

- Revenue by Facility – The attached Excel spreadsheet identifies revenue earned by facility. The document contains total revenue earned for the 11-13 biennium as well as revenue earned through 31 December 2014 for the 13-15 biennium.
- Operational Costs of Forest Grove Closure – Please see below for the operational costs associated with the closure of Forest Grove Armory
 - Two units have been displaced from the Forest Grove Armory causing logistical issues.
 - 4th largest revenue producing Armory is closed (\$80K a biennium)
 - Revenue is used to offset Armory operational costs & facility maintenance staff costs
 - Potential Force Structure Issues
 - The Forest Grove Armory has two units. They are 2nd Battalion 218th Field Artillery Battalion Headquarters, Headquarters and Headquarters Battery and Company G, 141 Support Battalion. Both units have been temporarily moved to Jackson Armory (vicinity North Portland). The two units combined strength is currently 197 soldiers, but growth of 10 soldiers and equipment will begin in October 2015.
 - Also as a part of the implementation of the Army's latest organizational change to field artillery units beginning in October 2015. A new artillery firing battery is being added to the 218th Field Artillery, to be stationed at Jackson Armory. Implementation starts with the influx of new equipment and adds 107 soldiers and 6 new 155MM howitzers, as well as new vehicles and trailers.
 - In order for Jackson Armory to have sufficient space to accommodate the new Battery and in increase in personnel and equipment identified above the 218th Field Artillery Battalion Headquarters must move back to Forest Grove. Not having Forest Grove Armory for storage of new equipment will cause significant dysfunction until such time as the Forest Grove Armory can be occupied once again.
- Fusion Center – The Department of Justice (DOJ) is not scheduled to be included within the new Joint Forces Headquarters. DOJ notified the Military Department Master Planning Branch in a 30 May 2014 email that they would not be able to continue to be a part of the phase 1 project due to timeline issues.
- Fire Fighter Vacancies – There are currently 5 vacancies at Portland Air National Guard (PANG) base (but four will be filled shortly) and 2 vacancies at Kingsley Field (KF). Filling vacancies is completed at the discretion of the Wing Commanders at PANG and KF. National Guard Bureau

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(NGB) is not involved in the management of vacant state fire fighter positions. Our understanding is as long as there are sufficient fire fighters on staff to cover mission requirements NGB is satisfied.

- Bend La Pine School District – Below is a summary of the services provided to the Oregon Youth Challenge Program by the Bend La Pine School District; we have also attached the current ORS and OAR that discusses how ADM revenue is to be distributed for an Alternative Education Program, as well as our most recent ADM Enrollment Report:
 - Enrollment and attendance reporting to Oregon Department of Education
 - Annual review and approval of Alternative Learning Options Contract including certification of curriculum
 - Administration of IEPs as needed
 - OAKS training for OYCP teachers to administer/proctor these tests

2011-2013 ARMORY	REVENUE EARNED	2013-2015 - 6 Qtr ARMORY	REVENUE EARNED
Sorted on Revenue, descending order			
Medford	\$231,660.72	Medford	\$143,570.54
Salem Auditorium	\$189,604.87	Salem Auditorium	\$108,208.55
Kliever	\$128,822.00	Kliever	\$79,071.00
Forest Grove	\$82,085.00	Forest Grove	\$62,301.42
Bend	\$64,827.02	Springfield	\$51,924.26
Hood River	\$62,405.25	Bend	\$42,452.36
Ontario	\$57,716.95	Ontario	\$40,959.46
Hillsboro	\$55,317.40	Hillsboro	\$39,867.10
Springfield	\$51,988.25	Hood River	\$33,165.89
Baker City	\$48,745.00	Oregon City	\$31,700.00
Oregon City	\$45,000.00	Bend COTEF	\$30,769.50
Jackson	\$44,372.00	Ashland	\$25,717.25
Hermiston	\$42,726.00	The Dalles	\$22,864.50
Bend COTEF	\$34,444.80	Jackson	\$22,623.00
Gresham	\$31,776.00	Baker City	\$19,475.00
Corvallis	\$27,639.59	Corvallis	\$19,335.00
Ashland	\$26,074.20	Albany	\$17,465.00
McMinnville	\$25,095.00	Clackamas AFRC	\$17,330.25
Woodburn	\$22,830.00	Hermiston	\$17,000.00
The Dalles	\$21,495.10	McMinnville	\$16,985.50
Albany	\$20,610.00	LaGrande	\$15,751.41
Roseburg	\$19,298.75	Gresham	\$15,585.00
LaGrande	\$18,348.96	Dallas	\$13,851.50
Lebanon	\$17,597.20	Newport	\$12,907.00
Newport	\$16,488.00	Salem ARC	\$19,678.50
Warrenton	\$9,309.85	Woodburn	\$9,129.00
Grants Pass	\$8,650.00	Grants Pass	\$8,320.00
Lake Oswego	\$8,252.88	Roseburg	\$4,280.00
Dallas	\$6,570.00	Warrenton	\$3,749.73
Coos Bay	\$4,990.50	St. Helens	\$1,900.00
Clackamas AFRC	\$4,177.19	Coos Bay	\$1,887.00
Pendleton	\$2,480.00	Pendleton	\$1,480.00
Burns	\$2,465.00	Milton Freewater	\$1,385.00
Salem ARC	\$1,805.00	Prineville	\$295.00
Redmond	\$233.00	Burns	\$0.00
St. Helens	\$200.00	Lebanon	\$0.00
Milton Freewater	\$175.00	Redmond	\$0.00
Prineville	\$37.50	Sharff Hall (Maison)	
Sharff Hall (Maison)	\$0.00		

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Oregon National Guard Youth Challenge Program
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ADM Enrollment Reporting to Bend-La Pine School District

General Reporting

1. Oregon Department of Education (ODE) (reference ORS 336.635(2) and OAR 581-023-0041) enables Alternative Schools to contract with their local school district and receive State Basic School Support funds (ADM). Currently the revenue distribution for alternative schools provides a maximum payment of 80% of the Net Operating Expenditure (NOE) rate per student, with the remaining 20% being retained by the local school district.
 - In August annually, the Bend-La Pine School District (BLP) provides an *estimated* ADM rate per student day. It is 80% of the NOE divided by 175 maximum student contact days as defined by ODE.
 - BLP *may* make an adjustment in this rate due to significant changes that could occur in the statewide ADM rates.
 - Past practice by BLP is to make the new annual rate effective 9/1. ONGYCP has requested a review to apply the new annual rate effective 7/1 to coincide with the ADM enrollment reporting from ONGYCP to BLP. This change has been approved and implemented July 1, 2007.

2. In order to receive payment, enrollment rosters must be provided each month to the school district along with an invoice for the applicable amount of ADM. The printed roster is to include the cadet full name, the actual attendance by date, and the approval/certification signature by ONGYCP Lead Teacher/Principal.
 - ONGYCP provides two residential classes per calendar year (154 days or 22 weeks each class). All of the National Youth Challenge Program requirements qualify to claim ADM reimbursement. For example, community service activities off campus are an extension of the classroom, even though they may occur on a Saturday. Every day of the week is a “school day” at ONGYCP. HOWEVER, the maximum allowable ADM reimbursement for Alternative Schools set by ODE is 6 hours per day *limited to 30 hours per week*.
 - The attendance reporting to BLP is therefore based on 1 weekday = 6 hours. No prorating or efforts to distribute student hours over the 7-day/22-week class are made. Attendance reports to BLP are Monday through Friday weekdays only.
 - When students drop out of ONGYCP, their attendance is reported to BLP for the full week they are last in attendance. For example: Cadet Joe Smith drops out on Wednesday of the fourth week of the class and has attended the program a total of 24 days (at 6 hours per day = 144 hours). All four weeks are reported as 5 days (Monday through Friday *including the last week in attendance*) for a total of 20 days (at 6 hours per day = 120 hours). This does not exceed the allowable 30 hours per week (4 weeks at 30 hours = 120 hours).

Other Reporting Requirements

Alternative Learning Opportunity (ALO) contract schools with BLP are required to provide other student information in addition to attendance reporting (Maguire / to be reviewed by Rawnsley). The intervals for reporting these data vary as follows.

1. Opening enrollment roster with cadet demographics (week 3) – Calice/Maguire
 - a. TO: Chris Huff
 - b. TO: Pam Palmer & Tracy Reynolds.
 - c. TO: Austin James
 - d. TO: Rachel Mavis
 - e. Stephanie Bent (per Skip)
2. Cadet class standing due at beginning of each month – Maguire/Butler
3. Monthly list of cadet dropouts and the effective date of their withdrawal.- Maguire
 - a. TO: Chris Huff
4. Monthly Cadet Days and Copy of ADM Invoice
 - a. TO: Zhai Logan
 - b. CC: Marcia Copple
5. Final enrollment roster with cadet demographics (1 week after class end date) – Calice/Maguire
 - a. TO: Chris Huff
 - b. TO: Rachel Mavis
6. Monthly ADM Invoice emailed to BLP
 - a. TO: Heather Cornett
7. Fall report of enrollment by cadet (calculate October 1st through December 31st enrollment days at 6 hours per day) due NLT December 31 – Maguire
 - a. TO: Austin James
 - b. TO: Rachel Mavis
8. Year end report of enrollment by cadet by class (calculate July 1st through June 30th enrollment days at 6 hours per day) due NLT July 1 – Maguire
 - a. TO: Austin James
 - b. TO: Rachel Mavis
9. May 1st enrollment by cadet due NLT May 15 (this is the basis for student participation counts in compliance testing and No Child Left Behind. – Maguire
 - a. TO: Chris Huff
 - b. TO: Heather Cornett

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10. Financial statements quarterly and annually – Maguire
 - a. TO: Zhai Logan

https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors336.html

January 2015

ALTERNATIVE EDUCATION PROGRAMS

336.615 Definition for ORS 336.615 to 336.675. As used in ORS 336.615 to 336.675, “alternative education program” means a school or separate class group designed to best serve students’ educational needs and interests and assist students in achieving the academic standards of the school district and the state. [Formerly 339.605; 2001 c.490 §1]

336.620 [Formerly 336.430; renumbered 339.880 in 1993]

336.625 Goals; district responsibility; registration; rules. (1) In implementing alternative education programs, district school boards shall maintain learning situations that are flexible with regard to environment, time, structure and pedagogy.

(2) Students participating in alternative education programs are considered to be the responsibility of the resident district for purposes of ORS 332.072.

(3) The State Board of Education by rule:

(a) Shall define the accountable activities and allowable credit for these activities in alternative education programs;

(b) Shall adopt a process for registering private alternative education programs that includes, but is not limited to, the requirements of ORS 336.631; and

(c) Shall establish standards for private alternative education programs to ensure a safe educational environment and an instructional program that provides students with the opportunity to make progress toward achieving state academic content and performance standards.

(4) A school district may not waive the right to implement an alternative education program in a collective bargaining agreement. [Formerly 339.615; 1997 c.521 §24; 2001 c.490 §2]

336.630 [Formerly 332.100 and then 336.045; renumbered 339.875 in 1993]

336.631 Private alternative programs; requirements; applicability of laws; placement of students. (1) Prior to contracting with or distributing any public funds to a private alternative education program, a district school board shall:

(a) Annually approve the private alternative education program;

(b) Determine that the private alternative education program is registered with the Department of Education; and

(c) Determine that the private alternative education program complies with the requirements of subsection (2) of this section and ORS 336.625 (3)(c).

(2) The following laws apply to private alternative education programs that are registered with the Department of Education under ORS 336.635 in the same manner as the laws apply to school districts and public schools:

(a) Federal law;

(b) ORS 181.534, 326.603, 326.607, 342.223 and 342.232 (criminal records checks);

(c) ORS 337.150, 339.141, 339.147 and 339.155 (tuition and fees);

- (d) ORS 659.850, 659.855 and 659.860 (discrimination);
 - (e) ORS 339.122 (advertisement requirements);
 - (f) Health and safety statutes and rules; and
 - (g) Any statute, rule or school district policy that is specified in a contract between the school district board and the private alternative education program.
- (3) Prior to placement of a student in a private alternative education program, the resident district shall determine whether the proposed placement best serves the student's educational needs and interests and assists the student in achieving the district and state academic standards.
- (4) Contracts between a school district and a private alternative education program shall be included in the assessment of effectiveness provided for in ORS 329.085. [1997 c.521 §11; 1999 c.59 §84; 2001 c.490 §3; 2005 c.730 §15; 2007 c.35 §5; 2007 c.256 §4; 2010 c.72 §7]

Note: The amendments to 336.631 by section 6, chapter 839, Oregon Laws 2007, become operative July 1, 2017, and first apply to the 2017-2018 school year. See section 9, chapter 839, Oregon Laws 2007. The text that is operative on and after July 1, 2017, including amendments by section 8, chapter 72, Oregon Laws 2010, is set forth for the user's convenience.

336.631. (1) Prior to contracting with or distributing any public funds to a private alternative education program, a district school board shall:

- (a) Annually approve the private alternative education program;
- (b) Determine that the private alternative education program is registered with the Department of Education; and
- (c) Determine that the private alternative education program complies with the requirements of subsection (2) of this section and ORS 336.625 (3)(c).

(2) The following laws apply to private alternative education programs that are registered with the Department of Education under ORS 336.635 in the same manner as the laws apply to school districts and public schools:

- (a) Federal law;
- (b) ORS 181.534, 326.603, 326.607, 342.223 and 342.232 (criminal records checks);
- (c) ORS 329.496 (physical education);
- (d) ORS 337.150, 339.141, 339.147 and 339.155 (tuition and fees);
- (e) ORS 659.850, 659.855 and 659.860 (discrimination);
- (f) ORS 339.122 (advertisement requirements);
- (g) Health and safety statutes and rules; and
- (h) Any statute, rule or school district policy that is specified in a contract between the school district board and the private alternative education program.

(3) Prior to placement of a student in a private alternative education program, the resident district shall determine whether the proposed placement best serves the student's educational needs and interests and assists the student in achieving the district and state academic standards.

(4) Contracts between a school district and a private alternative education program shall be included in the assessment of effectiveness provided for in ORS 329.085.

336.635 Enrollment in alternative education program; billing; rules; status of teachers.

(1) The parent or guardian of a student may enroll the student in one of the proposed public alternative education programs or private alternative education programs of instruction or instruction combined with counseling 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 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 section is considered enrolled in the schools of the district offering the program for purposes of the distribution of the State School Fund.
- (4) An alternative education program that is offered to a student who is not a resident of the school district may bill tuition to the school district 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 less, in accordance with rules adopted by the State Board of Education. The alternative education program is accountable for the expenditures of all State School Fund moneys and other local school support moneys and shall provide the resident school district with an annual statement of the expenditures.
- (5) A private alternative education program that is registered with the department is not required to employ only licensed teachers or administrators. Teachers and administrators in private programs are not considered employees of any school district for purposes of ORS 342.173.
- (6) A school district is not required to provide a public alternative education program if the student can be referred to public or approved private alternative education programs that are appropriate for and accessible to the student.
- (7) Any basic, standard, initial or professional teaching license or teacher leader 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. [Formerly 339.620; 1995 c.656 §7; 1996 c.16 §3; 1997 c.164 §1; 1997 c.613 §3; 2001 c.490 §4; 2009 c.252 §1; 2013 c.286 §12]

336.637 Instruction in educational standards required; assessment of students in private alternative education programs. (1) A private alternative education program shall ensure that students receive instruction in the educational standards adopted by the State Board of Education for the grade level the program serves.

(2) Students enrolled in a private alternative education program shall take the statewide assessment developed by the Department of Education under ORS 329.485. A private alternative education program shall be accountable for determining the progress of its students toward achieving academic content standards as defined in ORS 329.007. The private alternative education program shall report, at least annually, each student's academic progress, including the

results of the state assessment to students, parents and the school district. [1997 c.521 §12; 2001 c.490 §5]

336.640 Rules governing education for pregnant and parenting students. (1) The State Board of Education shall establish by rule procedures for considering and obtaining special services for pregnant and parenting students. Such rules shall include, but not be limited to, the obligation of the school district to:

(a) Inform pregnant and parenting students and their parents of the availability of such services in the school district, education service district or in the community;

(b) Facilitate the provision of such services, including counseling, life skills and parenting education, child care, transportation, career development and health and nutrition services to pregnant and parenting students;

(c) Inform pregnant and parenting students and their parents of the availability of resources provided by other agencies, including health and social services;

(d) Provide educational programs and schedules that address the individual learning styles and needs of pregnant and parenting students; and

(e) Develop individualized educational programs or services, or both, to address the needs of pregnant or parenting students when their educational needs cannot be met by the regularly provided school program.

(2) Each school district shall adopt policies and guidelines for implementation of this section in a manner consistent with the rules of the state board adopted under subsection (1) of this section.

(3) No pregnant or parenting student shall be excluded from the public schools solely on the basis of pregnancy or parenthood.

(4) For purposes of reporting enrollments, school districts may count eligible students who are receiving individualized programs or services, or both, as described in subsection (1)(e) of this section, in the same category as students eligible for special education as children with disabilities under ORS 343.035. [Formerly 339.623; 2005 c.22 §233]

336.645 Notification of availability of program; rules. The State Board of Education shall adopt rules to implement the provisions of ORS 336.615 to 336.675 that shall include rules regarding school district notification to parents and students of the availability of alternative education programs, the law regarding alternative education programs and the procedures for requesting district school boards to establish alternative education programs. [Formerly 339.625; 1997 c.521 §25; 2001 c.490 §6]

336.650 [1979 c.363 §2; renumbered 339.870 in 1993]

336.655 District evaluation of program. (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 (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. [Formerly 339.635; 2001 c.490 §7; 2009 c.252 §2]

336.660 [1991 c.970 §4; 1993 c.45 §102; renumbered 339.865 in 1993]

336.665 Effect of failure to propose alternative programs. (1) The Superintendent of Public Instruction shall find a school district to be deficient within the meaning of ORS 327.103 if the district fails to cause the proposal of alternative programs to be made under ORS 339.250 (5)(h) or (7)(c)(B).

(2) The failure to cause the proposal of alternative programs shall not be grounds for a civil action against the school district. [Formerly 339.640; 1995 c.656 §8; 1996 c.16 §4; 2001 c.104 §112; 2013 c.267 §7]

Note: The amendments to 336.665 by section 7, chapter 267, Oregon Laws 2013, become operative July 1, 2014. See section 12, chapter 267, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.

336.665. (1) The Superintendent of Public Instruction shall find a school district to be deficient within the meaning of ORS 327.103 if the district fails to cause the proposal of alternative programs to be made under ORS 339.250 (9) or (10).

(2) The failure to cause the proposal of alternative programs shall not be grounds for a civil action against the school district.

336.668 [2007 c.846 §2; repealed by 2011 c.313 §25]

336.670 [2007 c.846 §3; repealed by 2011 c.313 §25]

336.673 [2007 c.846 §5; repealed by 2011 c.313 §25]

336.675 [2007 c.846 §6; repealed by 2011 c.313 §25]

336.705 [1987 c.896 §1; 1989 c.187 §1; 1991 c.693 §33; 1993 c.45 §104; renumbered 329.675 in 1993]

336.710 [1987 c.896 §2; renumbered 329.685 in 1993]

336.715 [1987 c.896 §§3,28; 1993 c.45 §105; renumbered 329.690 in 1993]

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336.720 [1987 c.896 §4; 1989 c.187 §2; 1989 c.491 §26; 1993 c.45 §106; renumbered 329.695 in 1993]

336.730 [1987 c.896 §5; 1989 c.187 §3; 1991 c.693 §15; 1993 c.45 §107; renumbered 329.700 in 1993]

336.735 [1987 c.896 §6 (1) to (3); repealed by 1993 c.45 §108]

336.745 [1987 c.896 §8; 1989 c.187 §5; 1991 c.693 §34; 1993 c.45 §109; renumbered 329.705 in 1993]

336.755 [1987 c.896 §7; 1989 c.187 §4; 1993 c.45 §110; renumbered 329.709 in 1993]

336.765 [1987 c.896 §9; 1989 c.187 §6; 1993 c.45 §111; renumbered 329.715 in 1993]

336.775 [1987 c.896 §10; renumbered 329.725 in 1993]

336.780 [1987 c.896 §11; 1993 c.45 §112; renumbered 329.735 in 1993]

336.785 [1987 c.896 §13; 1989 c.187 §12; renumbered 329.745 in 1993]

http://arcweb.sos.state.or.us/pages/rules/oars_500/oar_581/581_022.html

April 9, 2015

581-022-1350

Alternative Education Programs

(1) Sections (2)-(9) of this rule apply to each public or private alternative education program approved by a school district board on or after July 1, 2007. For the purposes of this rule, the term "program" includes "school."

(2) In order to provide innovative and more flexible ways of educating children, school districts may establish alternative education options within the public school system.

(3) School districts must adopt policies and procedures for the approval and at least annual evaluation of public and private alternative education programs under ORS 336.615-336.665 (Alternative Education Programs) that receive public funds. Those policies and procedures must provide that:

(a) The district's approval and at least annual evaluation must require that a public alternative program complies with all state statutes, rules and federal law applicable to public schools;

(b) Before contracting with or distributing any public school funds to a private alternative education program, the district must document that:

(A) The program is registered with the Oregon Department of Education (ODE) under the provisions of OAR 581-021-0072 by receiving a copy of the Department's written notice that the program's registration is approved for the current school year;

(B) The ODE has assigned the private alternative program an institution identification number;

(C) Before contracting with or distributing any public school funds to any private alternative education program for special education services identified in a child's IEP, the program is approved by the Department in compliance with OAR 581-015-2270;

(D) The program complies with the individual education plan for each student who is eligible to receive special education services;

(E) An education plan and education profile that meet the requirements of OAR 581-022-1130 are designed and implemented with each student in the program;

(F) The education plan includes criteria for determining if, when, where, and how the student may transition from the alternative program;

(G) A transportation plan is in place ensuring that the program is accessible to each student approved for placement in the program;

(H) The program assists the district in meeting its comprehensive K-12 instructional program in compliance with OAR 581-022-1210;

(I) The program assures that it provides an instruction based on academic content standards adopted by the State Board of Education and that students participate in district and state assessments of achievement for the grade level(s) the program serves;

(J) The program assists students in earning diploma credits consistent with OAR 581-022-1130, 581-022-1134 and 581-022-1135;

(K) The program collects and reports to the district each student's local and state assessment, attendance, behavior, graduation, dropout, and other data required by the district and the state;

(L) Student data is included in the district's at least annual evaluation of the program;

(M) The program complies with federal law; and

(N) If applicable, the private alternative education program is in compliance with its existing district contract.

(4) The contract between a school district and a private alternative education program must state that non-compliance with a rule or statute under this rule (OAR 581-022-1350) will result in the termination of the contract, and suspension or revocation of registration by the Department will terminate the district's contract with the private alternative program and that the private alternative education program's annual statement of expenditures is reviewed in the districts' evaluation in accordance with ORS 336.635(2).

(5) School districts shall adopt policies and procedures to approve placing students in district approved public alternative education programs and district approved private alternative education programs. Such policies and procedures must ensure that:

(a) Students placed in alternative education programs are those whose educational needs and interests are best served by participation in such programs and will include:

(A) Students identified pursuant to ORS 339.250:

(i) Who are being considered for suspension or expulsion pursuant to ORS 339.250;

(ii) Who have been suspended or expelled pursuant to ORS 339.250;

(iii) Whose attendance patterns have been found to be so erratic that the students are not benefiting from the regular educational program; or

(iv) Who have had a second or subsequent occurrence within any three-year period of a severe disciplinary problem;

(B) Students identified pursuant to ORS 329.485 and OAR 581-022-1110(5) who do not meet the standards or who exceed all of the standards at any benchmark level;

(C) Students admitted to the district pursuant to ORS 339.115 who have not yet turned 21 prior to the start of the school year and who need additional instruction to earn a diploma in compliance with OAR 581-022-1130;

(D) Students whose parents or legal guardians apply for the student's exemption from compulsory attendance on a semiannual basis as provided in ORS 339.030 and OAR 581-021-0076; and

(E) Others who are individually approved for placement consistent with the district's board policies regarding the placement;

(b) Placement of a student in a public or private alternative education program may be made only if:

(A) The student is a resident of the district and the district has legal responsibility for the student's education consistent with ORS 327.006(7);

(B) After assessing the student's needs and interests and consulting with the parent or guardian, the district determines that the student is not benefiting, has not benefited, or will not benefit from attendance in other district schools or programs;

(C) The alternative program is determined by the district to best serve the student within local and state academic standards; and

(D) Placement in the program is made consistent with the student's education plan pursuant to OAR 581-022-1120(3)(a) and (b) and 581-022-1130(3) and with district policies and procedures;

(c) Placement in a public or private alternative education program must be made with the approval of the student's resident school district and attending school district; and

(d) Payment to private alternative education providers must be 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 less.

(6) A school district must adopt policies and procedures for notification of students, parents or guardians of students of:

(a) The law regarding alternative education programs;

(b) The availability of existing alternative education programs; and

(c) The procedures for students, parents, or guardians of students residing in the district to request the establishment of new alternative education programs.

(7) School districts must include opportunities for participation by educators, community members, and parents or guardians in the development of policies and procedures under this rule.

(8) School districts must have policies and procedures in place to ensure that, for the purposes of making claims for state school funds;

(a) Students enrolled in a public school district and receiving instruction in the district's comprehensive planned K-12 curriculum consistent with OAR 581-022-1210 and who are individually placed by the school district in an alternative education programs are accounted consistent with 581-023-0006(7);

(b) Students supplementing home or private schooling by attending part-time and receiving less than comprehensive education from the district are accounted consistent with OAR 581-023-0006(6)(a);

(c) Students receiving online instruction are accounted consistent with reporting guidelines published in the Oregon Student Personnel Accounting Manual, and

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(d) Activities claimed for state school funds and credits awarded in the alternative education program consistent with OAR 581-023-0008 are approved by the district and by the contract between a private alternative program and the district.

(9) School districts must have policies and procedures in place to ensure that data for each student in public and private alternative education programs are included in district reporting as required by ODE.

Stat. Auth.: ORS 326.051, 327.125, 336.625 & 336.645

Stats. Implemented: ORS 327.006, 329.485, 336.615 - 336.665, 329.485, 339.115, 339.030 & 339.250

Hist.: EB 18-1996, f. & cert. ef. 11-1-96; ODE 2-1998, f. & cert. ef. 2-27-98; ODE 4-2003, f. & cert. ef. 3-14-03; ODE 12-2007, f. & cert. ef. 4-25-07; ODE 20-2007, f. & cert. ef. 9-10-07; ODE 25-2008, f. & cert. ef. 9-26-08