### Definitions

* 1. “Applicant” means an education service district, school district, or public charter school.
  2. “Approved Recovery School” means a publicly funded school established by agreement with the Oregon Department of Education and operated by an education service district, school district, or public charter school to provide students enrolled in the school with:
     1. Educational services leading up to a diploma for grades 9 through 12; and
     2. Behavioral health services related to recovery and relapse prevention from substance use disorders.
  3. “Behavioral Health Services” means recovery support services for substance use disorders and mental health. For the purpose of operating an approved recovery school, this does not include substance use disorders treatment services, medical, or psychiatric services.
     1. Examples of behavioral health services may include providing Certified Recovery Mentors, Peer Support Specialists, Certified Alcohol and Drug Counselors.
  4. “Primary Campus” means the school facility located within the applicant’s geographic boundary.
  5. For a public charter school applicant, the applicant’s geographic boundary is that of the sponsoring district.
  6. “Public Charter School” means a public school as defined in ORS 338.005.
  7. “Recovery” means a process of change focused on substance use abstinence, through which individuals improve their health and wellness, live a self-directed life, and strive to reach their full potential.
  8. “Satellite Campus” means a school facility that is not the primary campus and may be located outside of the applicant’s geographical boundary.
  9. “Substance Use Disorder” as defined in DSM-5-TR, means disorders related to the taking of a drug of abuse including alcohol, the side effects of a medication, or a toxin exposure. The disorders include substance use disorders and substance-induced disorders, which include substance intoxication and withdrawal, and substance-related disorders such as delirium, neuro-cognitive disorders, and substance-induced psychotic disorder.
  10. “Substance Use Disorders Treatment Services” means outpatient, intensive outpatient, and residential services and supports for individuals with substance use disorders.
  11. "Urinalysis Test" means a sensitive, rapid, and inexpensive immunoassay screen that identifies the presence of a specific drug or metabolite in a urine specimen to eliminate "true negative" specimens from further consideration.

### Approved Recovery School Establishment

* 1. Established as a:
     1. A new public school;
     2. From an existing public school; or
     3. From a public alternative education program as defined in ORS 336.615
  2. To operate as an approved recovery school, it must:
     1. Be approved by the Oregon Department of Education; and
     2. Not charge tuition for Oregon residents.
  3. An applicant seeking to establish an approved recovery school shall submit an application to the Oregon Department of Education. The form and timelines will be determined by the Oregon Department of Education.

### Recovery School Approval Requirements and Timelines

* 1. An applicant seeking to establish an approved recovery school shall submit a written application to the Oregon Department of Education.
     1. The Department shall determine the form, contents and timelines of the application to become an approved recovery school;
     2. Determine the records required for review and ordering the production of those records from the applicant and establishing timelines for the production of those records; and
     3. Requiring the applicant to respond to written or oral inquiries related to review.
  2. The application shall include, but need not be limited to:
     1. The identification of the applicant;
     2. The name of the proposed approved recovery school;
     3. A description of the philosophy and mission of the approved recovery school;
     4. A description of the curriculum of the approved recovery school;
     5. The governance structure of the proposed approved recovery school;
     6. The projected enrollment to be maintained and the grades to be served;
     7. The legal address, facilities and physical location of the proposed approved recovery school, if known;
     8. A description of admission policies and application procedures including how the school will satisfy the requirements in Section 11 of this chapter;
     9. The proposed budget and financial plan for the proposed approved recovery school and evidence that the proposed budget and financial plan for the proposed approved recovery school are financially sound;
     10. A description of the financial plan for the proposed approved recovery school, an explanation of how the financial management system will meet the requirements of Section 6 in this chapter, and a plan for having the financial management system in place at the time the school begins operating;
     11. The standards for behavior and the procedures for the discipline, suspension or expulsion of students;
     12. A proposed plan for overdose prevention and responsiveness;
     13. The proposed school calendar for the proposed approved recovery school, including the length of the school day and school year;
     14. A description of the proposed staff members and required qualifications of teachers and therapeutic or recovery staff;
     15. The date upon which the proposed approved recovery school would begin operating;
     16. The arrangements for any necessary special education and related services pursuant to ORS 336.680 for students with disabilities who may attend the proposed approved recovery school;
     17. Information on the manner in which community groups may be involved in the planning and development process of the proposed approved recovery school;
     18. A description of the formal and informal partnerships with other agencies and community based organizations;
     19. A proposed plan for the training and development of teachers and school employees;
     20. The manner in which the educational and recovery program will be evaluated;
     21. The manner in which the financial performance of the school will be audited;
     22. A description of the instructional program and assessments including any online or remote instructional classes and supports that will be offered;
     23. A plan to be accredited by a nonprofit accrediting organization composed of representatives of recovery schools and individuals who support the growth of recovery schools;
     24. A description of recovery support programming, including alternative peer groups, and a plan to assess it.

### Evaluation Criteria for Approved Recovery School Applications

* 1. The Department of Education will evaluate an application to be an approved recovery school using the following criteria:
     1. The demonstrated, sustainable support for the approved recovery school by local education agencies, teachers, parents, students, partner organizations, and other community members;
     2. The capability of the applicant, in terms of support and planning, to provide comprehensive, culturally responsive, instructional programs to students pursuant to an approved application;
     3. The capability of the applicant, in terms of support and planning, to provide recovery and therapeutic programs to students, including the school’s plan for overdose prevention and responsiveness, pursuant to an approved application;
     4. The demonstrated financial planning and viability of the applicant to operate sustainable approved recovery school;
     5. Whether there are arrangements for any necessary special education and related services for students with disabilities pursuant to ORS 336.680;
     6. The proposed geographic location of the approved recovery school and any associated campuses;
     7. The demonstrated needs for services by the community in which the approved recovery school would be located; and
     8. The prior history, if any, of the applicant in operating a recovery school or program, other public or private school, or in providing educational services.

### Term and Renewal of Approved Recovery School Agreements

* 1. Upon approval of an application by the Oregon Department of Education under ORS 336.680, the Department of Education shall enter into an agreement with the education service district, school district, or public charter school to operate the approved recovery school.
  2. The initial agreement to operate an approved recovery school shall be in effect for a period of not more than five years and shall be renewed upon the approval of the Department of Education using the process established under this rule.
     1. Renewals of an approved recovery school shall be for a minimum of five years but may not exceed 10 years.
  3. The approved recovery school shall submit a renewal application to the Oregon Department of Education.
     1. The Department shall determine the form, contents and timelines of the application for renewal;
     2. Determine the records required for review and ordering the production of those records from the approved recovery school and establishing timelines for the production of those records; and
     3. Requiring the approved recovery school to respond to written or oral inquiries related to renewal review.
  4. The Department of Education shall evaluate an application to renew an approved recovery school using the following criteria:
     1. Is in compliance with state and federal laws;
     2. Is in compliance with the agreement to operate an approved recovery school;
     3. Is accredited or in the process of becoming accredited, by a nonprofit accrediting organization that establishes standards for recovery schools;
     4. Is fiscally stable, is using a sound financial management system, and produces audited financial statements that comply with Section 6 of this chapter;
     5. Is in compliance with any renewal criteria in the agreement to operate an approved recovery school; and
     6. Is meeting or working toward meeting the student performance goals and other performance goals specified in the agreement to operate an approved recovery school.
  5. The Department of Education shall base the evaluation described in subsection (d) of this rule primarily on a review of the approved recovery school's accreditation, annual audit of accounts, site visits, and any other information mutually agreed upon by the approved recovery school and the Department of Education.

### Approved Recovery School Financial Management System and Audit

* 1. The financial management system of an approved recovery school must include a budget and accounting system that:
     1. Complies with the requirements of the uniform budget and accounting system adopted by rule of the State Board of Education under ORS 327.511; and
     2. Complies with the Oregon Program budgeting and Accounting Manual published by the Oregon Department of Education.
  2. An approved recovery school shall maintain financial records that include all funding sources, expenditures, assets, and liabilities related to the operation of the approved recovery school minimally including:
     1. Public funds received from the Oregon Department of Education;
     2. Grants received from public or private grantors;
     3. Donations;
     4. In kind services or donations;
     5. Loans or other financial debts;
     6. Student accounts; and
     7. Any other records necessary for complete and transparent accounting for the approved recovery school.
  3. An approved recovery school’s financials shall be audited annually in accordance with Municipal Audit Law. The audit may be included as a special report within the audit of the education service district, school district, or public charter school. The audit must minimally include:
     1. Expenditures of the approved recovery school for administration, instruction, recovery programs, attendance, health services, operation of plant, maintenance of plant, fixed charges, transportation, food service, and student body activities; and
     2. Revenue from public and private sources including fees.
  4. Audited financial statements shall be submitted to the Oregon Department of Education.
  5. An approved recovery school may be required to provide the Oregon Department of Education with regular financial reports described in the agreement to operate an approved recovery school.

### Approved Recovery School Performance Evaluation

* 1. The Oregon Department of Education shall evaluate the performance of an approved recovery school according to prevailing ODE Guidance.

### Termination or Closure of an Approved Recovery School

* 1. During the term of an approved recovery school agreement, the Oregon Department of Education may terminate the agreement on any of the following grounds:
     1. Failure to comply with state and federal laws.
     2. Failure to comply with the agreement to operate as an approved recovery school.
     3. Failure to obtain and maintain accreditation status by a nationally recognized recovery organization after the fifth year of operation.
     4. Failure to maintain financial stability.
     5. Failure to maintain a financial system that complies with Section 6 of this chapter.
  2. Notwithstanding subsection (a) of this section, the Oregon Department of Education may terminate an agreement immediately and close an approved recovery school if the school is endangering the health or safety of the students enrolled in the approved recovery school.
     1. The approved recovery school may request a hearing from the Department of Education on the termination of the approved recovery school under this subsection. The Department of Education shall hold a hearing within 10 days after receiving the request.
  3. Termination of an approved recovery school shall not abridge the education service district, school district, or public charter school from operating a public school or program that is not an approved recovery school.
  4. If an approved recovery school is terminated or closed, the student education records of the approved recovery school shall be transferred to:
     1. For an approved recovery school that was operated by a education service district, to the administrative office of the education service district;
     2. For an approved recovery school that was operated by a school district, to the administrative office of the school district; or
     3. For an approved recovery school that was operated by a public charter school, to the administrative office of the school district in which the public charter school was located.
  5. An approved recovery school may only terminate or close an operating approved recovery school at the end of a semester or trimester.

### Assets of Approved Recovery Schools

* 1. Assets of a terminated or closed approved recovery school that were obtained with public funds received because of the school’s status as an approved recovery school will be given to the Oregon Department of Education. The Oregon Department of Education, at its discretion, may disburse these assets to education service districts, school districts or other public schools. The Department of Education will:
     1. Determine the form, process, and timelines for the disbursement;
     2. Determine the records required for the disbursement; and
     3. Require the approved recovery school to respond to written or oral inquiries related to the closure and assets of the approved recovery school.
  2. Assets of a terminated or closed approved recovery school that were obtained with grant funds will be disbursed according to the terms of the grant. If the grant is absent any reference to ownership or distribution of assets, assets of a terminated or closed approved recovery school will be disbursed according to the provision set out in subsection (a) of this rule.

### Approved recovery school campus location and multiple campuses

* 1. An approved recovery school may operate multiple campuses under a single agreement to operate an approved recovery school in order to serve students in remote geographic areas.
  2. An approved recovery school shall maintain a primary campus in:
     1. The boundary of an education service district for a school operated by an education service district;
     2. The school district boundary for a school operated by a school district; or
     3. The school district boundary in which the public charter school is located for a recovery school operated by a charter school.
  3. If an approved recovery school operated by an education service district operates a satellite campus outside of the service district boundary, the education service district must obtain written permission from the school district in which the satellite campus is located prior to the first day students will be served at the campus.
  4. If an approved recovery school operates a satellite campus, the following is required:
     1. An approved recovery school shall offer a comparable level of educational and behavioral health services to students at the satellite campus as offered to students at the primary campus;
     2. Students shall have access to in-person behavioral health services; and
     3. Student records shall be sent to the primary campus when a student withdraws;
  5. The option to operate a satellite campus must be described in the application and allowed in the agreement with the Oregon Department of Education.

### Requirements for Student Enrollment in an Approved Recovery School

* 1. Student enrollment in an approved recovery school is voluntary.
  2. All students who are residents in Oregon are eligible for enrollment in an approved recovery school if space is available and if the student:
     1. Has a diagnosis for substance use disorder;
     2. Has completed or participated in a substance use disorder treatment services program; or
     3. Has completed a screening process with the approved recovery school that considers history of substance use, educational records, behavioral health history, and the student’s willingness to participate in recovery services offered by the school.
  3. Students must demonstrate their readiness to change through a standard screening process established by the approved recovery school.
  4. Students who enroll in an approved recovery school shall participate in random urinalysis testing or other non-invasive drug testing provided by the school.
     1. Fees and costs associated with testing shall be paid for by the approved recovery school.
  5. An approved recovery school may require students to tour the campus and participate in an enrollment meeting and participate in a substance use disorder screening process with staff or students prior to enrolling in the approved recovery school.
  6. An approved recovery school may not limit student enrollment based on race, religion, sex, sexual orientation, gender identity, ethnicity, national origin, disability, the terms of an individualized education program, income level, or proficiency in the English language.
  7. If the number of students enrolling in an approved recovery school exceeds the capacity of the program, class, grade level, or building, an approved recovery school may give priority for admission to student groups identified in ORS 327.180(2)(b).
  8. Within 10 days of a student’s enrollment in an approved recovery school, the Department of Education shall provide to the student’s parent, legal guardian or person in parental relationship written information about:
     1. The Department of Education’s responsibility to identify, locate and evaluate students enrolled in the approved recovery school to determine which students may be in need of special education and related services; and
     2. The methods by which the Department of Education may be contacted to answer questions or provide information related to special education and related services.
  9. When a student withdraws from an approved recovery school for a reason other than graduation from high school, the approved recovery school shall:
     1. Provide to the school district in which the student resides written notice that the student has withdrawn.
     2. Provide to the student’s parent, legal guardian or person in parental relationship written information about:
        1. Compulsory attendance requirements;
        2. The responsibility of the school district in which the student resides to identify, locate, and evaluate students who reside in the school district to determine which students may be in need of special education and related services; and
        3. The methods by which the school district in which the student resides may be contacted to answer questions or provide information related to special education and related services.
  10. If a student enrolls in an approved recovery school and has an individualized education program, the Department of Education must implement the individualized education program and follow the terms of the individualized education program until a new individualized education program is developed.
  11. If a student withdraws from an approved recovery school and has an individualized education program, the school district in which the student resides must implement the individualized education program and follow the terms of the individualized education program until a new individualized education program is developed.
  12. An approved recovery school may conduct fund-raising activities but may not require a student to participate in fund-raising activities as a condition of admission or continued enrollment to the approved recovery school.

### Teacher Qualifications

* 1. For teacher licensing, employment experience at an approved recovery school shall be considered equivalent to experience in public schools.
  2. Any person employed as an administrator or teacher in an approved recovery school shall be licensed by the Teacher Standards and Practices Commission.

### Transportation

* 1. The approved recovery school is responsible for transporting students who reside within the school district where the approved recovery school is located and are enrolled in the approved recovery school.
  2. An approved recovery school may establish bus routes or other transportation services to transport students who reside outside of the school district boundary where the approved recovery school is located.
  3. Any transportation costs incurred by a school district under this section shall be considered approved transportation costs for the purpose of ORS 327.013 in the same manner as transportation costs incurred by the school district for transporting students who attend other public schools are considered approved transportation costs for purpose of ORS 327.013.

### Funding SSF

* 1. The following definitions shall apply for purposes of calculating the State School Fund distribution to the Recovery Schools Program:
     1. "Statewide Average General Purpose Grant per ADMw" means the aggregate general-purpose grants for all school districts divided by total ADMw for all school districts;
     2. "ADM" means average daily membership as calculated based on the procedures and definitions in OAR 581-023-0006.
  2. If in any fiscal year the General Purpose Grant cannot be calculated as a result of temporary changes to the State School Fund distribution formula, the General Purpose Grant per ADMw shall be the same amount as in the last fiscal year that this factor was calculated.
  3. The amount of the distribution from the State School Fund shall be equal to the product of the Recovery School Program ADM times 2.0 times Statewide Average General Purpose Grant per ADMw.
  4. Based on estimates of the distribution calculated in section (3) of this rule, funds shall be transferred to the Recovery School Program approximately 35 percent on the 15th day of each of the months of July and October, 15 percent on the 15th day of January, and the balance on April 15.
  5. Adjustments to reflect actual Recovery School Program ADM and the actual Statewide Average General Purpose Grant per ADMw shall be made on May 15 of the subsequent fiscal year.