Chapter 340

2009 EDITION

Expanded Options Program

340.005 Definitions
340.010 Purposes
340.015 Notification to students and parents or guardians; rules
340.020 High school students who have dropped out; identification; information
340.025 Notification by student to school district; review of graduation requirements; educational learning plan
340.030 Application; acceptance; appeal; duplicate courses; academic progress
340.035 Enrollment in eligible post-secondary courses
340.037 Limitations on enrollment in post-secondary courses
340.040 Credits for post-secondary courses; notification; appeal
340.045 Calculation of State School Fund grant; payment of instructional costs; appeal
340.050 Students not eligible for financial aid; reimbursement for educational expenses
340.055 Charging student for instructional costs prohibited
340.060 Textbooks, fees, equipment and materials property of school district
340.065 Transportation; costs
340.070 Special education and related services; contract
340.073 Public charter school participation; costs
340.075 Applicability of chapter to additional courses
340.080 Limitation on credit hours awarded to students; rules
340.083 Waiver of program requirements; duration
340.085 Report to legislative committees and joint boards
340.090 Alternative programs

340.005 Definitions. For purposes of this chapter:

(1) "Accelerated college credit program" has the meaning given that term by rules adopted by the State Board of Education.

(2) "At-risk student" means:

(a) A student who qualifies for a free or reduced lunch program; or

(b) An at-risk student as defined by rules adopted by the board if the board has adopted rules to define an at-risk student.

(3) "Duplicate course" means a course with a scope that is identical to the scope of another course.

(4)(a) "Eligible post-secondary course" means any nonsectarian course or program offered through an eligible post-secondary institution if the course or program may lead to high school completion, a certificate, professional certification, associate degree or baccalaureate degree.

(b) "Eligible post-secondary course" does not include a duplicate course offered at the student's resident school.

(c) "Eligible post-secondary course" includes:

(A) Academic courses;

(B) Career and technical education courses; and

(C) Distance education courses.

(5) "Eligible post-secondary institution" means:

(a) A community college;

(b) A state institution of higher education listed in ORS 352.002; and

(c) The Oregon Health and Science University.

(6)(a) "Eligible student" means a student who is enrolled in an Oregon public school and who:

(A) Is 16 years of age or older at the time of enrollment in a course under the Expanded Options Program;

(B)(i) Is in grade 11 or 12 at the time of enrollment in a course under the Expanded Options Program; or

(ii) Is not in grade 11 or 12, because the student has not completed the required number of credits, but who has been allowed by the school district to participate in the program;

(C) Has developed an educational learning plan as described in ORS 340.025; and

(D) Has not successfully completed the requirements for a high school diploma as established by ORS 329.451, the State Board of Education and the school district board.

(b) "Eligible student" does not include a foreign exchange student enrolled in a school under a cultural exchange program.

(7) "Expanded Options Program" means the program created under this chapter.

(8) "Scope" means depth and breadth of course content as evidenced through a planned course statement including content outline, applicable state content standards where appropriate, course goals and student outcomes. [2005 c.674 §1; 2007 c.567 §1; 2009 c.94 §10]

340.010 Purposes. The Legislative Assembly declares that the purposes of this chapter are to:

(1) Create a seamless education system for students enrolled in grades 11 and 12 to:

(a) Have additional options to continue or complete their education;

(b) Earn concurrent high school and college credits; and

(c) Gain early entry into post-secondary education.

(2) Promote and support existing accelerated college credit programs, and support the development of new programs that are unique to a community's secondary and post-secondary relationships and resources.

(3) Allow eligible students who participate in the Expanded Options Program to enroll full-time or part-time in an eligible post-secondary institution.

(4) Provide public funding to the eligible post-secondary institutions for educational services to eligible students to offset the cost of tuition, fees, textbooks, equipment and materials for students who participate in the Expanded Options Program. [2005 c.674 §2]

340.015 Notification to students and parents or guardians; rules. (1) Prior to February 15 of each year, each school district shall notify all high school students and the students' parents or guardians of the Expanded Options Program for the following school year.

(2) Notwithstanding subsection (1) of this section, a school district, in the district's enrollment materials, shall notify a student and the student's parent or guardian of the Expanded Options Program if the student enrolls in a school of the district after the district has issued the notice described in subsection (1) of this section and the student is:

(a) Transferring to a high school in the district from another district; or

(b) Returning to high school after dropping out of school.

(3) Each school district shall establish a process to ensure that all at-risk students

and their parents are notified about the Expanded Options Program.

(4) A school district shall notify a high school student who has officially expressed an intent to participate in the Expanded Options Program pursuant to ORS 340.025 (1) or (2), and the student's parent or guardian, of the student's eligibility status within 20 business days after the student officially expressed the intent.

(5) The State Board of Education shall establish by rule the required components of the notice. The notice must include, but not be limited to, information about:

(a) Financial arrangements for tuition, textbooks, equipment and materials;

(b) Available transportation services;

(c) The effect of enrolling in the Expanded Options Program on the eligible student's ability to complete the required high school graduation requirements;

(d) The consequences of failing or not completing an eligible post-secondary course;

(e) The requirement that participation in the Expanded Options Program is contingent on acceptance by an eligible post-secondary institution; and

(f) School district timelines affecting student eligibility and duplicate course determinations. [2005 c.674 §5; 2007 c.567 §2]

340.020 High school students who have dropped out; identification; information. (1) It shall be a priority for school districts to provide information about the Expanded Options Program to high school students who have dropped out of school.

(2) School districts shall establish a process to identify high school students who have dropped out of school and provide those students with information about the program. A school district shall send information about the program to the last-known address of the family of the student. [2005 c.674 §6]

340.025 Notification by student to school district; review of graduation requirements; educational learning plan. (1) Prior to May 15 of each year, a student who is interested in participating in the Expanded Options Program shall notify the student's resident school district of the student's intent to enroll in eligible post-secondary courses during the following school year.

(2) Notwithstanding subsection (1) of this section, a high school transfer student or returning dropout described in ORS 340.015 (2) has 20 business days from the date of enrollment to indicate interest.

(3) The resident school district shall review with the student and the student's parent or guardian the student's current status toward meeting all state and school district graduation requirements and the applicability of the proposed eligible post-secondary course with respect to fulfilling the student's remaining graduation requirements.

(4)(a) An eligible student who intends to participate in the Expanded Options Program shall develop an educational learning plan in cooperation with an advisory support team.

(b) The educational learning plan may include:

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

(B) The relationship of the eligible post-secondary courses proposed under the Expanded Options Program and the student's learning goals.

(c) An advisory support team may include the student, the student's parent or guardian and a teacher or a counselor. [2005 c.674 §7; 2007 c.567 §3]

340.030 Application; acceptance; appeal; duplicate courses; academic progress. (1) An eligible student may apply to an eligible post-secondary institution to enroll in eligible post-secondary courses offered by the eligible post-secondary institution.

(2) If an eligible post-secondary institution accepts an eligible student for enrollment under this section pursuant to ORS 341.505 or other admissions standards, the eligible post-secondary institution shall send written notice to the student, the student's resident school district and the Department of Education within 20 business days of acceptance. The notice shall indicate the eligible post-secondary courses and hours of enrollment offered to the student.

(3) If an eligible post-secondary institution accepts an eligible student for enrollment under this section, the eligible post-secondary institution shall provide academic advising to the student as appropriate.

(4) An eligible post-secondary institution may designate individual programs in which eligible students may enroll under this section.

(5)(a) Each school district shall establish a process to determine duplicate course designations.

(b) A school district shall notify an eligible student and the student's parent or guardian of any course the student wishes to take that the district determines is a duplicate course, within 20 business days after the student has submitted a list of intended courses.

(c)(A) A student may appeal a duplicate course determination to the school district

board based on evidence of the scope of the course.

(B) The school district board or the board's designee shall issue a decision on the appeal within 30 business days of receipt of the appeal.

(C) If the appeal is denied by the school district board, the student may appeal the determination of the school district to the Superintendent of Public Instruction or the superintendent's designee.

(d) The Department of Education shall create a process for students to appeal the decision of a school district under paragraph (c) of this subsection.

(e) The superintendent or the superintendent's designee shall issue a decision on the appeal within 30 days of receipt of the appeal. If the superintendent or the superintendent's designee fails to issue a decision within 30 days of receipt of the appeal, the course shall be deemed to not be a duplicate course and the student may enroll in the course under the Expanded Options Program if the course and the student meet all other eligibility requirements for the program.

(6) Once participating in the Expanded Options Program, an eligible student must maintain satisfactory academic progress as defined by the eligible post-secondary institution.

(7) An eligible post-secondary institution may not be required to accept a student for enrollment under this section. [2005 c.674 §3; 2007 c.567 §4]

340.035 Enrollment in eligible post-secondary courses. An eligible post-secondary institution may enroll an eligible student participating in the Expanded Options Program only in eligible post-secondary courses under the program. [2005 c.674 §4]

340.037 Limitations on enrollment in post-secondary courses. (1) An eligible student who enrolls in the Expanded Options Program may not enroll in eligible post-secondary courses under ORS 340.030 for more than the equivalent of two academic years. An eligible student who first enrolls in the Expanded Options Program in grade 12 may not enroll in eligible post-secondary courses under ORS 340.030 for more than the equivalent of one academic year. If an eligible student first enrolls in an eligible post-secondary course in the middle of the school year, the time of participation shall be reduced proportionately. If an eligible student is enrolled in a year-round program and begins each grade in the summer session, summer sessions are not counted against the time of participation.

(2) A student who has graduated from high school may not participate in the Expanded Options Program. [2005 c.674 §8; 2007 c.567 §5]

340.040 Credits for post-secondary courses; notification; appeal. (1) The State Board of Education shall establish a procedure for a school district to award credits to eligible students for eligible post-secondary courses completed under the Expanded Options Program.

(2) Prior to an eligible student's beginning an eligible post-secondary course, the school district shall notify the student of the number and type of credits that the student will be granted upon successful completion of the eligible post-secondary course.

(3) If there is a dispute between the school district and the eligible student regarding the number or type of credits that the school district will grant to a student or that the school district has granted for a particular eligible post-secondary course, the student may appeal the school district's decision using an appeals process adopted by the school district board.

(4) Credits granted to an eligible student shall be counted toward high school graduation requirements and subject area requirements of the state and the school district. Evidence of successful completion of each eligible post-secondary course and credits granted shall be included in the student's education record. A student shall provide the school district with a copy of the student's grade in each eligible post-secondary course taken for credit under the Expanded Options Program. The student's education record shall indicate that the credits were earned at an eligible post-secondary institution.

(5) The eligible post-secondary institution shall award post-secondary credit for any eligible post-secondary course successfully completed for credit at the institution if the course is considered by the institution to be a college-level course. Other post-secondary institutions may award, after a student leaves secondary school, post-secondary credit for any eligible post-secondary course successfully completed under the Expanded Options Program. A post-secondary institution may not charge a student for the award of credit. [2005 c.674 §9]

340.045 Calculation of State School Fund grant; payment of instructional costs; appeal. (1) An eligible student enrolled in an eligible post-secondary course at an eligible post-secondary institution pursuant to ORS 340.030 shall continue to be considered a resident pupil of the student's school district for purposes of calculation of the State School Fund grant under ORS 327.006 to 327.133, 327.348, 327.355, 327.357, 327.360 and 327.731.

(2) The amount of each school district's general purpose grant per extended ADMw as calculated under ORS 327.013 shall be determined each fiscal year by the Department of Education and made available to all school districts and, upon request, to any eligible post-secondary institution.

(3) A school district and any eligible post-secondary institution that accepts a student for enrollment in an eligible post-secondary course pursuant to ORS 340.030 shall negotiate in good faith a financial agreement for the payment of actual instructional costs associated with the enrollment of the eligible student in eligible post-secondary courses, including tuition and fees and the costs of textbooks, equipment and materials.

(4) As part of the negotiated financial agreement, an eligible post-secondary institution shall provide the school district with the published refund policy for eligible students who do not complete eligible post-secondary courses in which the students enroll and do not earn credit.

(5) If, after participating in good faith negotiations, a school district and an eligible post-secondary institution are unable to agree on the payment of actual instructional costs as described in subsection (3) of this section, either entity may appeal to the department for a determination of whether the negotiations were conducted in good faith.

(6) The department shall develop a process and criteria to use for appeals.

(7)(a) If the department determines that the negotiations were not conducted in good faith by either the school district or the eligible post-secondary institution, the department shall order the school district and the eligible post-secondary institution to conduct the negotiations again.

(b) If the department determines that the negotiations were conducted in good faith by the school district and the eligible post-secondary institution, the department shall grant the school district a waiver under ORS 340.083 from participating in the Expanded Options Program with the eligible post-secondary institution with which the school district was negotiating.

(8) The decision of the department shall be binding on the school district and the eligible post-secondary institution.

(9) In addition to any financial agreement entered into under subsection (3) of this section, the resident school district of the eligible student shall enter into an agreement with an eligible post-secondary institution that accepts a student for enrollment in an eligible post-secondary course that is a nontuition course or noncredit course pursuant to ORS 340.030 for the payment of the actual instructional costs associated with the student's attending the eligible post-secondary course at the institution.

(10) Nothing in this section shall prohibit an eligible post-secondary institution from receiving additional state funding that may be available under any other law. [2005 c.674 §10; 2007 c.567 §6]

Note: The amendments to 340.045 by section 17, chapter 846, Oregon Laws 2007, become operative June 30, 2012. See section 19, chapter 846, Oregon Laws 2007. The text that is operative on and after June 30, 2012, is set forth for the user's convenience.

340.045. (1) An eligible student enrolled in an eligible post-secondary course at an eligible post-secondary institution pursuant to ORS 340.030 shall continue to be considered a resident pupil of the student's school district for purposes of calculation of the State School Fund grant under ORS 327.006 to 327.133, 327.348 and 327.731.

(2) The amount of each school district's general purpose grant per extended ADMw as calculated under ORS 327.013 shall be determined each fiscal year by the Department of Education and made available to all school districts and, upon request, to any eligible post-secondary institution.

(3) A school district and any eligible post-secondary institution that accepts a student for enrollment in an eligible post-secondary course pursuant to ORS 340.030 shall negotiate in good faith a financial agreement for the payment of actual instructional costs associated with the enrollment of the eligible student in eligible post-secondary courses, including tuition and fees and the costs of textbooks, equipment and materials.

(4) As part of the negotiated financial agreement, an eligible post-secondary institution shall provide the school district with the published refund policy for eligible students who do not complete eligible post-secondary courses in which the students enroll and do not earn credit.

(5) If, after participating in good faith negotiations, a school district and an eligible post-secondary institution are unable to agree on the payment of actual instructional costs as described in subsection (3) of this section, either entity may appeal to the department for a determination of whether the negotiations were conducted in good faith.

(6) The department shall develop a process and criteria to use for appeals.

(7)(a) If the department determines that the negotiations were not conducted in good faith by either the school district or the eligible post-secondary institution, the department shall order the school district and the eligible post-secondary institution to conduct the negotiations again.

(b) If the department determines that the negotiations were conducted in good faith by the school district and the eligible post-secondary institution, the department shall grant the school district a waiver under ORS 340.083 from participating in the Expanded Options Program with the eligible post-secondary institution with which the school district was negotiating.

(8) The decision of the department shall be binding on the school district and the eligible post-secondary institution.

(9) In addition to any financial agreement entered into under subsection (3) of this section, the resident school district of the eligible student shall enter into an agreement with an eligible post-secondary institution that accepts a student for enrollment in an eligible post-secondary course that is a nontuition course or noncredit course pursuant to ORS 340.030 for the payment of the actual instructional costs associated with

the student's attending the eligible post-secondary course at the institution.

(10) Nothing in this section shall prohibit an eligible post-secondary institution from receiving additional state funding that may be available under any other law.

340.050 Students not eligible for financial aid; reimbursement for educational expenses. (1) An eligible student enrolled in an eligible post-secondary course pursuant to this chapter is not eligible for any state student financial aid under ORS 348.040 to 348.280 and 348.500 to 348.695.

(2) The eligible student may apply to the resident school district of the student for reimbursement for any textbooks, fees, equipment or materials purchased by the student that are required for an eligible post-secondary course. [2005 c.674 §11]

340.055 Charging student for instructional costs prohibited. An eligible post-secondary institution that receives payment for an eligible student under ORS 340.045 may not charge that student for tuition, fees and other required instructional costs associated with the enrollment of the student in an eligible post-secondary course. [2005 c.674 §12]

340.060 Textbooks, fees, equipment and materials property of school district. All textbooks, fees, equipment and materials provided to an eligible student and paid for under ORS 340.045 are the property of the resident school district of the student. [2005 c.674 §13]

340.065 Transportation; costs. (1) A resident school district may provide transportation services to eligible students who attend eligible post-secondary institutions within any education service district boundaries of which the school district is a component school district.

(2) Any transportation costs incurred by a school district under this section shall be considered approved transportation costs for purposes of ORS 327.013 (3). [2005 c.674 §14; 2007 c.567 §7; 2009 c.698 §20]

340.070 Special education and related services; contract. (1) The resident school district of an eligible student participating in the Expanded Options Program shall be responsible for providing any required special education and related services to the student. A student who requires special education and related services shall be considered, for school purposes, a resident in the school district in which the student's parents or guardians or persons in parental relationship to the student reside, pursuant to ORS 339.133 and 339.134.

(2) If an eligible post-secondary institution intends to provide special education and related services to an eligible student participating in the Expanded Options Program, the institution shall enter into a written contract with the resident school district of the student. The contract shall include at least the following:

(a) Allowance for the student to remain in the program during the pendency of any special education due process hearing unless the parents or guardians and school district agree otherwise;

(b) Immediate notification to the resident school district if the institution suspects that a student participating in the program may have a disability and requires special education or related services;

(c) Immediate notification to the resident school district if the student who is receiving special education and related services has engaged in conduct that may lead to suspension or expulsion; and

(d) Immediate notification to the resident school district of any complaint made by the parents or guardians of the student regarding the student's participation in the program at the institution.

(3)(a) If an eligible post-secondary institution provides special education and related services under a contract with a resident school district, the institution shall comply with standards established by the State Board of Education under this section.

(b) The State Board of Education shall establish standards to be applied to post-secondary institutions that provide special education and related services under a contract with a resident school district. The standards shall include at least the following minimum requirements:

(A) The implementation of special education and related services must be done as described in the eligible student's individualized education program as defined in ORS 343.035; and

(B) The institution shall maintain the confidentiality of education records in compliance with the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g). [2005 c.674 §15]

340.073 Public charter school participation; costs. (1) A public charter school may elect to participate in the Expanded Options Program by amending its charter under ORS 338.065.

(2) Actual instructional costs associated with participating eligible students shall be negotiated and paid directly to the eligible post-secondary institution by the public charter school.

(3) The participating public charter school may not require funding from the sponsor of the school for payment of Ex-

panded Options Program costs that is in addition to funding that already has been contractually established pursuant to ORS 338.155 (2)(b) or (3)(b) or 338.165 (3)(b). [2007 c.567 §9]

340.075 Applicability of chapter to additional courses. The provisions of this chapter do not apply to any post-secondary courses in which a student is enrolled in addition to being enrolled full-time in the student's resident school district. For purposes of this section, a student is considered enrolled full-time if the student attends classes for credit in the secondary school for all available hours of instruction. [2005 c.674 §16]

340.080 Limitation on credit hours awarded to students; rules. (1) For a high school with an enrollment of 1,000 students, each school year no more than 330 quarter credit hours may be awarded to eligible students at the high school under the Expanded Options Program.

(2) The State Board of Education by rule shall establish separate credit hour caps for high schools that have enrollment greater than 1,000 students and those that have less than 1,000 students. The caps shall be proportional to the credit hour caps established under subsection (1) of this section.

(3) A school district may choose to exceed the credit hour caps established in subsections (1) and (2) of this section.

(4) If a school district has not chosen to exceed the credit hour caps and has more eligible students who wish to participate in the Expanded Options Program than are allowed under the credit hour cap established under this section, the school district board shall establish a process for selecting eligible students to participate in the program. A school district shall give priority for program participation to at-risk students. [2005 c.674 §17]

340.083 Waiver of program requirements; duration. (1) A school district may request a waiver from the Department of Education of the requirements of this chapter. The department shall grant the waiver if:

(a) Compliance with the requirements of this chapter would adversely impact the finances of the school district; or

(b) The school district offers dual credit technical preparation programs, such as two-plus-two programs, advanced placement or International Baccalaureate programs and other accelerated college credit programs.

(2) The duration of a waiver granted based on subsection (1)(a) of this section shall be no more than two school years.

(3) The duration of a waiver granted under subsection (1)(b) of this section shall be the length of the program that was the basis for the waiver.

(4) There is no limit on the number of times a school district may apply for and be granted a waiver under this section. [2007 c.567 §10]

340.085 Report to legislative committees and joint boards. The Department of Education shall annually report on the Expanded Options Program to the Joint Boards of Education and the House and Senate committees relating to education. The report shall include:

(1) The types of accelerated college credit programs offered.

(2) The number of waivers of requirements granted under the Expanded Options Program and the reasons for issuance of the waivers.

(3) The number of college and high school credits earned under the Expanded Options Program.

(4) The estimated college tuition cost savings for students participating in the Expanded Options Program.

(5) The number of students who had dropped out of high school but returned to high school to participate in the Expanded Options Program and earned a diploma.

(6) The number of students who participated in the Expanded Options Program, categorized by ethnicity and financial status.

(7) The number of talented and gifted students who participated in the Expanded Options Program.

(8) The level of participation in the Expanded Options Program by rural communities, and the number of students living in rural communities who participated in the program.

(9) Recommendations for changes to the Expanded Options Program to better serve students, including changes to the age limit restrictions for eligible students.

(10) Recommendations for funding changes to better serve students who wish to participate in the Expanded Options Program.

(11) The number of appeals of students under ORS 340.030 to the Superintendent of Public Instruction or the superintendent's designee and the disposition of the students' appeals.

(12) The number of small school districts with more eligible students who wish to participate in the program than are allowed under the credit hour caps established in ORS 340.080. [2005 c.674 §18]

340.090 Alternative programs. (1) Notwithstanding this chapter, any program, agreement or plan in effect on January 1, 2006, that provides access for public high school students to a post-secondary course is not affected by this chapter and may be continued or renewed at the discretion of the parties to the program, agreement or plan.

(2) Any new program, agreement or plan that is developed after January 1, 2006, and that is intended to provide access for public high school students to a post-secondary course may be initiated at the discretion of a school district and a post-secondary institution. [2005 c.674 §20]