



Oregon

Kate Brown, Governor



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Colt Gill

Deputy Superintendent of Public Instruction

Senate Bill - Registration of Private Schools With ODE

Senate Education

March 17, 2021

Senator Dembrow, Vice-Chair Thomsen and members of the Senate Education Committee, I am Jessica Ventura, Government Relations Director for the Oregon Department of Education (ODE). I am submitting the following information for your consideration. ODE has no position on this bill.

Current Law

Currently there is no law requiring private schools to register with ODE. However, private schools are strongly encouraged to send ODE contact and basic school information (grades, enrollment etc.). A private school in Oregon is defined as “including private or parochial schools providing courses of study usually taught in kindergarten through grade 12 in the public schools and in attendance for a period equivalent to that required of children attending public schools”, as defined in [ORS 339.030 \(1\) \(a\)](#). Private schools have a great deal of autonomy, although they must comply with health and safety, state and local building/fire codes/ DHS/ pest management and many other laws and rules.

Private alternative schools that contract with districts to serve students are required to register with ODE. These include:

- [Private Alternative Schools](#)
- [Private Child Care Licensing](#)

Senate Bill 223

This bill creates a system in which private schools serving students PreK-12 may be designated as “registered private schools” if they apply to become registered and follow the requirements set forth in this bill, including:

- Conforming to the criteria established by the State Board of Education, taking into consideration recommendations set forth by a private schools registration advisory committee,

- Teachers within the school are qualified to teach their assigned grade level through education and experience, although not required to be licensed,
- The school facility is adequate to protect student health and safety,
- The curricula are sound and comprehensive, and support high school students in being qualified to attend community colleges and other post-secondary institutions,
- Courses are taught for an amount of time equivalent to public schools.

The bill provides authority to the ODE to receive, process, approve, deny, suspend, and revoke applications for registration of private schools according to the criteria adopted by the SBE. The bill defines a Class C misdemeanor when a private school represents their school as a registered private school when they are not.

The bill requires registered private schools to submit information to ODE for nationwide criminal records checks for those described in ORS 326.603 (1).

This bill prohibits school districts from being members of voluntary organizations that administer interscholastic activities unless organization limits participation in interscholastic activities to private schools that are registered.

Fiscal Impact

ODE currently has one position that dedicates half of their work to private schools related items and it is a limited duration position. SB 223 would require three new permanent positions.

Suggestions to Improve the Bill

During the response to COVID-19, ODE started pulling together a contact list for private schools in Oregon, primarily for communication to all private schools (i.e.RSSL guidance and updates, Governor’s Executive Orders, student and staff grant opportunities, new legislation applying to private schools (SB255) and other emergencies/programs that call for the sharing of essential and accurate information. For example, our private school master list has increased from about (150 pre –COVID) to currently about 400. We can quickly pull them together for RSSL updates, metrics etc.

There is some overlap between private schools and private alternative education programs. This bill could cause some confusion as to whether private alternative education programs need to register for both. It would help to know the goal of having designated registered private schools in order to provide suggestions as to how to clear up this confusion. For reference, a chart below compares the current private alternative education programs with the registered private schools this bill would create:

	Private schools	Private Alternative Schools
Authorizing Authority	Senate Bill 223	ORS 336.635(3)(b) OAR 581-021-0072
Advisory Committee	Six member advisory board appointed by SBE at recommendation of Superintendent of Public Instruction	There is not currently an advisory committee, though this is a goal
Registration Criteria		
Staffing (fitness as a teacher)	a)The teachers of the private school possess qualifications necessary to establish fitness as a teacher. Nothing in this paragraph requires that the teachers be licensed to teach.	Nothing specific on teacher fitness, just staffing qualifications (see below)
Staffing Qualifications	(b) The teachers and other school employees are qualified by a combination of education and experience to provide an educational program at the	ORS 336.635 (5) A private alternative education program that is registered with the department is not required to employ only licensed teachers or administrators.

	grade level or in the program to which they are assigned.	
Facility	(c) The facility at which the private school is located, and the operation of the private school, are adequate to protect the health and safety of students.	Nothing specific about facilities, though applicants are required to have liability insurance, as well as fire and safety inspections. OAR 581-021-0072(4), (5)
Curricula	d) The curricula for the educational programs of the private school are sound and comprehensive and emphasize the establishment of high practical standards.	ORS 336.637(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. OAR 581-021-0072(4)
Secondary curricula	e) The curricula for the educational programs for grades 9 through 12 establish academic standards necessary for students to qualify to attend community colleges and institutions of post-secondary education, both within and without the State of Oregon.	(e) Assists the contracting district in meeting its planned K-12 instructional program in compliance with OAR-022-1210 (f) Provides instruction in the academic content standards adopted by the State BOE (and state assessments) (h) Uses curriculum content, teaching practices, facilities, and management practices that do not violate constitutional prohibitions on religious entanglement

<p>Instructional time</p>	<p>(f) Courses for educational programs are taught for a period of time equivalent to the period of time required for students attending public schools</p>	<p>Oddly, this is not called out specifically, but we use OAR 581-022-2320 on our application with this: Kindergarten - 900 hrs.; Grades 1-3 - 900 hrs.; Grades 4-8 - 900 hrs.; Grades 9-11 - 990 hrs.; Grade 12 - 966 hrs.</p>
<p>Other</p>	<p>(g) The private school complies with the criteria of sections 1 to 5 of this 2021 Act and any rules adopted by the State Board of Education pursuant to sections 1 to 5 of this 2021 Act.</p>	<p>581-021-0072(3) Application materials are to be provided annually by March 1, deadline to be determined by the ODE</p>
<p>Testing</p>		<p>ORS 336.637(2) Students enrolled in a private alternative education program shall take the statewide assessment developed by the ODE under ORS 329.485. A private alternative education program shall be accountable for determining the progress of its student toward achieving academic content standards as defined in ORS 329.007. The private alternative education program shall report, at least annually, each students' academic progress, including the results of the state assessment to students, parents, and the school district.</p>

Thank you for your consideration,

Jessica Ventura
Government Relations Director