

## SENATE AMENDMENTS TO B-ENGROSSED HOUSE BILL 2263

By COMMITTEE ON RULES

June 22

1 On page 1 of the printed B-engrossed bill, line 2, after “ORS” delete the rest of the line and lines  
2 3 through 6 and insert “179.210, 179.460, 181.539, 238.350, 240.205, 240.240, 285A.075, 285A.090,  
3 326.603, 327.008, 327.023, 327.297, 327.506, 328.542, 329.007, 329.015, 329.025, 329.045, 329.075, 329.085,  
4 329.095, 329.105, 329.115, 329.160, 329.165, 329.183, 329.190, 329.195, 329.200, 329.228, 329.255, 329.265,  
5 329.415, 329.451, 329.485, 329.489, 329.675, 329.704, 329.830, 329.860, 329.885, 332.114, 336.113, 336.790,  
6 336.800, 336.805, 338.115, 339.370, 339.505, 339.860, 341.009, 342.845, 343.236, 346.010, 346.015, 346.017,  
7 346.019, 346.020, 346.030, 346.041, 346.047, 346.055, 346.080, 348.183, 348.186, 351.117 and 656.135 and  
8 section 3, chapter 827, Oregon Laws 2005; re-”.

9 On page 20, delete line 18 and insert:

10 “(1) The Oregon School for the Blind and the Oregon School for the Deaf.”.

11 On page 31, delete lines 2 and 3 and insert:

12 “(3) Notwithstanding subsection (1) of this section:

13 “(a) The department may allow the contractor to waive the assessment for specific groups of  
14 students; and

15 “(b) Upon request from a student who is enrolled in a public school operated by a school district  
16 or the parent or guardian of the student, the school district shall waive the assessment for the stu-  
17 dent.”.

18 Delete line 45 and delete page 32 and insert:

19 “**SECTION 47. (1) There is established a Board of Directors of the Oregon School for the**  
20 **Deaf, consisting of seven members of whom at least four are persons who are deaf. The**  
21 **members shall be appointed by the Governor as follows:**

22 “(a) **One member who has attended the Oregon School for the Deaf;**

23 “(b) **One member who is deaf;**

24 “(c) **One member who is a professional with experience working with persons who are**  
25 **deaf;**

26 “(d) **One member who is a professional with experience working with regional programs**  
27 **for persons who are deaf;**

28 “(e) **One member of the business community; and**

29 “(f) **Two members who are parents of a child who is deaf.**

30 “(2) **The term of office of each member is four years, but a member serves at the pleas-**  
31 **ure of the Governor. Before the expiration of the term of a member, the Governor shall ap-**  
32 **point a successor whose term begins on July 1 next following. A member is eligible for**  
33 **reappointment. If there is a vacancy for any cause, the Governor shall make an appointment**  
34 **to become immediately effective for the unexpired term.**

35 “(3) **A member of the board is not entitled to compensation but may be reimbursed for**

1 expenses as provided in ORS 292.495.

2 **“SECTION 48.** (1) The Board of Directors of the Oregon School for the Deaf shall be ap-  
3 pointed within 60 days of the effective date of this 2007 Act.

4 **“(2)** Notwithstanding the term of office specified by section 47 of this 2007 Act, of the  
5 members first appointed to the board:

6 **“(a)** One shall serve for a term ending July 1, 2008.

7 **“(b)** Two shall serve for terms ending July 1, 2009.

8 **“(c)** Two shall serve for terms ending July 1, 2010.

9 **“(d)** Two shall serve for terms ending July 1, 2011.

10 **“SECTION 49.** (1) The Board of Directors of the Oregon School for the Deaf shall select  
11 one of its members as chairperson and another as vice chairperson, for such terms and with  
12 duties and powers necessary for the performance of the functions of such offices as the  
13 board determines.

14 **“(2)** A majority of the members of the board constitutes a quorum for the transaction  
15 of business.

16 **“(3)** The board shall meet at times and places specified by the call of the chairperson or  
17 of a majority of the members of the board.

18 **“SECTION 50.** The Board of Directors of the Oregon School for the Deaf shall:

19 **“(1)** Periodically, in conjunction with the Department of Education, conduct a compre-  
20 hensive review of policies and procedures of the Oregon School for the Deaf and of the state  
21 that relate to programs, services and employment of staff for the school;

22 **“(2)** Make recommendations to the Superintendent of Public Instruction about policies  
23 and procedures of the school that relate to programs, services and employment of staff for  
24 the school;

25 **“(3)** Establish an interview committee as necessary to provide advice to the Superinten-  
26 dent of Public Instruction on the hiring of a director for the school;

27 **“(4)** Make recommendations to the superintendent about candidates for the director po-  
28 sition;

29 **“(5)** Make recommendations to the department about the school’s budget and funding  
30 requests; and

31 **“(6)** Make recommendations to the department about the expenditure of private do-  
32 nations and grants received by the department on behalf of the school.

33 **“SECTION 51.** (1) The Board of Directors of the Oregon School for the Deaf shall adopt  
34 a master plan for the Oregon School for the Deaf. The plan shall specify the mission and  
35 objectives of the school.

36 **“(2)** The board shall include the input of stakeholders in the school in the development  
37 of the plan, including school districts, education service districts, students, graduates of the  
38 school and parents and guardians of students at the school.

39 **“(3)** The plan shall include, but not be limited to, recommendations for:

40 **“(a)** Procedures for systematically measuring the school’s progress toward meeting its  
41 objectives;

42 **“(b)** Procedures for analyzing changes in student population and modifying school pro-  
43 grams and services to respond to the changes; and

44 **“(c)** The delivery of the school’s services to school districts and education service dis-  
45 tricts.

1           “(4) The plan shall honor deaf culture.

2           “(5) The plan shall be in effect for a period of five years and shall be reviewed for needed  
3 modification every two years.

4           “(6) Prior to February 1 of each odd-numbered year, the board shall submit the plan to  
5 the Superintendent of Public Instruction and the Legislative Assembly. The board shall also  
6 include the plan in the presentation to the Joint Legislative Committee on Ways and Means  
7 on the budget of the school.

8           “SECTION 52. (1) There is established a Board of Directors of the Oregon School for the  
9 Blind, consisting of seven members of whom at least three are persons who are blind. The  
10 members shall be appointed by the Governor as follows:

11           “(a) One member who has attended the Oregon School for the Blind or was a staff person  
12 at the school;

13           “(b) One member who is a professional with experience working with regional programs  
14 for persons who are blind;

15           “(c) One member of the business community;

16           “(d) One member who is a parent of a child who is blind;

17           “(e) One member who serves on the Commission for the Blind or who is a staff person  
18 of the commission; and

19           “(f) Two members who represent consumer groups that focus on issues relating to per-  
20 sons who are blind.

21           “(2) The term of office of each member is four years, but a member serves at the pleas-  
22 ure of the Governor. Before the expiration of the term of a member, the Governor shall ap-  
23 point a successor whose term begins on July 1 next following. A member is eligible for  
24 reappointment. If there is a vacancy for any cause, the Governor shall make an appointment  
25 to become immediately effective for the unexpired term.

26           “(3) A member of the board is not entitled to compensation but may be reimbursed for  
27 expenses as provided in ORS 292.495.

28           “SECTION 53. (1) The Board of Directors of the Oregon School for the Blind shall be  
29 appointed within 60 days of the effective date of this 2007 Act.

30           “(2) Notwithstanding the term of office specified by section 52 of this 2007 Act, of the  
31 members first appointed to the board:

32           “(a) One shall serve for a term ending July 1, 2008.

33           “(b) Two shall serve for terms ending July 1, 2009.

34           “(c) Two shall serve for terms ending July 1, 2010.

35           “(d) Two shall serve for terms ending July 1, 2011.

36           “SECTION 54. (1) The Board of Directors of the Oregon School for the Blind shall select  
37 one of its members as chairperson and another as vice chairperson, for such terms and with  
38 duties and powers necessary for the performance of the functions of such offices as the  
39 board determines.

40           “(2) A majority of the members of the board constitutes a quorum for the transaction  
41 of business.

42           “(3) The board shall meet at times and places specified by the call of the chairperson or  
43 of a majority of the members of the board.

44           “SECTION 55. The Board of Directors of the Oregon School for the Blind shall:

45           “(1) Periodically, in conjunction the Department of Education, conduct a comprehensive

1 review of policies and procedures of the Oregon School for the Blind and of the state that  
2 relate to programs, services and employment of staff for the school;

3 “(2) Make recommendations to the Superintendent of Public Instruction about policies  
4 and procedures of the school that relate to programs, services and employment of staff for  
5 the school;

6 “(3) Establish an interview committee as necessary to provide advice to the Superinten-  
7 dent of Public Instruction on the hiring of a director for the school;

8 “(4) Make recommendations to the superintendent about candidates for the director po-  
9 sition;

10 “(5) Make recommendations to the department about the school’s budget and funding  
11 requests; and

12 “(6) Make recommendations to the department about the expenditure of private do-  
13 nations and grants received by the department on behalf of the school.

14 “SECTION 56. (1) The Board of Directors of the Oregon School for the Blind shall adopt  
15 a master plan for the Oregon School for the Blind. The plan shall specify the mission and  
16 objectives of the school.

17 “(2) The board shall include the input of stakeholders in the school in the development  
18 of the plan, including school districts, education service districts, students, graduates of the  
19 school and parents and guardians of students at the school.

20 “(3) The plan shall include, but not be limited to, recommendations for:

21 “(a) Procedures for systematically measuring the school’s progress toward meeting its  
22 objectives;

23 “(b) Procedures for analyzing changes in student population and modifying school pro-  
24 grams and services to respond to the changes; and

25 “(c) The delivery of the school’s services to school districts and education service dis-  
26 tricts.

27 “(4) The plan shall honor blind culture.

28 “(5) The plan shall be in effect for a period of five years and shall be reviewed for needed  
29 modification every two years.

30 “(6) Prior to February 1 of each odd-numbered year, the board shall submit the plan to  
31 the Superintendent of Public Instruction and the Legislative Assembly. The board shall also  
32 include the plan in the presentation to the Joint Legislative Committee on Ways and Means  
33 on the budget of the school.

34 “SECTION 57. ORS 179.210 is amended to read:

35 “179.210. (1) The Department of Human Services, the Department of Corrections and the Su-  
36 perintendent of Public Instruction may audit, allow and pay a claim for damage to property made  
37 by an employee of one of those agencies if:

38 “(a) The damage to property arises out of the claimant’s employment at one of the institutions  
39 or facilities operated by the Department of Human Services or the Department of Corrections, or  
40 one of the [*facilities*] **schools** operated by the Superintendent of Public Instruction under ORS  
41 346.010; and

42 “(b) The employee files a written claim with the employee’s employer within 180 days after the  
43 employee discovers or should have discovered the damage.

44 “(2) No claim under subsection (1) of this section shall be paid:

45 “(a) That exceeds, in the aggregate with payments of other claims, the moneys appropriated for

1 such purpose.

2 “(b) To the extent that the person incurring damage has been or may be compensated by liability  
3 insurance or otherwise.

4 “(c) If the Department of Human Services, the Department of Corrections or the Superintendent  
5 of Public Instruction determines the cause or occasion of the accident resulting in damage is  
6 chargeable to the conduct or negligence of the party damaged.

7 “**SECTION 58.** ORS 179.460 is amended to read:

8 “179.460. (1) In order to encourage industry and thereby increase productiveness in the insti-  
9 tutions, the Department of Corrections and the Department of Human Services shall prescribe rules  
10 and regulations for the sale and exchange of surplus products of each.

11 “(2) The funds derived from the sale of the surplus products shall be paid into the State Treas-  
12 ury and become a part of a fund to be known as the State Institutional Betterment Fund, which fund  
13 shall be expended by the Department of Corrections and the Department of Human Services, re-  
14 spectively, for the benefit of the institutions in proportion to the amount earned by each.

15 “(3) The provisions of this section apply to [facilities] **schools** operated under ORS 346.010.

16 “**SECTION 59.** ORS 181.539 is amended to read:

17 “181.539. (1) For the purpose of requesting a state or nationwide criminal records check under  
18 ORS 181.534, the Teacher Standards and Practices Commission and the Department of Education  
19 may require the fingerprints of:

20 “(a) A person who is applying for initial issuance of a license under ORS 342.120 to 342.430 as  
21 a teacher, administrator or personnel specialist if the person has not submitted to a criminal records  
22 check by the commission within the previous year.

23 “(b) A person who is applying for reinstatement of a license as a teacher, administrator or per-  
24 sonnel specialist whose license has lapsed for at least three years.

25 “(c) A person who is applying for initial issuance of a certificate under ORS 342.475 as a school  
26 nurse.

27 “(d) A school district or private school contractor, whether part-time or full-time, or an em-  
28 ployee thereof, whether part-time or full-time, who has direct, unsupervised contact with students  
29 as determined by the district or private school.

30 “(e) A person newly hired, whether part-time or full-time, by a school district or private school  
31 in a capacity not described in paragraphs (a) to (c) of this subsection who has direct, unsupervised  
32 contact with children as determined by the district or private school.

33 “(f) A person employed, whether part-time or full-time, by a school district or private school in  
34 a capacity not described in paragraphs (a) to (c) of this subsection who has direct, unsupervised  
35 contact with children as determined by the district or private school.

36 “(g) A person who is registering with the commission for student teaching, practicum or  
37 internship as a teacher, administrator or personnel specialist, if the person has not submitted to a  
38 criminal records check by the commission within the previous year for student teaching, practicum  
39 or internship as a teacher, administrator or personnel specialist.

40 “(h) A person who is a community college faculty member providing instruction at a  
41 kindergarten through grade 12 school site during the regular school day.

42 “(i) A person who is an employee of a public charter school.

43 “(j) A person who is applying for initial issuance of a registration as a public charter school  
44 teacher under ORS 342.125.

45 “(2) Notwithstanding subsection (1) of this section, the commission and the department may not

1 require fingerprints of a person described in subsection (1)(d), (e), (f), (h) or (i) of this section if the  
2 person or the person's employer was checked in one school district or private school and is cur-  
3 rently seeking to work in another district or private school unless the person lived outside this state  
4 during the interval between the two periods of time of working in the district or private school.

5 "(3) Nothing in this section requires a person described in subsection (1)(d), (e) or (i) of this  
6 section to submit to fingerprinting until the person has been offered employment or a contract by  
7 a school district or private school. Contractor employees shall not be required to submit to finger-  
8 printing until the contractor has been offered a contract.

9 "(4) As used in this section:

10 "(a) 'Private school' means a school that provides educational services as defined in ORS 345.505  
11 and is registered as a private school under ORS 345.505 to 345.575.

12 "(b) 'School district' means:

13 "(A) A school district as defined in ORS 330.003.

14 "(B) The Oregon [*State*] School for the Blind.

15 "(C) The Oregon [*State*] School for the Deaf.

16 "(D) An educational program under the Youth Corrections Education Program.

17 "(E) A public charter school as defined in ORS 338.005.

18 "(F) An education service district.

19 "**SECTION 60.** ORS 238.350 is amended to read:

20 "238.350. (1)(a) Upon the request by a public employer that its employees be compensated for  
21 accumulated unused sick leave with pay in the form of increased retirement benefits upon service  
22 or disability retirement, the board shall establish a procedure for adding to the gross amount of  
23 salary used in determining final average salary the monetary value of one-half of the accumulated  
24 unused sick leave with pay of each retiring employee of the requesting public employer and shall  
25 establish benefits of the retiring employee on the basis of a final average salary reflecting that ad-  
26 dition.

27 "(b) For employees of a common school district, a union high school district, an education ser-  
28 vice district or a community college, or employees of the State Board of Higher Education engaged  
29 in teaching or other school activity at an institution of higher education, or employees of [*state*]  
30 schools [*for the deaf or blind*] **operated under ORS 346.010** engaged in teaching or other school  
31 activity, who are employed under contract for a period of less than 12 consecutive months and who  
32 are entitled to sick leave with pay of less than 96 hours for a year, each hour of accumulated unused  
33 sick leave with pay shall be valued on the basis of the actual number of contract hours of employ-  
34 ment during the last year of contributing membership of an employee before retiring and the salary  
35 of the employee during the same period. This paragraph does not apply to any employee who is  
36 employed under contract for 12 consecutive months in any of the three or less years used in deter-  
37 mining the final average salary of the employee.

38 "(c) For the purpose of this subsection, accumulated unused sick leave with pay includes unused  
39 sick leave with pay accumulated by an active member of the system while in the service of any  
40 public employer participating in the system that has the request described in paragraph (a) of this  
41 subsection in effect at the time of the member's separation from the service of the employer, whether  
42 that employer is or is not the employer of the member at the time of the member's retirement.

43 "(d) The board shall establish rules requiring all public employers participating in the system  
44 to transmit to the board reports of unused sick leave with pay accumulated by their employees who  
45 are members of the system and to provide timely notification to each of those employees of unused

1 sick leave with pay accumulated by the employee and reported to the board.

2 “(2) Accumulated unused sick leave with pay may be considered for the purpose of subsection  
3 (1) of this section only in accordance with the following requirements:

4 “(a) Sick leave not credited at the rate actually provided by the public employer may not be  
5 considered. The amount of sick leave exceeding an amount credited at the lowest rate in effect for  
6 any employee of the public employer who is normally entitled to sick leave, and in any event ex-  
7 ceeding an amount credited at a rate of eight hours for each full month worked, may not be con-  
8 sidered.

9 “(b) Sick leave credited for periods when an employee was absent from employment on sabbat-  
10 ical leave, educational leave or any leave without pay may not be considered.

11 “(c) Any period during which an employee was absent from employment for illness or injury that  
12 was charged against sick leave not qualified for consideration shall be deducted from sick leave  
13 qualified for consideration.

14 “(d) Sick leave for any period for which the public employer provides no sick leave with pay for  
15 its employees may not be considered.

16 “(e) Sick leave accumulated on and after July 1, 1973, may be considered only to the extent it  
17 is supported by records of accumulation and use pursuant to a plan adopted formally by the public  
18 employer.

19 “(f) Accumulated unused sick leave for periods before July 1, 1973, may be considered as follows:

20 “(A) If any department, bureau or other organizational unit of a public employer maintained  
21 formal records of accumulation and use even though the public employer did not require that those  
22 records be maintained, the accumulated unused sick leave shall be considered according to those  
23 records.

24 “(B) Where the public employer provided sick leave before July 1, 1973, but formal records of  
25 accumulation and use were not required or if required, are unavailable or incomplete, or the sick  
26 leave was subject to administrative limitations on total accumulation or transfer between public  
27 employers, accumulated unused sick leave for periods before July 1, 1973, may be considered as  
28 equal to 2.675 hours for each full month worked or an amount per month equal to the average  
29 monthly accumulation by an employee during the period beginning July 1, 1973, and ending at the  
30 time of retirement, whichever amount is greater, but reduced by the amount of any accumulated  
31 unused sick leave credited to the employee on July 1, 1973.

32 “(g) The written certification of a member or former member of the Legislative Assembly shall  
33 constitute a formal record of accumulation and use in determining the amount of accumulated un-  
34 used sick leave of an employee of the Legislative Assembly, either of its houses or any of its com-  
35 mittees or officers for periods of employment before July 1, 1981. Sick leave accumulated on and  
36 after July 1, 1981, by employees of the Legislative Assembly, either of its houses or any of its com-  
37 mittees or officers may be considered only to the extent it is supported by records of accumulation  
38 and use maintained by the Legislative Administration Committee, or any statutory, standing, special  
39 or interim committee of the Legislative Assembly or either house thereof, or any constitutional or  
40 statutory office of the Legislative Assembly or either house thereof, pursuant to a plan adopted  
41 formally by the committee or officer.

42 “(3)(a) As used in this subsection, ‘legislative employee’ means any person employed by the  
43 Legislative Assembly, either of its houses or any of its committees or officers, but does not include  
44 a regular employee of a statutory committee or statutory office of the Legislative Assembly de-  
45 scribed in ORS 173.005 (1).

1           “(b) Upon the request of a retiring legislative employee who is a member of the system, and the  
2 request of the public employer of the legislative employee, that the legislative employee be com-  
3 pensated for accumulated unused vacation with pay for periods of legislative employment in the form  
4 of increased retirement benefits upon service or disability retirement, the board shall add to the  
5 gross amount of salary used in determining final average salary of the legislative employee the  
6 monetary value of one-half of the accumulated unused vacation with pay of the legislative employee  
7 and shall establish the benefits of the legislative employee on the basis of a final average salary  
8 reflecting that addition.

9           “(c) Accumulated unused vacation with pay may be considered for the purposes of paragraph (b)  
10 of this subsection only in accordance with the following requirements:

11           “(A) Vacation not credited at the rate actually provided by the public employer may not be  
12 considered.

13           “(B) Amounts of vacation exceeding amounts creditable to employees in the classified service  
14 of the state service pursuant to ORS 240.515 (1), and rules adopted pursuant thereto, in effect on  
15 June 30, 1981, shall not be considered.

16           “(C) Vacation accumulated before, on and after July 1, 1981, may be considered only to the ex-  
17 tent it is supported by records of accumulation and use pursuant to a plan adopted formally by the  
18 public employer. However, the written certification of a member or former member of the Legislative  
19 Assembly shall constitute a formal record of accumulation and use in determining the amount of  
20 accumulated unused vacation of a legislative employee for periods of legislative employment before  
21 July 1, 1981.

22           “(4) Employers with plans providing payments on account of sickness in lieu of sick leave with  
23 pay may request the board to consider the monetary value of accumulated unused payments on ac-  
24 count of sickness as if such payments were an equivalent amount of accumulated unused sick leave  
25 with pay under the same terms and conditions specified in subsections (1) and (2) of this section.

26           “**SECTION 61.** ORS 240.205 is amended to read:

27           “240.205. The unclassified service shall comprise:

28           “(1) One executive officer and one secretary for each board or commission, the members of  
29 which are elected officers or are appointed by the Governor.

30           “(2) The director of each department of state government, each full-time salaried head of a state  
31 agency required by law to be appointed by the Governor and each full-time salaried member of a  
32 board or commission required by law to be appointed by the Governor.

33           “(3) The administrator of each division within a department of state government required by law  
34 to be appointed by the director of the department with the approval of the Governor.

35           “(4) Principal assistants and deputies and one private secretary for each executive or adminis-  
36 trative officer specified in ORS 240.200 (1) and in subsections (1) to (3) of this section. ‘Deputy’  
37 means the deputy or deputies to an executive or administrative officer listed in subsections (1) to  
38 (3) of this section who is authorized to exercise that officer’s authority upon absence of the officer.  
39 ‘Principal assistant’ means a manager of a major agency organizational component who reports di-  
40 rectly to an executive or administrative officer listed in subsections (1) to (3) of this section or  
41 deputy and who is designated as such by that executive or administrative officer with the approval  
42 of the Director of the Oregon Department of Administrative Services.

43           “(5) Employees in the Governor’s office and the principal assistant and private secretary in the  
44 Secretary of State’s division.

45           “(6) The [*deans, professors*] **director**, principals, instructors and teachers in [*facilities*] **schools**



1 operated under ORS 346.010.

2 “(7) Apprentice trainees only during the prescribed length of their course of training.

3 “(8) Licensed physicians and dentists employed in their professional capacities and student  
4 nurses, interns, and patient or inmate help in state institutions.

5 “(9) Lawyers employed in their professional capacities.

6 “(10) All members of the Oregon State Police appointed under ORS 181.250 and 181.265.

7 “(11) Deputy superintendents and associate superintendents in the Department of Education.

8 “(12) Temporary seasonal farm laborers engaged in single phases of agricultural production or  
9 harvesting.

10 “(13) Any individual employed and paid from federal funds received under the Emergency Job  
11 and Unemployment Assistance Act of 1974 (United States Public Law 93-567) or any other federal  
12 program intended primarily to alleviate unemployment. However, persons employed under this sub-  
13 section shall be treated as classified employees for purposes of ORS 243.650 to 243.782.

14 “(14) Managers, department heads, directors, producers and announcers of the state radio and  
15 television network.

16 “(15) Employees, including managers, of the foreign trade offices of the Economic and Commu-  
17 nity Development Department located outside the country.

18 “(16) Any other position designated by law as unclassified.

19 “**SECTION 62.** ORS 240.240 is amended to read:

20 “240.240. (1) The unclassified service or, except as provided in ORS 240.250, the management  
21 service shall not be subject to this chapter, except that employees and officers in the unclassified  
22 or management service shall be subject to the laws, rules and policies pertaining to any type of  
23 leave with pay except as otherwise provided in subsections (4) and (5) of this section, and shall be  
24 subject to the laws, rules and policies pertaining to salary plans except as otherwise provided in  
25 subsections (3) and (5) of this section.

26 “(2) With regard to any unclassified or management service position for which the salary is not  
27 fixed by law, and except as otherwise provided in subsections (3) and (5) of this section, the Per-  
28 sonnel Division shall adopt a salary plan which is equitably applied to various categories in the  
29 unclassified or management service and is in reasonable conformity with the general salary struc-  
30 ture of the state. The division shall maintain this unclassified and management salary plan in ac-  
31 cordance with the procedures established for the classified salary plan as provided in ORS 240.235.

32 “(3) The Secretary of State and the State Treasurer, for the purpose of maintaining a salary plan  
33 for unclassified and management service positions in their departments, may request the advice and  
34 assistance of the division.

35 “(4) With regard to unclassified instructors and teachers under annual teaching contracts for  
36 an academic year in [*facilities*] **schools** operated under ORS 346.010, arrangements for leave with  
37 pay shall be established by the Department of Education.

38 “(5) With regard to unclassified positions in the Economic and Community Development De-  
39 partment’s foreign offices, the salary plan and arrangements for leave with pay shall be established  
40 by the Director of the Economic and Community Development Department.

41 “**SECTION 63.** ORS 326.603 is amended to read:

42 “326.603. (1)(a) A school district shall send to the Department of Education for purposes of a  
43 criminal records check any information, including fingerprints, for each person described in ORS  
44 181.539 (1)(d), (e), (f), (h) or (i).

45 “(b) A private school may send to the Department of Education for purposes of a criminal re-

1 cords check any information, including fingerprints, for each person described in ORS 181.539 (1)(d),  
2 (e), (f) or (h).

3 “(2) The Department of Education shall request that the Department of State Police conduct a  
4 criminal records check as provided in ORS 181.534 and may charge the district or private school a  
5 fee as established by rule under ORS 181.534. The school district or private school may recover its  
6 costs or a portion thereof from the person described in ORS 181.539 (1)(d), (e), (f), (h) or (i). If the  
7 person described in ORS 181.539 (1)(e), (f) or (i) requests, the district shall and a private school may  
8 withhold the amount from amounts otherwise due the person, including a periodic payroll deduction  
9 rather than a lump sum payment.

10 “(3)(a) If the Superintendent of Public Instruction informs the school district that the person has  
11 been convicted of a crime listed in ORS 342.143 or has made a false statement as to the conviction  
12 of a crime, the superintendent shall notify the school district of the fact and the district shall not  
13 employ or contract with the person. Notification by the superintendent that the school district shall  
14 not employ or contract with the person shall remove the person from any school district policies,  
15 collective bargaining provisions regarding dismissal procedures and appeals and the provisions of  
16 ORS 342.805 to 342.937.

17 “(b) The Superintendent of Public Instruction shall notify the private school if the person has  
18 been convicted of a crime listed in ORS 342.143 or has made a false statement as to the conviction  
19 of a crime. Based on the notice, the private school may choose not to employ or contract with the  
20 person.

21 “(4) If a person described in subsection (1) of this section refuses to consent to the criminal re-  
22 cords check or refuses to be fingerprinted or if the person falsely swears to the nonconviction of a  
23 crime, the district shall terminate the employment or contract status of the person. Termination  
24 under this subsection removes the person from any school district policies, collective bargaining  
25 provisions regarding dismissal procedures and appeals and the provisions of ORS 342.805 to 342.937.

26 “(5) A school district may not hire or continue to employ or contract with or allow the con-  
27 tractor to continue to assign a person to the school project if the person described in subsection (1)  
28 of this section has been convicted of a crime according to the provisions of ORS 342.143.

29 “(6) As used in this section and ORS 326.607:

30 “(a) ‘Private school’ means a school that provides educational services as defined in ORS 345.505  
31 and is registered as a private school under ORS 345.505 to 345.575.

32 “(b) ‘School district’ means:

33 “(A) A school district as defined in ORS 330.003.

34 “(B) The Oregon [State] School for the Blind.

35 “(C) The Oregon [State] School for the Deaf.

36 “(D) An educational program under the Youth Corrections Education Program.

37 “(E) A public charter school as defined in ORS 338.005.

38 “(F) An education service district.

39 “**SECTION 64.** ORS 329.489 is amended to read:

40 “329.489. (1) Within the State of Oregon’s kindergarten through grade 12 education system,  
41 proficiency for students in American Sign Language shall be in accordance with rules adopted by  
42 the State Board of Education pursuant to ORS chapter 329 and any other applicable state or federal  
43 law.

44 “(2) The State Board of Education is encouraged to continue to:

45 “(a) Coordinate with the State Board of Higher Education and the Oregon [State] School for the

1 Deaf to develop curricula for American Sign Language courses;

2 “(b) Implement programs to locate and prepare qualified teachers and interpreters of American  
3 Sign Language; and

4 “(c) Assist public high schools in identifying local and regional needs and resources available  
5 for American Sign Language courses.

6 “**SECTION 65.** ORS 336.790 is amended to read:

7 “336.790. As used in ORS 336.790 to 336.815, unless the context requires otherwise:

8 “(1) ‘Commercial driver training school’ means a school operated by a person issued a commer-  
9 cial driver training school certificate by the Department of Transportation under ORS 822.515.

10 “[2] ‘Facility’ means any facility for the deaf operated under ORS 346.010.]

11 “[3] (2) ‘Private school’ means a private or parochial high school.

12 “[4] (3) ‘Public school’ means a common or union high school district, education service district  
13 [and], a community college district **and the Oregon School for the Deaf.**

14 “**SECTION 66.** ORS 336.800 is amended to read:

15 “336.800. (1) Any private school, public school[, facility] or commercial driver training school  
16 may offer a course in traffic safety education. The curriculum for the traffic safety education course  
17 shall be established by the Department of Transportation under ORS 802.345.

18 “(2) A person employed to teach a traffic safety education course must meet qualifications es-  
19 tablished by the department under ORS 802.345.

20 “**SECTION 67.** ORS 336.805 is amended to read:

21 “336.805. (1) Each public school [or facility] offering a course in traffic safety education may  
22 charge tuition therefor and shall keep accurate records of the cost thereof in the manner required  
23 under rules adopted by the Department of Transportation under ORS 802.345. As provided in ORS  
24 336.810, each public school [or facility] shall be reimbursed \$210 per pupil completing the course,  
25 including any private school pupil completing the course in a public school [or facility].

26 “(2) If funds available to the Department of Transportation for the Student Driver Training Fund  
27 are not adequate to pay all approved claims in full, public schools [and facilities] shall receive a pro  
28 rata reimbursement based upon the ratio that the total amount of funds available bears to the total  
29 amount of funds required for maximum allowable reimbursement.

30 “(3) Tuition authorized by subsection (1) of this section shall not exceed the cost to the public  
31 school [or facility] of providing traffic safety education less the state reimbursement. Tuition may  
32 be reduced or waived by a public school [or facility] for low income pupils.

33 “(4) A public school may also offer a traffic safety education course to pupils in neighboring  
34 public schools that do not offer traffic safety education.

35 “(5) Each public school [and facility] offering a course in traffic safety education shall adopt  
36 written policies and procedures regarding reduced or waived tuition for low income pupils.

37 “(6) Each public school offering a course in traffic safety education shall adopt written policies  
38 and procedures for the admission of pupils from neighboring public schools.

39 “**SECTION 68.** ORS 339.370 is amended to read:

40 “339.370. As used in this section and ORS 339.372 and 339.375:

41 “(1) ‘Abuse’ has the meaning given that term in ORS 419B.005.

42 “(2) ‘Disciplinary records’ means the records related to a personnel discipline action or materi-  
43 als or documents supporting that action.

44 “(3) ‘Education provider’ means:

45 “(a) A school district as defined in ORS 332.002.

1 “(b) The Oregon [State] School for the Blind.  
2 “(c) The Oregon [State] School for the Deaf.  
3 “(d) An educational program under the Youth Corrections Education Program.  
4 “(e) A public charter school as defined in ORS 338.005.  
5 “(f) An education service district as defined in ORS 334.003.  
6 “(g) Any state-operated program that provides educational services to kindergarten through  
7 grade 12 students.  
8 “(h) A private school.  
9 “(4) ‘Law enforcement agency’ has the meaning given that term in ORS 419B.005.  
10 “(5) ‘Private school’ means a school that provides educational services as defined in ORS 345.505  
11 to kindergarten through grade 12 students.  
12 “(6) ‘School board’ means the governing board or governing body of an education provider.  
13 “(7) ‘School employee’ means an employee of an education provider.  
14 “**SECTION 69.** ORS 339.860 is amended to read:  
15 “339.860. (1) Any person other than a student at the Oregon [State] School for the Deaf or the  
16 Oregon [State] School for the Blind upon successful completion of an educational program at ele-  
17 mentary or secondary level at a state institution shall receive a diploma evidencing such completion  
18 issued by the common or union high school district in which the person last resided prior to com-  
19 mitment to the state institution.  
20 “(2) All educational records for the person shall be sent to the common or union high school  
21 district issuing the diploma. The school district may make a transcript of such records available  
22 upon request in the same manner and in the same form as it makes any other transcript available  
23 and shall not therein indicate that any of the educational program was completed in any state in-  
24 stitution.  
25 “**SECTION 70.** ORS 343.236 is amended to read:  
26 “343.236. (1) The Superintendent of Public Instruction may provide special education on a local,  
27 county or regional basis without regard to county boundaries in all areas of the state for children  
28 who have:  
29 “(a) A visual impairment;  
30 “(b) A hearing impairment;  
31 “(c) Blindness or deafness, or both;  
32 “(d) An orthopedic impairment;  
33 “(e) Autism; or  
34 “(f) Traumatic brain injury.  
35 “(2) The Superintendent of Public Instruction may operate and administer a local, county or  
36 regional program of special education or the superintendent may contract for the operation and  
37 administration of the program with a school district or an education service district.  
38 “(3) The State Board of Education by rule shall establish eligibility criteria and educational  
39 standards for the programs described in subsection (1) of this section and those programs in [*facili-*  
40 *ties*] **schools** operated under ORS 346.010.  
41 “(4) A school district which contracts to provide a program under this section shall be paid for  
42 the state-approved program as determined and funded by the Legislative Assembly. Contracting  
43 school districts are authorized to negotiate supplemental programs with participating school dis-  
44 tricts.  
45 “**SECTION 71.** ORS 346.010 is amended to read:

1           “346.010. (1) Pursuant to rules of the State Board of Education, the Superintendent of Public  
2 Instruction shall provide free training and education services **in schools located in Marion County**  
3 for [*deaf or blind children, or children who are both deaf and blind, in facilities located in Marion*  
4 *County*] **children who are blind or deaf.**

5           “(2) The Superintendent of Public Instruction shall indicate which [*facilities*] **school** shall serve  
6 as [*the school for the deaf and*] the **Oregon School for the Blind and which school shall serve as**  
7 **the Oregon School for the Deaf.**

8           “(3) The superintendent may order a change in all or part in the purpose and use of [*facilities*]  
9 **schools** available under this section whenever the superintendent determines that a change in pur-  
10 pose and use will better enable the state to meet its responsibilities for the education and training  
11 of [*deaf or blind children, or children who are both deaf and blind*] **children who are blind or**  
12 **deaf.**

13           “[(3)] (4) The [*facilities*] **schools** shall be operated primarily for the provision of education and  
14 training services for children [*with sensory disabilities*] **who are blind or deaf** who cannot be effi-  
15 ciently served [*under the provisions of ORS chapter 343*] **in other schools or programs.**

16           “(5) **The Board of Directors of the Oregon School for the Blind or the Board of Directors**  
17 **of the Oregon School for the Deaf may appeal any decision of the Superintendent of Public**  
18 **Instruction made under this section to the State Board of Education. An appeal under this**  
19 **subsection must be filed with the State Board of Education within 60 days of the date of the**  
20 **decision by the superintendent. The State Board of Education may uphold, modify or over-**  
21 **turn any decision of the superintendent under this section.**

22           “**SECTION 72. Notwithstanding ORS 346.010 (5), the Board of Directors of the Oregon**  
23 **School for the Blind or the Board of Directors of the Oregon School for the Deaf may appeal**  
24 **any decision of the Superintendent of Public Instruction made under ORS 346.010 on or after**  
25 **January 1, 2007, to the State Board of Education if the appeal is filed with the State Board**  
26 **of Education within 60 days after the date of the first meeting of the board of directors**  
27 **making the appeal.**

28           “**SECTION 73.** ORS 346.015 is amended to read:

29           “346.015. (1) Prior to convening a meeting to prepare an individual education plan for a mentally  
30 retarded or developmentally disabled child for whom placement at a school under ORS 346.010 may  
31 be considered, the agency that is providing the education for the child shall notify the local com-  
32 munity mental health and developmental disabilities program. The mentally retarded and develop-  
33 mentally disabled program mental health case manager in consultation with the Department of  
34 Human Services shall evaluate whether the child also has needs for alternative residential care or  
35 other support services. If the evaluation determines this to be the case, but documents that com-  
36 munity resources are not available to meet these needs, the school district may proceed with the  
37 meeting to prepare the individual education plan in which placement at a school under ORS 346.010  
38 may be considered.

39           “(2) An agency providing education under subsection (1) of this section may initiate the proce-  
40 dure in subsection (1) of this section for any child who is not mentally retarded or developmentally  
41 disabled when in the agency’s judgment a treatment or residential issue is prompting proposed  
42 placement under ORS 346.010.

43           “(3) No child shall be placed in a [*facility*] **school** operated under ORS 346.010 unless the district  
44 superintendent or the superintendent’s designee has signed a statement declaring that the district  
45 cannot provide a free appropriate public education for the child commensurate with the needs of the

1 child as identified by the individual education plan of the child and that the [facility] **school** is the  
2 least restrictive environment in which the child can be educated.

3 “(4) By rule, the State Board of Education shall determine procedures to be followed by local  
4 education agencies in carrying out this section.

5 “**SECTION 74.** ORS 346.017 is amended to read:

6 “346.017. (1) Notwithstanding ORS 346.015, the Superintendent of Public Instruction may enroll  
7 a student in the [facilities] **schools** operated under ORS 346.010 if the student is not a resident of  
8 Oregon. However, priority for enrollment at the [facilities] **schools** shall be given to students who  
9 are residents of Oregon.

10 “(2) The superintendent may charge tuition and fees to any student who is enrolled under this  
11 section.

12 “(3) A student who is enrolled under this section [shall] **is** not [be] considered a resident of any  
13 school district based on the enrollment and attendance at the [facility] **school**.

14 “**SECTION 75.** ORS 346.019 is amended to read:

15 “346.019. (1) There is established an Educational Facilities Fund, separate and distinct from the  
16 General Fund. All tuition and fees collected under ORS 346.017 and all expenses incurred in the  
17 administration of ORS 346.017 shall be deposited to and borne by the fund. Interest earned by the  
18 fund shall be credited to the fund.

19 “(2) The moneys in the fund are appropriated continuously to the [Superintendent of Public In-  
20 struction] **Department of Education** for purposes of the [facilities] **schools** operated under ORS  
21 346.010.

22 “**SECTION 76.** ORS 346.020 is amended to read:

23 “346.020. (1) The Superintendent of Public Instruction shall prescribe the course of instruction  
24 for students enrolled in [facilities] **schools** operated under ORS 346.010. The State Board of Educa-  
25 tion shall determine the procedures for placement, development of services and operation of the  
26 schools in conformance with state and federal laws relating to children who are eligible for special  
27 education and shall adopt the procedures by rule.

28 “(2) **In consultation with the Board of Directors of the Oregon School for the Deaf or the**  
29 **Board of Directors of the Oregon School for the Blind, as appropriate,** the Superintendent of  
30 Public Instruction shall select **a director for each school. The superintendent may also select**  
31 **teachers and other personnel necessary to manage the [facilities] schools in an effective and effi-**  
32 **cient manner or may delegate the selection of teachers and other personnel to the director**  
33 **of the school.** [The superintendent shall also designate a well-qualified person or persons to assist in  
34 the administration of these facilities. The superintendent shall designate which positions shall serve as  
35 supervisors of these educational services and facilities; these designated positions shall be in the un-  
36 classified service.]

37 “(3) The Superintendent of Public Instruction shall have control over persons enrolled in [these  
38 facilities] **the schools** and shall direct their care and promote their mental, moral and physical  
39 welfare.

40 “(4) **The Board of Directors of the Oregon School for the Blind or the Board of Directors**  
41 **of the Oregon School for the Deaf may appeal a decision of the Superintendent of Public In-**  
42 **struction to the State Board of Education if the decision was made under subsection (2) of**  
43 **this section and relates to the selection or dismissal of the director of a school. An appeal**  
44 **under this subsection must be filed with the State Board of Education within 60 days of the**  
45 **date of the decision by the superintendent. The State Board of Education may uphold, modify**

1 **or overturn any decision of the superintendent under this section.**

2 **“SECTION 77.** ORS 346.030 is amended to read:

3 “346.030. Application for admission to *[facilities]* **the schools** operated under ORS 346.010 shall  
4 be made to the Department of Education. Application shall be made on forms which are provided  
5 by the department.

6 **“SECTION 78.** ORS 346.041 is amended to read:

7 “346.041. (1) Transportation for pupils attending *[facilities]* **schools** under ORS 346.010 is the  
8 responsibility of the pupil’s resident school district. The district may provide transportation directly  
9 or by agreement with another school district, a public carrier or the Department of Education.

10 “(2) The actual and necessary transportation expenses incurred under subsection (1) of this  
11 section, at a frequency consistent with a pupil’s individual education plan, shall be considered *[pupil*  
12 *transportation by the district for purposes of ORS 327.035 (1989 Edition)]* **approved transportation**  
13 **costs for purposes of ORS 327.006 and 327.033.**

14 “(3) The resident school district shall reimburse the Department of Education for all transpor-  
15 tation costs the department incurs on behalf of the district within 10 days after receipt of the  
16 itemized invoice.

17 “(4) The payments of the resident school districts required under subsection (3) of this section  
18 and an amount specifically appropriated thereto shall be deposited in the State Treasury to the  
19 credit of the Special Education Transportation Revolving Account to be used by the Department of  
20 Education for the transportation of pupils attending *[facilities]* **schools** under ORS 346.010. The ac-  
21 count shall be continuously appropriated **to the department** for such purpose.

22 “(5) Any unexpended and unobligated balance in the Special Education Transportation Revolv-  
23 ing Account in excess of \$70,000 as of September 1 of any year shall be transferred from the account  
24 to the General Fund to be available for general governmental purposes.

25 **“SECTION 79.** ORS 346.047 is amended to read:

26 “346.047. The State Board of Education may receive, take and hold property, both real and  
27 personal for any *[facility]* **school** operated under ORS 346.010 and may sell, transfer, assign, allot,  
28 set over or convey the property pursuant to legislative authority.

29 **“SECTION 80.** ORS 346.055 is amended to read:

30 “346.055. (1) When the *[Superintendent of Public Instruction]* **Department of Education** has in  
31 possession or under control, in a bank account or otherwise, funds that are the property of the  
32 students enrolled in *[facilities]* **schools** operated under ORS 346.010 or that have been deposited for  
33 their use or for expenditure in their behalf, **the department** shall deposit such funds, as they are  
34 received, together with any such funds as heretofore have accumulated, with the State Treasurer  
35 as a trust account, separate and distinct from the General Fund. Interest earned by the account  
36 shall be credited to the account.

37 “(2) *[The word ‘funds’]* As used in this section, **‘funds’ includes but is not** *[shall include, but*  
38 *shall not be]* limited to[,] moneys deposited with the *[superintendent]* **department** for medical care  
39 or assistance of students, moneys derived from athletic activities, contributions for athletic, health,  
40 or recreation projects, and any other moneys received by the *[superintendent]* **department** that are  
41 not required by law to be credited to other state funds or accounts.

42 “(3) The *[Superintendent of Public Instruction or designee]* **department** is authorized to receive  
43 any of the funds referred to in this section. The State Treasurer shall carry such funds in separate  
44 accounts for such *[institutions]* **schools**, but *[shall]* **may** not credit such funds or any part thereof  
45 to any state fund for governmental purposes.

1 “(4) Disbursements from the accounts for the purposes for which the contributions or payments  
2 were made, and for payment to persons lawfully entitled thereto, may be made by the [*Superinten-*  
3 *dent of Public Instruction or designee*] **department**, by checks or orders drawn upon the State  
4 Treasurer. The [*superintendent*] **department** shall be accountable for the proper handling of the  
5 accounts.

6 “**SECTION 81.** ORS 346.080 is amended to read:

7 “346.080. The Department of Education shall give the notice required by ORS 332.554 to all  
8 classified employees of the Oregon [*State*] School for the Deaf and the Oregon [*State*] School for the  
9 Blind in the same manner and to the same effect as notice given under ORS 332.554.

10 “**SECTION 82.** ORS 351.117 is amended to read:

11 “351.117. (1) If the State Board of Higher Education determines that enrollment is sufficient to  
12 make an American Sign Language class economically viable and if qualified instructors are avail-  
13 able, the board may offer to students courses for credit in American Sign Language at any institu-  
14 tion of higher education within the Oregon University System. Such courses shall satisfy any second  
15 language elective requirement.

16 “(2) The State Board of Higher Education is encouraged to continue to:

17 “(a) Coordinate with the State Board of Education and the Oregon [*State*] School for the Deaf  
18 to develop curricula for American Sign Language courses;

19 “(b) Implement programs to locate and prepare qualified teachers and interpreters of American  
20 Sign Language; and

21 “(c) Assist institutions of higher education in identifying local and regional needs and resources  
22 available for American Sign Language courses.

23 “**SECTION 83.** ORS 656.135 is amended to read:

24 “656.135. (1) As used in this section ‘school’ means the Oregon [*State*] School for the Deaf or the  
25 Oregon [*State*] School for the Blind.

26 “(2) All persons participating as trainees in a work experience program of a school in which  
27 such persons are enrolled are considered as workers of the school subject to this chapter for pur-  
28 poses of this section.

29 “(3) On behalf of a school conducting a work experience program, the Department of Education  
30 shall submit a written statement to the State Accident Insurance Fund Corporation that includes a  
31 description of the work to be performed by such persons.

32 “(4) Upon receiving the written statement, the corporation may fix assumed wage rates for the  
33 persons enrolled in the work experience program, without regard to ORS chapter 652 or ORS  
34 653.010 to 653.545 and 653.991, which may be used only for purposes of computations under this  
35 chapter.

36 “(5) The Department of Education shall furnish the corporation with a list of the names of those  
37 enrolled in work experience programs in the schools and shall notify the corporation of any changes  
38 therein. Only those persons whose names appear on such list prior to their personal injury by ac-  
39 cident are entitled to the benefits of this chapter and they are entitled to such benefits if injured  
40 as provided in ORS 656.156 and 656.202 while performing any duties arising out of and in the course  
41 of their participation in the work experience program, provided the duties being performed are  
42 among those:

43 “(a) Described on the application of the department; and

44 “(b) Required of similar full-time paid employees.

45 “(6) The filing of claims for benefits under this section is the exclusive remedy of a trainee or



1 beneficiary of the trainee for injuries compensable under this chapter against the state, the school,  
2 the department, its officers and employees, or any employer, regardless of negligence.

3 “(7) The provisions of this section shall be inapplicable to any trainee who is earning wages for  
4 such employment.

5 **“SECTION 84. (1) For the purpose of harmonizing and clarifying statute sections pub-**  
6 **lished in Oregon Revised Statutes, the Legislative Counsel may substitute for words desig-**  
7 **inating the ‘Oregon State School for the Deaf,’ wherever they occur in Oregon Revised**  
8 **Statutes, other words designating the ‘Oregon School for the Deaf.’**

9 **“(2) For the purpose of harmonizing and clarifying statute sections published in Oregon**  
10 **Revised Statutes, the Legislative Counsel may substitute for words designating the ‘Oregon**  
11 **State School for the Blind,’ wherever they occur in Oregon Revised Statutes, other words**  
12 **designating the ‘Oregon School for the Blind.’**

13 **“SECTION 85. This 2007 Act being necessary for the immediate preservation of the public**  
14 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**  
15 **July 1, 2007.”.**

16

---