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581-021-0072

Registration of Private Alternative Programs/Schools

(1) All Sections of this rule apply to each 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) For the purposes of ORS 336.635(1), all private alternative education programs receiving public school funds must comply with Private Alternative Education Standards established by the Oregon State Board of Education. Before contracting with or receiving public funds from any public school district, each private alternative program must register with the Oregon Department of Education (ODE) under this rule and must have an institution identification number assigned by the Department.

(3) New registration and renewal applications must be received each year by a date to be determined by the Department. Annually by March 1, the Oregon Department of Education will provide registration renewal application forms to private alternative programs registered with the Department.

(4) Each private alternative education program must apply to the Department for approval of registration renewal and the application for registration or renewal of registration must include information or documentation as required by the Department that the private alternative program meets:

(a) Local and state fire, safety, health and occupancy codes and standards;

(b) Health and safety standards and rules including, but not limited to, sanitation and prevention of communicable disease;

(c) The requirements of:

(A) OAR 581-022-1420 (emergency plans and safety programs);

(B) OAR 581-022-1430 (asbestos management plans);

(C) OAR 581-022-1440 (infectious diseases);

(D) ORS 339.870 and OAR 581-021-0037 (administration of medications);

(E) OAR 437-002-1910.1030 (Oregon Occupational Safety and Health Division — blood borne pathogens);

(F) OAR 581-022-0705 (health services);

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

(H) ORS 181.539, 326.603, 326.607, 336.631, and 342.232 (criminal records checks) for all subject individuals as defined in OAR 581-022-1730, including private alternative school/program owner/operators who have direct, unsupervised contact with students;

(I) ORS 433.235 through 433.284 and OAR 333-050-0010 through 333-050-0120 (immunization records and reports); and

(J) ORS 659.850 and 659.855 (discrimination).

(5) The annual application must also include assurances and verifying documentation, as required by the Department, that the private alternative program:

(a) Has a mission statement;

(b) Maintains commercial general liability insurance with policy limits of at least \$1,000,000 and annually provides ODE with requested information or documentation showing the name of the insurance company, the number of the insurance policy, the policy limits covered by the policy, and the effective term of the policy;

(c) Identifies the grade levels to be served;

(d) Identifies which students will be served consistent with OAR 581-022-1350(4)(a)(A);

(e) Assists the contracting district in meeting its planned K–12 instructional program in compliance with OAR 581-022-1210;

(f) Provides instruction in the 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;

(g) Assists students in earning diploma credits consistent with OAR 581-022-2000 and 581-022-1131;

(h) Uses curriculum content, teaching practices, facilities, and management practices that do not violate constitutional prohibitions on religious entanglement;

(i) Develops, implements, and, if necessary, modifies an education plan consistent with OAR 581-022-1120(3)(a) and (b), and 581-022-2000(3), Diploma Requirements, for each student approved for placement in the program by the student's contracting district;

(j) In cooperation with each student's contracting district and parent, guardian, or other responsible adult, includes criteria in the student's education plan for determining if, how, when, and where the student may transition from the alternative education program;

(k) At least annually reports the results of each student's performance on district-wide and state-wide assessments to the student, the student's parents or legal guardians, and to the student's contracting district;

(l) Collects and reports to each contracting district and the state the student's local and state assessment, attendance, behavior, graduation, dropout, and other data required by the district and the state;

(m) If providing special education services or related services identified in any child's IEP, is approved by the ODE under OAR 581-015-0126;

(n) Maintains the confidentiality of student records consistent with the Family Educational Rights and Privacy Act, 34 CFR 99 et. seq. and maintains student records in compliance with Oregon Administrative Rules on student records;

(o) The school shall provide training for all students which is designed to prevent child abuse.

(p) The school shall include training for all school employees on the prevention and identification of child abuse and on the obligations of school employees to report child abuse based on policies adopted by the school board or governing body. This training shall be updated and presented to all employees on an annual basis.

(q) The school shall make the training detailed in section (o) of this rule available to parents and legal guardians of children who attend a school operated by the education provider. The training shall be provided separately from the training provided to school employees under section (p) of this rule.

(r) Has procedures in place regarding staff hiring and evaluation that require:

(A) Checking personal and professional references for all potential employees;

(B) Criminal background checks in compliance with OAR 581-022-1730 and ORS 181.539, 326.603, 326.607 and 342.232 and to comply with section (9) of this rule, for all employees;

(C) A regular schedule of staff evaluations of the competencies of all employees that work with children; and

(D) Staff licensing/registration by the Oregon Teacher Standards and Practices Commission in compliance with OAR 584-036-0015;

(s) For purposes of claiming state school funds, has policies and procedures to ensure that:

(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 the alternative education program under ORS 336.635 are accounted for in compliance with OAR 581-023-0006(7);

(B) Students enrolled in schools consistent with ORS 336.135 and students enrolled in nonpublic schools or taught by a private teacher or parent under ORS 339.035 and who are supplementing their home, private, or other instruction by attending the alternative program part-time are accounted for in compliance with OAR 581-023-0006(6)(a); and

(C) The activities claimed for state school funds by the program are one or more of those in OAR 581-023-0008 as approved by the contracting school district; and

(t) Complies with each statute, rule or school district policy specified in a contract between the school district board and the private alternative education program; and

(u) Notifies the ODE and each contracting public school district of any written complaint it receives alleging non-compliance with this private alternative program registration rule.

(6) Each annual renewal application must include a copy of the written annual evaluation of the applicant private alternative program completed by each contracting public school district for the prior school year.

(7) Each private alternative program must provide an annual statement of program expenditures to each contracting district consistent with ORS 336.635(2).

(8) The Oregon Department of Education may monitor the procedure used by the private alternative program for reporting Full Time Equivalent (FTE) student enrollment for the purposes of basic school support.

(9) The Department of Education may deny, suspend, or revoke a private alternative program registration consistent with OAR 581-021-0073.

(10) No registered private alternative school/program shall be owned by or employ an individual who is not of good moral character and reputation.

(a) Upon review by the Department, the Superintendent may find a person not to be of good moral character and reputation when the person:

(A) Has been convicted of a felony or a misdemeanor that involves the illegal use, sale or possession of a controlled substance, or that involves any sexual offense, or any violent offense;

(B) Has been convicted of an offense involving fraud or misrepresentation, or has committed fraud, misrepresentation, or deceit or has committed unfair, deceptive, or unlawful trade practices regulated by the Oregon Unlawful Trade Practices Act (ORS 646.605–646.652); or

(C) Is currently subject to suspension or revocation under OAR 581-021-0073.

(b) The Superintendent shall not make a finding that a person is not of good moral character and reputation solely for the reason that the person has been convicted of a crime, but shall consider the relationship of the facts that support the conviction and all intervening circumstances as they relate to the specific occupational standards and requirements.

(11) As of the effective date of this rule, the Private Alternative Education Standards adopted by the State Board of Education December 5, 2002, are rescinded and replaced by sections (2)-(5) of this rule.

Statutory/Other Authority: ORS 326.051, 327.125 & 336.625

Statutes/Other Implemented: ORS 181, 539, 326.603, 326.607, 327.109, 336.615 - 336.665 & 337.150

History:

[ODE 9-2019, minor correction filed 02/11/2019, effective 02/11/2019](#)

ODE 22-2007, f. & cert. ef. 10-26-07

ODE 12-2007, f. & cert. ef. 4-25-07

ODE 16-2003, f. & cert. ef. 8-26-03

ODE 2-1998, f. & cert. ef. 2-27-98

EB 27-1990, f. & cert. ef. 5-18-90