

# OREGON STATUTES

## ALTERNATIVE EDUCATION PROGRAMS

**336.615 Definition for ORS 336.615 to 336.665.** As used in ORS 336.615 to 336.665, "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 shall 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 181.539, 326.603, 326.607 and 342.232 (criminal records checks);
- (c) ORS 337.150, 339.141, 339.147 and 339.155 (tuition and fees);
- (d) ORS 659.850 and 659.855 (discrimination);
- (e) Health and safety statutes and rules; and
- (f) 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]

**336.635 Enrollment in alternative education program; notice to district; billing; status of teachers.**

(1) When necessary to meet a student's educational needs and interests, the parent or guardian 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 the child is determined to be 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. 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 considered enrolled in the schools of the district for purposes of the distribution of the State School Fund.

(2) The 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 may bill the school district for tuition. 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 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, in accordance with rules adopted by the State Board of Education. The alternative education program shall be accountable for the expenditures of all State School Fund and other local school support moneys, providing the school district with an annual statement of such expenditures.

(3) 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 considered employees of any district for purposes of ORS 342.173.

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

(5) Any Oregon teaching license 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]

**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 the 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]

**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 336.665 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 (2);

(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]

**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 (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. [Formerly 339.640; 1995 c.656 §8; 1996 c.16 §4; 2001 c.104 §112]