



# Start·a·School

AN EDUCATION FREEDOM FOUNDATION INITIATIVE

## Oregon

### Private Schools

#### Steps to Open a Private School

1. Select a name for your school. Retain this name throughout the duration of the school's operation.
2. Designate a Chief Administrative Officer. Select a title, such as Director, Principal, Superintendent, etc.
3. Register as a corporation. This is usually a for-profit LLC. Register with your state's Division of Corporations.
4. Things to consider
  - 4.1. Accreditation: is optional. OptimaEd has been accredited by Cognia.
  - 4.2. Teacher Certification: There is no state policy at this time pertaining to teacher certification for private school teachers except private alternative schools. See statutes.
  - 4.3. Registration: is required for private alternative schools to receive public funds.
  - 4.4. Licensing: is required for schools with residential programs.
  - 4.5. Approval: Is required for public placement for special education and private alternative schools.
  - 4.6. Length of School Year and Days: Students attending a private or parochial school for a period equivalent to that required of children attending public schools are exempt from public school attendance.
  - 4.7. Curriculum: See statutes.
  - 4.8. State Testing: Students enrolled in private alternative schools, as defined by Or. Rev. Stat. §336.615, must take the statewide assessment developed by the Oregon Department of Education.
  - 4.9. Health and Safety: Immunization is required. Minimal requirements exist. See statutes below.
  - 4.10. Nursing and Health: Representatives of private and parochial schools serve on the committee to the Oregon Health Authority to advise on regulations to promote disease control in schools.

## Private School Office Hours

The purpose of Private School Office Hours is to provide time for Oregon Department of Education (ODE) announcements to private schools, question and answer sessions, special presentations, and collaboration with district partners. Private School Office Hours are held the 2nd Wednesday from 9:00-10:00 AM via Zoom.

Please contact [Janette Newton](#) via email at [Janette.Newton@ode.oregon.gov](mailto:Janette.Newton@ode.oregon.gov). for the most recent Private School Office Hours recordings and slide decks are available.

### [Private School General Information Questions & Answers](#)

- Private schools are exempt from Oregon’s compulsory attendance laws. However, a private school should ensure students’ attendance is equivalent to that required of public school students. Private schools should also ensure their students acquire the same knowledge as that acquired in courses of study taught in kindergarten through grade 12 in the public schools (ORS 339.030). ORS 339.030 (1) (a) exempts all children between the ages of 6 and 18 years of age if they are being taught in a private or parochial school in the 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 in the 1994-1995 school year.
- Private schools do not need to register with the Oregon Department of Education unless they are contracting with a public school district to provide services. Specific registration information for private alternative schools can be found on ODE’s [Alternative Education webpage](#).
- ODE has no statutory authority to regulate or monitor private schools.
- A private school is a business or nonprofit entity that is required to comply with requirements imposed by the jurisdiction, county, city, or other locality in which it is located. This includes zoning, health and safety codes, mandatory reporting, fire codes, student records, or other local ordinances. This list is not exhaustive. Please check with local, county and state resources.
- The [Oregon School Facilities Management Association](#) is a resource that promotes and develops the highest degree of professionalism in the planning, safety, and operations of school facilities designed to ensure student success through safe, healthy, effective learning environments.
- [Oregon law](#) requires each private and public K-12 school to have and implement an School Integrated Pest Management (IPM) plan. The governing body of each school is required to designate an IPM Plan Coordinator, and the coordinator is required to attend annual IPM training. Here is a [short fact sheet about IPM and the school IPM law](#). The OSU School IPM Program provides information and assistance for schools that are developing their IPM plan; and training that meets the annual training requirement. For more information, [visit the OSU School IPM Program website](#) (all trainings are listed at the right side of the website).
- Visit the following websites for additional useful resources:
  - [National Association of Independent Schools](#)
  - [Council for American Private Education](#)

- [Office of Non-Public Education](#)
- Private schools are not approved by ODE. A private school must meet all state and local health, safety, and fire and building codes. Please download the [Do the Drill](#) document and visit the [Resources for Developing High-Quality Emergency Operations Plans \(EOP\) webpage](#) which includes useful information specifically relating to building and fire safety.
- There is no requirement that private school teachers obtain or maintain a valid teaching license. Each school develops their own policy on teacher qualifications.
- A private school is not required to fingerprint and conduct criminal background checks on teachers and staff. However, a private school may request the [Oregon Department of Education](#) to fingerprint and conduct a criminal background check on any teacher or staff member who has direct, unsupervised contact with students. Although fingerprinting and background checks are not required, it is highly recommended that any teacher and/or staff who has direct, unsupervised contact with students should be fingerprinted and have a criminal background check. (ORS 326.603 (2)(b)). Each private school may have its own fingerprinting process - [Fieldprint Fingerprinting](#) is one resource many schools and districts use.
- Private school is an elementary or secondary school operated by a person or by a private agency offering education in prekindergarten, or grades 1 through 12. Private alternative school is 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.
- A private school is not required to participate in statewide testing. However, many private schools do use some form of summative testing (SAT 10, Iowa Basic, MAPS, NAEP etc.).
- Private schools are not required to follow the instructional time rules; however, it is recommended that the private school's educational program be on par in terms of hours and curriculum.
- A private school does not need to be accredited. However, a majority of Oregon's private high schools choose to go through the accreditation process. [Accreditation](#) serves as a consumer protection purpose. It provides assurance that the school or program has been evaluated and has met accepted operational and program standards. Although there are no guarantees, most colleges and universities accept transcripts from high schools that are fully accredited.
- Private schools are not required to follow specific policies for K-3, although it is recommended that each private school review [Oregon's Policies](#) posted on the [Education Commission website](#) which includes entrance age, assessments, instruction time etc.
- SB-197 requires private schools to display Domestic Violence Resource Posters in a highly visible area (the number and location of the posters are not specified). The Private School can download the posters from the ODE website and print them. [English](#) and [Spanish](#) versions are available. Or the Private School can request that the ODE send them printed posters by emailing the [ODE Front Desk](#).

## [Oregon School Directory](#)

The Oregon School Directory lists phone numbers, addresses, and key staff people in all public districts and schools in the state. Schools may update their information throughout the school year but most institution updates take place July 1 at the end of the fiscal year.

### **Private Alternative Schools**

Private Alternative Schools are not considered part of Oregon's Private Schools because they are subject to different rules and regulations under state and federal law. For more information on Private Alternative Schools, refer to the [Alternative School Webpage](#).

#### Associated Topics

- [Comprehensive Guidance and Counseling](#)
- [Oregon Diploma](#)
- [USED Office of Non-Public Education](#)

For more information on this topic, email [Janette Newton](#) or call (503) 551-9405.

### **Private School Statutes & Rules**

*The Education Freedom Foundation has relied on the [U.S. Department of Education's State Regulation of Private and Home Schools Map](#) for relevant statutes. Over time, the state pages on this map have been updated since their initial creation. In some cases, states have changed their laws without these updates being reflected on the map. Given the various methods each state uses to publicize changes to its laws, the most recent information for the Start-A-School project was often obtained directly from the U.S. Department of Education website. Users are encouraged to verify any information before making decisions based on it.*

### **Accreditation, Registration, Licensing, and Approval**

- Accreditation: no accreditation requirements
- Registration: only required for private alternative schools to receive public funds
  - A private alternative school is a private school “designed to best serve students’ educational needs and interests and assist students in achieving the academic standards of ... the state.” [Oregon Revised Statutes \(Or. Rev. Stat.\) §336.615](#).
  - If a private alternative school is going to receive public school funds it must comply with the Private Alternative Education Standards established by the Oregon State Board of Education. Each school must register with the Oregon Department of Education annually by March 31. Each school must have a mission statement that clearly identifies the student population to be served and articulates the unique education option provided by the program; an education plan, which outlines program goals and strategies in the following areas: student equity, academic achievement, social skills development, and successful

transitions to further education and training; a requirement for all staff of reference and criminal background checks and regular evaluations; and an instructional program that is aligned with state content and performance standards. [Oregon Administration Rules \(Or. Admin. Rules\) §581-021-0072](#).

- Licensing: only required for schools with residential programs
  - Private schools offering residential programs for children must be licensed by the Department of Human Services. The standards for licensing encompass the physical health, care, and safety of the children. The superintendent of public instruction will advise on the education program conducted by the residential school. No licensing fees are charged. [Or. Rev. Stat. §418.327](#).
- Approval: required for public placement for special education and private alternative schools
  - Private schools must be approved for the public placement of students for special education services. [Or. Admin. Rules §581-015-2270](#). See Special Education.
  - Private alternative schools must be annually approved of by the district school board to receive public funds. [Or. Rev. Stat. §336.631](#).

## Curriculum

- Students being taught the courses of study usually taught in grades one through 12 in the public schools at a private or parochial school are exempt from public school attendance. [Or. Rev. Stat. §339.030\(1\)\(a\)](#).
- Private schools may offer courses in driver instruction using the curriculum established by the Oregon Department of Transportation under [Or. Rev. Stat. §802.345](#). State reimbursement for costs, however, is provided for private school students only if they complete the course in a public school or other facility. [Or. Rev. Stat. §§336.800](#) and [336.805](#).
- Instruction in all subjects in private and parochial schools must be conducted primarily in English, except instruction in foreign languages and bilingual education for pupils whose native tongue is other than English. [Or. Rev. Stat. §336.074](#).
- Each private alternative school as defined by [Or. Rev. Stat. §336.615](#) needs to have a procedure for granting credit for work satisfactorily completed according to its planned education program, and in accordance with the criteria stated in [Or. Admin. Rules §581-022-2025](#), to earn diploma credits. [Or. Admin. Rules §581-021-0072 \(5\)\(g\) and \(i\)](#).
- Each private alternative school, as defined by [Or. Rev. Stat. §336.615](#), must have a comprehensive plan of instruction focusing on human sexuality education, HIV/AIDS, and sexually transmitted infections and disease prevention in elementary and secondary schools as an integral part of health education and other subjects as per [Or. Admin. Rules §581-022-2250](#). [Or. Admin. Rules §581-021-0072 \(4\)\(c\)\(C\)](#).
- Each private alternative school, as defined by [Or. Rev. Stat. §336.615](#), must offer accountable activities. [Or. Admin. Rules §581-023-0008\(2\)](#).
- Accountable activities are defined as one or more of the following as approved by the school district by contract: tutorial instruction; small group instruction; large group instruction; personal growth and development instruction; counseling and guidance; computer assisted instruction; vocational training; cooperative and/or supervised work

experience; instructional activities provided by institutions accredited by the Northwest Association of Schools and Colleges; supervised community service activities performed as part of the instructional program; and supervised independent study in accordance with a student's educational goals, including classroom or equivalent work supervised by school district officials that serve as one component of the student's educational plan and profile and not the entire part. Examples of this include required and elective courses, supervised independent study, career-related learning experiences, and project-based learning. [Or. Admin. Rules §581-023-0008\(2\)](#).

## Health and Safety Requirements

- Oregon recognizes immunization as a parental responsibility. Prior to admission to any school, students must provide evidence of immunization as required by the Health Division or meet the requirements for exceptions listed in [Or. Rev. Stat. §433.267](#). [Or. Rev. Stat. §§433.240](#) and [433.267](#).
- Private schools may adopt more stringent requirements for immunizations if medical and religious exemptions are included and the requirements comply with the United States Public Health Service Advisory Committee on Immunization Practices recommendations. [Or. Rev. Stat. §433.284](#).
- Private schools may not permit persons under 18 to possess tobacco products while present on school grounds unless lawfully prescribed. The school must have written policies prohibiting possession and written plans to implement the policies. [Or. Rev. Stat. §339.883](#).
- School administrators may exclude from school a child or employee suspected to be exposed to a "restrictable disease" as defined by the Health Division. [Or. Rev Stat §§433.235](#) and [433.260](#).
- Private schools must provide instruction in exiting the building in an emergency and seeking shelter in case of an earthquake. Schools must conduct at least two earthquake drills and two safety threats drills a year, as well as drills on fires. Schools in coastal zones must conduct at least three drills on earthquakes and tsunamis each year. Drills must be held at least once a month and amount to 30 minutes each. Exit doors must be maintained so they can open from the inside without a key during school hours. [Or. Rev. Stat. §336.071](#).
- It is illegal in Oregon to operate a methadone clinic within 1,000 feet of the real property of a private elementary, vocational, or secondary school. [Or. Rev. Stat. §430.590](#).
- Unless authorized by law, it is illegal to manufacture or deliver controlled substances within 1,000 feet of the real property of a private elementary, vocational, or secondary school attended by minors. [Or. Rev. Stat. §475.904](#).
- Oregon assists and regulates traffic patrols appointed by private or parochial schools to protect pupils crossing highways on their way to school. Patrol members must be 18 or older or have parental consent, display a traffic patrol badge, and may display a directional sign or signal. [Or. Rev. Stat. §§339.650](#) and [339.660](#).
- It is a felony to possess a firearm in a private school building with some exceptions. [Or. Rev. Stat. §166.360](#) and [166.370](#).

- Private or parochial schools through secondary level with a capacity greater than 250 individuals are subject to additional building code regulations for structures vulnerable to earthquakes and tsunamis. [Or. Rev. Stat. §455.447](#).
- Private alternative schools as defined by [Or. Rev. Stat. §336.615](#) must meet the emergency plans and safety program requirements of [Or. Admin. Rules §581-022-2225](#); the asbestos management plans requirements of [Or. Admin. Rules §581-022-2225](#); the administration of prescription and nonprescription medication to students set forth in [Or. Rev. Stat. §339.870](#) and [Or. Admin. Rules §581-021-0037](#); and the requirement of a prevention- oriented health services program for all students, according to [Or. Admin. Rules §581-022-2220](#). [Or. Admin. Rules §581-021-0072 \(4\)\(c\)](#).

### **Length of School Year and Days**

- Students attending a private or parochial school for a period equivalent to that required of children attending public schools are exempt from public school attendance. [Or. Rev. Stat. §339.030\(1\)\(a\)](#).

### **Nursing and Health**

- Representatives of private and parochial schools serve on the committee to the Oregon Health Authority to advise on regulations to promote disease control in schools. [Or. Rev. Stat. §433.245](#)

### **Professional Development**

- No state policy currently exists.

### **Public Aid for Private Education**

- Constitutional Provisions: Oregon’s constitution prohibits any state approval for the benefit of any religious institution. Ore. Const. Art. 1, Sec. 5.
- Programs for financial assistance for attendance at private schools: There is no such program at this time.

### **Recordkeeping and Reports**

- Private elementary and secondary schools must transfer student progress records within 10 days of being notified of the student’s enrollment in another school. [Or. Rev. Stat. §326.575](#).
- Private alternative schools, as defined by [Or. Rev. Stat. §336.615](#), must report annually on each student’s academic progress, including the results of the state assessment, to students, parents, and the school district. [Or. Rev. Stat. §336.637\(2\)](#).

## Reimbursement for Performing State and Local Functions

- No state policy currently exists.

## Special Education

- In private schools, children with disabilities must, to the maximum extent possible, be educated with children who do not have disabilities. Separate schoolings, classes, or other removal of children with disabilities from the regular educational environment should only occur if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. [Or. Admin. Rules §581-015-2240](#).
- Private schools that intend to provide special education and related services to school-age children with disabilities, who are placed by the public school district under a written agreement, must submit an application for initial approval and an annual application for renewal to the Department of Education. [Or. Admin. Rules §581-015-2270](#).

## State-Level Nonpublic School Working Group

- The ESSA Private School Partnership Advisory Committee exists to provide the Oregon Department of Education (ODE) with input to better serve the needs of private schools' staff and students through opportunities available under ESSA. The committee is made up of private school leaders and school district leaders from throughout Oregon. In addition, the advisory committee invites department staff from various programs including IDEA staff to collaborate and coordinate uniform agency support to private schools for all students.

## Tax Exemption

- Church-operated parochial schools are exempt from unemployment compensation taxes. *Emp. Div. v. Archdiocese of Portland*, 600 P.2d. 926 (1979), but see, *Salem College & Academy, Inc. v. Employment Division*, 695 P.2d 25 (1985).

## Teacher Certification

- There is no state policy at this time pertaining to teacher certification for private school teachers except private alternative schools.
- A private alternative school as defined by [Or. Rev. Stat. §336.615](#) must have procedures in place regarding staff hiring and evaluation that require staff licensing/registration by the Oregon Teacher Standards and Practices Commission in compliance with [Or. Admin. Rules §584-036-0015](#). [Or. Admin. Rules §581-021-0072 \(r\)](#).
- For registered private alternative schools, as defined by [Or. Rev. Stat. §336.615](#), the school is not required to only employ licensed teachers and administrators and school employees are not considered to be employees of any school districts for purposes of [Or. Rev. Stat. §342.173](#). [Or. Rev. Stat. §336.635 \(5\)](#).

## Technology

- No state policy currently exists.

## Testing

- Students enrolled in private alternative schools, as defined by Or. Rev. Stat. §336.615, must take the statewide assessment developed by the Oregon Department of Education under [Or. Rev. Stat. §329.485](#). [Or. Rev. Stat. §336.637 \(2\)](#).

## Textbooks

- In 1961, an early free textbook statute was struck down based on Article 1 Section 5 of Oregon's Constitution. *Dickman v. School District 62C*, 366 P.2d 533, cert. denied, *Carlson v. Dickman*, 371 U.S. 823 (1962).

## Transportation

- All children attending private or parochial schools under the compulsory school attendance laws are entitled to transportation along or near the designated routes when the district provides transportation for public school students. [Or. Rev. Stat. §332.415](#).

## Resources

### Contact Information – State and Federal Departments of Education

- Oregon Department of Education  
255 Capitol St. NE  
Salem, OR 97310-0203  
Phone: (503) 947-5600  
Fax: (503) 378-5156  
Website: <http://www.ode.state.or.us/>
- U.S. Department of Education, [Oregon](#)

### Information and Legislation

- [Oregon Department of Education: Private Schools](#)
- [Oregon Department of Education: Alternative Education](#)
- [Oregon Department of Education: Home Schooling](#)
- [Oregon Revised Statutes](#)
- [Oregon Administrative Rules](#)

## **School Choice Programs**

Oregon currently does not have an Education Savings Account (ESA) program.