible to enroll in the courses, as**
14 **described in section 5 of this 2011 Act. The providers shall provide the courses for a fee de-**
15 **termined by the Oregon Option Advisory Committee.**

16 **(3) The providers that make up the consortium may include school districts, education**
17 **service districts, community colleges or state institutions of higher education or any private**
18 **entities that comply with the fee levels, policies and other terms as established by the**
19 **Oregon Option Consortium's Oregon Option Advisory Committee.**

20 **(4) The Oregon Option Consortium shall:**

21 **(a) Operate through the Oregon Virtual School District; and**

22 **(b) Satisfy the standards and requirements established by:**

23 **(A) The Oregon Option Advisory Committee for the consortium under section 2 of this**
24 **2011 Act; and**

25 **(B) The State Board of Education for the Oregon Virtual School District under ORS**
26 **329.840.**

27 **SECTION 2. (1) The Oregon Option Advisory Committee is established.**

28 **(2) The purpose of the advisory committee is to establish standards and requirements**

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 related to:

2 (a) Courses provided through the Oregon Option Consortium, which must be consistent
3 with section 3 of this 2011 Act;

4 (b) Persons who teach courses provided through the Oregon Option Consortium, which
5 must be consistent with section 4 of this 2011 Act; and

6 (c) The operation of the Oregon Option Consortium.

7 (3) The advisory committee shall consist of:

8 (a) One representative of each provider in the consortium;

9 (b) One representative of school districts;

10 (c) One representative of school district administrators;

11 (d) One representative of school district teachers;

12 (e) One representative of school district classified employees;

13 (f) One representative of education service districts;

14 (g) One representative of a community college or a state institution of higher education;
15 and

16 (h) One representative of the Department of Education.

17 (4) The members of the advisory committee shall elect from among its members persons
18 to serve as chairperson, vice chairperson and secretary, for such terms and with such duties
19 necessary for the functions of the advisory committee.

20 (5) Members of the advisory committee are not entitled to compensation or expenses and
21 shall serve on the advisory committee on a volunteer basis.

22 (6) The advisory committee shall meet at least once each calendar quarter at a time and
23 place specified by the call of the chairperson or of a majority of the members of the advisory
24 committee.

25 (7) The advisory committee may accept contributions of moneys and assistance from the
26 United States Government or its agencies or from any other source, public or private, and
27 agree to the conditions placed on the moneys not inconsistent with the duties of the Oregon
28 Option Consortium.

29 **SECTION 3.** (1) Courses provided through the Oregon Option Consortium must meet
30 standards and requirements established by the Oregon Option Advisory Committee that are
31 consistent with this section.

32 (2) Courses provided through the Oregon Option Consortium:

33 (a) May be provided for any grade from kindergarten through grade 12;

34 (b) Shall be available for a fee established by the Oregon Option Advisory Committee and
35 payable to the Oregon Option Consortium; and

36 (c) Shall meet academic content standards, as defined in ORS 329.007, and meet other
37 academic criteria adopted by the State Board of Education.

38 (3) The advisory committee may establish student-to-teacher ratio requirements for
39 courses provided through the Oregon Option Consortium.

40 **SECTION 4.** (1) Persons who teach courses provided through the Oregon Option Consor-
41 tium must meet standards and requirements established by the Oregon Option Advisory
42 Committee that are consistent with this section.

43 (2) A person who teaches a course through the Oregon Option Consortium must:

44 (a) Be properly licensed for a person employed by a school district or an education ser-
45 vice district; and

1 (b) Receive professional development that enables the person to effectively teach online
 2 courses and that is of high quality, as determined by the Oregon Option Advisory Committee.

3 (3) A person who teaches an online course through the Oregon Option Consortium and
 4 who is an employee of a school district or education service district shall:

5 (a) Meet the requirements for a person who teaches an online course, as described in
 6 subsection (2) of this section;

7 (b) Remain an employee of the district; and

8 (c) Provide teaching services through the Oregon Option Consortium under a contract
 9 or other agreement with a provider.

10 (4) A person who teaches an online course through the Oregon Option Consortium and
 11 who is an employee of a private entity shall:

12 (a) Meet the requirements for a person who teaches an online course, as described in
 13 subsection (2) of this section; and

14 (b) Provide teaching services through the Oregon Option Consortium under a contract
 15 or other agreement with a provider.

16 **SECTION 5.** The Oregon Option Advisory Committee must collaborate with the provider
 17 of a course provided through the Oregon Option Consortium to ensure that:

18 (1) The course advances academic achievement, improves student learning and meets
 19 academic content standards required by ORS 329.045.

20 (2) The course has performance criteria that will measure the progress of the academic
 21 achievement of students.

22 (3) The method by which the course is delivered is capable of:

23 (a) Monitoring and tracking student progress and attendance; and

24 (b) Providing student assessments in a manner that ensures that an individual student
 25 is being assessed and that the assessment is valid.

26 (4) Any advertising or other promotional materials related to the course clearly state
 27 that the course is publicly funded.

28 (5) Student records are created in relation to the course, are maintained at a designated
 29 central office of operations and are made available to the school district or education service
 30 district that purchased the course.

31 (6) A student enrolled in a course has sufficient access to computer and printer equip-
 32 ment and to Internet service to ensure that the student may effectively participate in the
 33 course. The Oregon Option Advisory Committee shall adopt policies that allow a parent or
 34 guardian of a student to request assistance in accessing equipment and service if the parent
 35 or guardian believes that the parent or guardian would experience a severe financial hardship
 36 by providing the equipment or service to the student. Access shall be provided in a manner
 37 determined by the Oregon Option Advisory Committee, and may:

38 (a) Include the temporary provision of equipment or cost reimbursements; and

39 (b) Cover all or a portion of the costs of providing access to the student.

40 (7) Students have the opportunity to participate in meetings at least twice a week with
 41 the teacher of the course, either in person or through the use of conference calls or other
 42 technology.

43 (8) If the course is part of an educational program that primarily serves students online:

44 (a) Students have the opportunity to participate in at least six optional educational
 45 events at a location selected to provide convenient access to all students enrolled in the

1 course who want to participate; and

2 (b) Students have the opportunity to participate in face-to-face meetings with a teacher
3 at least six times each school year.

4 (9) If the provider is a private entity, the provider:

5 (a) Has on file the private entity's budget for the provision of courses and that the budget
6 itemizes:

7 (A) The salaries of supervisory and management personnel and consultants who are
8 providing online courses or related services in this state; and

9 (B) The annual operating expenses and profit margin of the private entity for providing
10 online courses in this state.

11 (b) Makes available, upon request, the documents described in paragraph (a) of this sub-
12 section.

13 **SECTION 6.** (1) Except as limited by subsections (2) and (3) of this section, all school
14 districts and education service districts must allow all students that are determined to be
15 eligible students under section 7 of this 2011 Act to access courses provided through the
16 Oregon Option Consortium.

17 (2) Except as provided by subsection (3) of this section, a school district or an education
18 service district may limit the number of students who enroll in courses provided through the
19 Oregon Option Consortium if five percent or more of the students of the school district or
20 education service district are enrolled in courses that are purchased by the district through
21 the Oregon Option Consortium.

22 (3) A school district or an education service district may request a renewable two-year
23 waiver from the Department of Education to impose a greater limitation than the limitation
24 described in subsection (2) of this section if the district is able to show that:

25 (a) The district provides online courses to the students of the district free of charge and
26 not through the Oregon Option Consortium;

27 (b) Compliance with subsection (1) of this section would adversely impact the finances
28 of the school district or education service district; or

29 (c) Technological barriers of the school district, the education service district or the
30 community impair the ability of students to access online courses.

31 (4) A student may enroll in a course provided through the Oregon Option Consortium
32 even if a school district or an education service district has met the limit described in sub-
33 section (2) of this section and not been granted a waiver described in subsection (3) of this
34 section if:

35 (a) The student is determined to be an eligible student under section 7 of this 2011 Act;
36 and

37 (b) The student's extended illness or failure to pass a required class prevents a student
38 from graduating on time unless the student enrolls in a course provided through the Oregon
39 Option Consortium.

40 **SECTION 7.** (1) A student is determined to be an eligible student for the purpose of en-
41 rolling in courses provided through the Oregon Option Consortium if the student:

42 (a) Is enrolled in a public school in this state;

43 (b) Has developed an educational learning plan as provided by subsection (2) of this sec-
44 tion; and

45 (c) Otherwise meets any requirements established under this section.

1 **(2) The resident school district for a student shall establish an advisory support team to**
 2 **develop an educational learning plan for each student who wishes to enroll in a course pro-**
 3 **vided through the Oregon Option Consortium. The advisory support team may include the**
 4 **student, the student's parent or guardian, and the student's teacher or counselor. The edu-**
 5 **cational learning plan may include:**

6 **(a) The student's short-term and long-term learning goals and proposed activities;**

7 **(b) The relationship of the courses and the student's learning goals; and**

8 **(c) A determination of the appropriateness of the use of online courses for the student**
 9 **with respect to the student's age, maturity, self-discipline, ability and other educational**
 10 **factors.**

11 **(3) A student's coursework for a term may partially or completely consist of courses**
 12 **provided through the Oregon Option Consortium.**

13 **(4) A student who takes a course or courses provided through the Oregon Option Con-**
 14 **sortium remains a resident of the student's resident school district for the purposes of State**
 15 **School Fund distributions, special education and related services, English as a second lan-**
 16 **guage programs, counseling and advising services and extracurricular activities.**

17 **SECTION 8.** ORS 329.840 is amended to read:

18 329.840. (1) *[There is created]* The Oregon Virtual School District **is established** within the De-
 19 partment of Education. The purpose of the Oregon Virtual School District is to provide online
 20 courses to kindergarten through grade 12 public school students.

21 *[(2) The Oregon Virtual School District shall provide online courses that meet academic content*
 22 *standards as defined in ORS 329.007 and meet other criteria adopted by the State Board of Education.*
 23 *Any person who teaches an online course must be properly licensed or registered as required by ORS*
 24 *338.135 and 342.173 for a person employed by a school district or public charter school. All school*
 25 *districts and public charter schools may allow students to access the online courses offered by the*
 26 *Oregon Virtual School District.]*

27 *[(3) The Superintendent of Public Instruction may contract with education service districts, school*
 28 *districts, public charter schools, community colleges, state institutions of higher education or any other*
 29 *public entity to provide online courses through the Oregon Virtual School District.]*

30 *[(4)]* **(2)** Statutes and rules that apply to other school districts do not apply to the Oregon Vir-
 31 tual School District, except as provided *[under this section or]* by rule of the State Board of Educa-
 32 tion. The Oregon Virtual School District is not considered a school district for purposes of
 33 apportionment of the State School Fund and the department may not receive a direct apportionment
 34 under ORS 327.008 from the State School Fund for the Oregon Virtual School District.

35 *[(5)]* **(3)** The board, **in consultation with the Oregon Option Advisory Committee**, may adopt
 36 the rules necessary for the administration of the Oregon Virtual School District. *[and shall adopt*
 37 *rules to establish:]*

38 *[(a) The procedure and criteria to be used for the selection of online courses to be offered through*
 39 *the Oregon Virtual School District;]*

40 *[(b) The qualifications of students who may access online courses through the Oregon Virtual*
 41 *School District;]*

42 *[(c) The number of credits for which students may access online courses through the Oregon Vir-*
 43 *tual School District; and]*

44 *[(d) The student-to-teacher ratio for online courses offered through the Oregon Virtual School Dis-*
 45 *trict.]*

1 **SECTION 9.** ORS 329.842 is amended to read:

2 329.842. (1) The Oregon Virtual School District Fund is established in the State Treasury, sep-
3 arate and distinct from the General Fund. Interest earned by the Oregon Virtual School District
4 Fund shall be credited to the fund. All moneys in the fund are continuously appropriated to the
5 Department of Education for the administration of the Oregon Virtual School District [*created*] es-
6 **tablihed** under ORS 329.840 **and the Oregon Option Consortium established by section 1 of**
7 **this 2011 Act.**

8 (2) Any moneys received by the department for the purpose of the Oregon Virtual School Dis-
9 trict shall be deposited in the fund.

10 **SECTION 10.** Section 11 of this 2011 Act is added to and made a part of ORS chapter 338.

11 **SECTION 11.** (1) A public charter school may provide online courses to students of the
12 school by:

13 (a) Purchasing the courses from the Oregon Option Consortium established by section 1
14 of this 2011 Act;

15 (b) Providing courses that have been purchased from the Oregon Option Consortium by
16 the sponsor of the public charter school or by the education service district of the public
17 charter school for use by the public charter school; or

18 (c) Becoming a provider that is a member of the Oregon Option Consortium.

19 (2) If a public charter school wishes to provide online courses to the students of the
20 school without complying with the requirements of subsection (1) of this section, the public
21 charter school must convert to a virtual alternative education program as provided by ORS
22 336.615 to 336.675.

23 **SECTION 12.** Section 11 of this 2011 Act first applies to:

24 (1) The 2012-2013 school year for public charter schools that are not virtual public charter
25 schools on the effective date of this 2011 Act.

26 (2) The 2013-2014 school year for public charter schools that were virtual public charter
27 schools prior to the effective date of this 2011 Act.

28 **SECTION 13.** ORS 338.005 is amended to read:

29 338.005. As used in this chapter, unless the context requires otherwise:

30 (1) "Applicant" means any person or group that develops and submits a written proposal for a
31 public charter school to a sponsor.

32 (2) "Public charter school" means an elementary or secondary school offering a comprehensive
33 instructional program operating under a written agreement entered into between a sponsor and an
34 applicant and operating pursuant to this chapter.

35 (3) "Remote and necessary school district" means a school district that offers kindergarten
36 through grade 12 and has:

37 (a) An average daily membership (ADM), as defined in ORS 327.006, in the prior fiscal year of
38 less than 110; and

39 (b) A school that is located, by the nearest traveled road, more than 20 miles from the nearest
40 school or from a city with a population of more than 5,000.

41 (4) "Sponsor" means:

42 (a) The board of the common school district or the union high school district in which the public
43 charter school is located that has developed a written charter with an applicant to create a public
44 charter school.

45 (b) The State Board of Education pursuant to ORS 338.075.

1 [(5)(a) “Virtual public charter school” means a public charter school that provides online
2 courses.]

3 [(b) “Virtual public charter school” does not include a public charter school that primarily serves
4 students in a physical location.]

5 **SECTION 14.** ORS 338.025, as amended by section 4, chapter 53, Oregon Laws 2010, and section
6 3, chapter 72, Oregon Laws 2010, is amended to read:

7 338.025. (1) The State Board of Education may adopt any rules necessary for the implementation
8 of this chapter. The rules shall follow the intent of this chapter.

9 (2) Upon application by a public charter school, the State Board of Education may grant a
10 waiver of any provision of this chapter if the waiver promotes the development of programs by
11 providers, enhances the equitable access by underserved families to the public education of their
12 choice, extends the equitable access to public support by all students or permits high quality pro-
13 grams of unusual cost. The State Board of Education may not waive any appeal provision in this
14 chapter or any provision under ORS 338.115 (1)(a) to (t) [or 338.120] **or section 11 of this 2011**
15 **Act.**

16 **SECTION 15.** ORS 338.025, as amended by section 8, chapter 839, Oregon Laws 2007, section
17 14, chapter 50, Oregon Laws 2008, section 5, chapter 53, Oregon Laws 2010, and section 4, chapter
18 72, Oregon Laws 2010, is amended to read:

19 338.025. (1) The State Board of Education may adopt any rules necessary for the implementation
20 of this chapter. The rules shall follow the intent of this chapter.

21 (2) Upon application by a public charter school, the State Board of Education may grant a
22 waiver of any provision of this chapter if the waiver promotes the development of programs by
23 providers, enhances the equitable access by underserved families to the public education of their
24 choice, extends the equitable access to public support by all students or permits high quality pro-
25 grams of unusual cost. The State Board of Education may not waive any appeal provision in this
26 chapter or any provision under ORS 338.115 (1)(a) to (u) [or 338.120] **or section 11 of this 2011**
27 **Act.**

28 **SECTION 16.** ORS 338.035 is amended to read:

29 338.035. (1) A public charter school may be established:

30 (a) As a new public school;

31 [(b) As a virtual public charter school;]

32 [(c)] (b) From an existing public school or a portion of the school; or

33 [(d)] (c) From an existing alternative education program, as defined in ORS 336.615.

34 (2)(a) Before a public charter school may operate as a public charter school, it must:

35 (A) Be approved by a sponsor;

36 (B) Be established as a nonprofit organization under the laws of Oregon; and

37 (C) Have applied to qualify as an exempt organization under section 501(c)(3) of the Internal
38 Revenue Code.

39 (b) Notwithstanding paragraph (a) of this subsection, the requirements of paragraph (a)(B) and
40 (C) of this subsection do not apply to:

41 (A) A school in a school district that is composed of only one school; and

42 (B) A school in a school district that is a remote and necessary school district on the date the
43 school first begins operation as a public charter school.

44 (3) An applicant seeking to establish a public charter school shall submit a proposal pursuant
45 to ORS 338.045 to the school district board of the school district within which the public charter

1 school will be located at least 120 days prior to the date upon which the public charter school would
 2 begin operating. However, it is recommended that an applicant consult with the school district
 3 board prior to submitting a proposal.

4 (4) An applicant seeking to establish a public charter school shall provide to the State Board
 5 of Education a copy of any proposal submitted to a school district board under ORS 338.045 and a
 6 copy of any subsequent approval by the school district board.

7 (5)(a) One or more, but not all, schools in a school district may become public charter schools.

8 (b) Notwithstanding paragraph (a) of this subsection, a school in a school district that is com-
 9 posed of only one school may become a public charter school.

10 (6)(a) A school district board or the State Board of Education may not approve a public charter
 11 school proposal that authorizes the conversion of any private school that is tuition based to a public
 12 charter school.

13 (b) Notwithstanding paragraph (a) of this subsection, a school district board or the State Board
 14 of Education may authorize the conversion of an existing alternative education program, as defined
 15 in ORS 336.615, to a public charter school.

16 (7) A school district board or the State Board of Education may not approve a public charter
 17 school proposal that is affiliated with a nonpublic sectarian school or a religious institution.

18 **SECTION 17. (1) Except as provided by subsection (2) of this section, the amendments**
 19 **to ORS 338.035 by section 16 of this 2011 Act apply to public charter schools that are estab-**
 20 **lished on or after the effective date of this 2011 Act.**

21 **(2) The amendments to ORS 338.035 by section 16 of this 2011 Act first apply July 1, 2013,**
 22 **for a public charter school that was a virtual public charter school prior to the effective date**
 23 **of this 2011 Act.**

24 **SECTION 18.** ORS 338.135 is amended to read:

25 338.135. (1) Employee assignment to a public charter school shall be voluntary.

26 (2)[(a)] A public charter school or the sponsor of the public charter school is considered the
 27 employer of any employees of the public charter school. If a school district board is not the sponsor
 28 of the public charter school, the school district board may not be the employer of the employees of
 29 the public charter school and the school district board may not collectively bargain with the em-
 30 ployees of the public charter school. The public charter school governing body shall control the
 31 selection of employees at the public charter school.

32 [(b) *If a virtual public charter school or the sponsor of a virtual public charter school contracts*
 33 *with a for-profit entity to provide educational services through the virtual public charter school, the*
 34 *for-profit entity may not be the employer of any employees of the virtual public charter school.*]

35 (3) The school district board of the school district within which the public charter school is lo-
 36 cated shall grant a leave of absence to any employee who chooses to work in the public charter
 37 school. The length and terms of the leave of absence shall be set by negotiated agreement or by
 38 board policy. However, the length of the leave of absence may not be less than two years unless:

39 (a) The charter of the public charter school is terminated or the public charter school is dis-
 40 solved or closed during the leave of absence; or

41 (b) The employee and the school district board have mutually agreed to a different length of
 42 time.

43 (4) An employee of a public charter school operating within a school district who is granted a
 44 leave of absence from the school district and returns to employment with the school district shall
 45 retain seniority and benefits as an employee pursuant to the terms of the leave of absence.

1 Notwithstanding ORS 243.650 to 243.782, a school district that was the employer of an employee of
 2 a public charter school not operating within the school district may make provisions for the return
 3 of the employee to employment with the school district.

4 (5) For purposes of ORS chapters 238 and 238A, a public charter school shall be considered a
 5 public employer and as such shall participate in the Public Employees Retirement System.

6 (6) For teacher licensing, employment experience in public charter schools shall be considered
 7 equivalent to experience in public schools.

8 (7)(a) Any person employed as an administrator in a public charter school shall be licensed or
 9 registered to administer by the Teacher Standards and Practices Commission.

10 (b) Any person employed as a teacher in a public charter school shall be licensed or registered
 11 to teach by the commission.

12 (c) Notwithstanding paragraph (a) or (b) of this subsection, at least one-half of the total full-time
 13 equivalent (FTE) teaching and administrative staff at the public charter school shall be licensed by
 14 the commission pursuant to ORS 342.135, 342.136, 342.138 or 342.140.

15 (8) Notwithstanding ORS 243.650, a public charter school shall be considered a school district
 16 for purposes of ORS 243.650 to 243.782. An employee of a public charter school may be a member
 17 of a labor organization or organize with other employees to bargain collectively. Bargaining units
 18 at the public charter school may be separate from other bargaining units of the sponsor or of the
 19 school district in which the public charter school is located. Employees of a public charter school
 20 may be part of the bargaining units of the sponsor or of the school district in which the public
 21 charter school is located.

22 (9) A school district or the State Board of Education may not waive the right to sponsor a public
 23 charter school in a collective bargaining agreement.

24 **SECTION 19. ORS 338.120 and sections 9, 13b and 13c, chapter 691, Oregon Laws 2009, and**
 25 **sections 6 and 11, chapter 72, Oregon Laws 2010, are repealed.**

26 **SECTION 20.** ORS 336.615 is amended to read:

27 336.615. As used in ORS 336.615 to 336.675[,]:

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

31 (2) "Virtual alternative education program" means an alternative education program that
 32 provides online courses and that does not primarily serve students in a physical location.

33 **SECTION 21.** Sections 22 and 23 of this 2011 Act are added to and made a part of ORS
 34 336.615 to 336.675.

35 **SECTION 22.** (1) A provider of a comprehensive course of study through online courses
 36 may become established as a virtual alternative education program.

37 (2) A virtual alternative education program must meet all requirements of alternative
 38 education programs, as provided by ORS 336.615 to 336.675.

39 **SECTION 23.** In addition to any other requirements provided by ORS 336.615 to 336.675,
 40 a virtual alternative education program shall ensure that:

41 (1) Courses advance academic achievement, improve student learning and meet academic
 42 content standards required by ORS 329.045.

43 (2) Courses have performance criteria that will measure the progress of the academic
 44 achievement of students.

45 (3) The method by which courses are delivered is capable of:

1 (a) Monitoring and tracking student progress and attendance; and

2 (b) Providing student assessments in a manner that ensures that an individual student
3 is being assessed and that the assessment is valid.

4 (4) Any advertising or other promotional materials related to courses clearly state that
5 courses are publicly funded.

6 (5) Student records are created in relation to the course, are maintained at a designated
7 central office of operations and are made available to the resident school district.

8 (6) A student enrolled in a course has sufficient access to computer and printer equip-
9 ment and to Internet service to ensure that the student may effectively participate in the
10 course. The State Board of Education shall adopt policies that allow a parent or guardian of
11 a student to request assistance in accessing equipment and service if the parent or guardian
12 believes that the parent or guardian would experience a severe financial hardship by provid-
13 ing the equipment or service to the student. Access shall be provided in a manner deter-
14 mined by the State Board of Education, and may:

15 (a) Include the temporary provision of equipment or cost reimbursements; and

16 (b) Cover all or a portion of the costs of providing access to the student.

17 (7) Students have the opportunity to participate in meetings at least twice a week with
18 the teachers of courses, either in person or through the use of conference calls or other
19 technology.

20 (8) If the courses are part of an educational program that primarily serves students on-
21 line:

22 (a) Students have the opportunity to participate in at least six optional educational
23 events at a location selected to provide convenient access to all students enrolled in the
24 courses who want to participate; and

25 (b) Students have the opportunity to participate in face-to-face meetings with a teacher
26 at least six times each school year.

27 (9) For any private entity with which a virtual alternative education provider has entered
28 into a contract to provide courses, the virtual alternative education provider:

29 (a) Has on file the private entity's budget for the provision of the course and that the
30 budget itemizes:

31 (A) The salaries of supervisory and management personnel and consultants who are
32 providing online courses or related services in this state; and

33 (B) The annual operating expenses and profit margin of the private entity for providing
34 online courses in this state.

35 (b) Makes available, upon request, the documents described in paragraph (a) of this sub-
36 section.

37 **SECTION 24.** ORS 336.635 is amended to read:

38 336.635. (1) The parent or guardian of a student may enroll the student in one of the proposed
39 public alternative education programs or private alternative education programs of instruction or
40 instruction combined with counseling if:

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

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

43 (c) For a program in a school district in which the student is a resident, the resident school
44 district approves the enrollment.

45 (d) For a program in a school district in which the student is not a resident, the resident school

1 district and the attending school district approve the enrollment.

2 (e) For a private alternative education program, the program is registered with the Department
3 of Education.

4 (2) If the student is eligible for special education under ORS 343.221 to 343.236 and 343.261 to
5 343.295, the program must be approved by the Department of Education prior to the placement of
6 the student in the program.

7 (3) A student enrolled pursuant to this section is considered enrolled in the schools of the dis-
8 trict offering the program for purposes of the distribution of the State School Fund.

9 (4) An alternative education program that is offered to a student who is not a resident of the
10 school district may bill tuition to the school district where the student is a resident. The billing
11 may be made annually or at the end of each term or semester of the alternative education program.
12 For each full-time equivalent student enrolled in the alternative education program, the resident
13 school district shall pay the actual cost of the program or an amount at least equivalent to 80 per-
14 cent of the district's estimated current year's average per student net operating expenditure,
15 whichever is less, in accordance with rules adopted by the State Board of Education. The alternative
16 education program is accountable for the expenditures of all State School Fund moneys and other
17 local school support moneys and shall provide the resident school district with an annual statement
18 of the expenditures.

19 (5)(a) **Except as provided by paragraph (b) of this subsection,** a private alternative education
20 program that is registered with the department is not required to employ only licensed teachers or
21 administrators.

22 **(b) A private alternative education program that is registered with the department is**
23 **required to employ licensed teachers if the teachers will be providing instruction in a virtual**
24 **alternative education program.**

25 (c) Teachers and administrators in private programs are not considered employees of any school
26 district for purposes of ORS 342.173.

27 (6) A school district is not required to provide a public alternative education program if the
28 student can be referred to public or approved private alternative education programs that are ap-
29 propriate for and accessible to the student.

30 (7) Any basic, standard, initial or continuing teaching license issued by the Teacher Standards
31 and Practices Commission is valid for teaching all subjects and grade levels in an alternative edu-
32 cation program operated by a school district or education service district.

33 **SECTION 25. This 2011 Act being necessary for the immediate preservation of the public**
34 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
35 **July 1, 2011.**

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