

House Bill 3334

Sponsored by Representative GELSER; Representatives BARKER, BARNHART, BEYER, CLEM, C EDWARDS, HOLVEY, HUNT, RILEY, ROBLAN, WITT

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes Board of Trustees of Oregon State School for the Deaf. Specifies membership and duties of board. Directs board to develop master plan that specifies mission and objectives for school.

Removes duties relating to operation of Oregon State School for the Deaf from Superintendent of Public Instruction and delegates those duties to board.

Declares emergency, effective July 1, 2007.

A BILL FOR AN ACT

1
2 Relating to education; creating new provisions; amending ORS 179.210, 240.240, 343.236, 346.010,
3 346.017, 346.019, 346.020, 346.030, 346.047, 346.055 and 346.070; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. (1) There is established a Board of Trustees of the Oregon State School for**
6 **the Deaf, consisting of seven members appointed by the Governor as follows:**

7 (a) **At least one member who is deaf;**

8 (b) **At least one member who is the parent of a child who is a student at the Oregon State**
9 **School for the Deaf; and**

10 (c) **One member who is a licensed teacher and who teaches in a secondary school.**

11 (2) **The term of office of each member is four years, but a member serves at the pleasure**
12 **of the Governor. Before the expiration of the term of a member, the Governor shall appoint**
13 **a successor whose term begins on July 1 next following. A member is eligible for reappoint-**
14 **ment. If there is a vacancy for any cause, the Governor shall make an appointment to be-**
15 **come immediately effective for the unexpired term.**

16 (3) **The appointment of the board is subject to confirmation by the Senate in the manner**
17 **prescribed in ORS 171.562 and 171.565.**

18 (4) **A member of the board is not entitled to compensation but may be reimbursed for**
19 **expenses as provided in ORS 292.495.**

20 **SECTION 2. (1) The Board of Trustees of the Oregon State School for the Deaf shall be**
21 **appointed within 60 days of the effective date of this 2007 Act.**

22 (2) **Notwithstanding the term of office specified by section 1 of this 2007 Act, of the**
23 **members first appointed to the board:**

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

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

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

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

28 **SECTION 3. (1) The Board of Trustees of the Oregon State School for the Deaf shall se-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 lect one of its members as chairperson and another as vice chairperson, for such terms and
2 with duties and powers necessary for the performance of the functions of such offices as the
3 board determines.

4 (2) A majority of the members of the board constitutes a quorum for the transaction of
5 business.

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

8 **SECTION 4.** (1) The Board of Trustees of the Oregon State School for the Deaf shall ap-
9 point a Director of the Oregon State School for the Deaf to serve at the pleasure of the
10 board.

11 (2) The designation of the director must be by written order, filed with the Secretary of
12 State.

13 (3) Subject to any applicable provisions of ORS chapter 240, the board shall appoint all
14 subordinate officers and employees of the school, prescribe their duties and fix their com-
15 pensation. The board may delegate its duties under this subsection to the director.

16 (4) The Department of Education shall provide staff support to the board and the direc-
17 tor.

18 **SECTION 5.** The Board of Trustees of the Oregon State School for the Deaf:

19 (1) Shall approve the school's budget and funding requests submitted to the Department
20 of Education to be included in the department's budget.

21 (2) Shall adopt student eligibility criteria for the school.

22 (3) Shall implement comprehensive programs of education, training and, as needed, resi-
23 dential living, such that students served by the school receive a challenging and quality ed-
24 ucation in a safe school environment.

25 (4) Shall direct, monitor and approve the implementation of a comprehensive and con-
26 tinuous quality improvement system for the school.

27 (5) May grant to every student, upon graduation or completion of a program, a diploma
28 or certificate.

29 (6) Shall procure legal and professional services necessary for the operation of the school.

30 (7) Shall perform any other matter necessary for the management, maintenance, support
31 or control of the school.

32 (8) May delegate to the department duties related to the operation of the school.

33 (9) In accordance with applicable provisions of ORS chapter 183, may adopt rules neces-
34 sary for the administration of the laws that the board is charged with administering.

35 **SECTION 6.** (1) The Board of Trustees of the Oregon School for the Deaf shall adopt a
36 master plan for the Oregon State School for the Deaf. The plan shall specify the mission and
37 objectives of the school.

38 (2) The board shall include the input of stakeholders in the school in the development of
39 the plan, including students, graduates of the school and parents and guardians of students
40 at the school.

41 (3) The plan shall include, but not be limited to:

42 (a) Procedures for systematically measuring the school's progress toward meeting its
43 objectives; and

44 (b) Procedures for analyzing changes in student population and modifying school pro-
45 grams and services to respond to the changes.

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

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

4 **(6) Prior to February 1 of each odd-numbered year, the board shall submit the plan to**
 5 **the Legislative Assembly.**

6 **SECTION 7.** ORS 179.210 is amended to read:

7 179.210. (1) The Department of Human Services, the Department of Corrections [*and*], the Su-
 8 perintendent of Public Instruction **and the Board of Trustees of the Oregon State School for the**
 9 **Deaf** may audit, allow and pay a claim for damage to property made by an employee of one of those
 10 agencies if:

11 (a) The damage to property arises out of the claimant's employment at one of the institutions
 12 or facilities operated by the Department of Human Services or the Department of Corrections, [*or*]
 13 one of the facilities operated by the Superintendent of Public Instruction under ORS 346.010 **or the**
 14 **Oregon State School for the Deaf;** and

15 (b) The employee files a written claim with the employee's employer within 180 days after the
 16 employee discovers or should have discovered the damage.

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

18 (a) That exceeds, in the aggregate with payments of other claims, the moneys appropriated for
 19 such purpose.

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

22 (c) If the Department of Human Services, the Department of Corrections [*or*], the Superintendent
 23 of Public Instruction **or the Board of Trustees of the Oregon State School for the Deaf** deter-
 24 mines the cause or occasion of the accident resulting in damage is chargeable to the conduct or
 25 negligence of the party damaged.

26 **SECTION 8.** ORS 240.240 is amended to read:

27 240.240. (1) The unclassified service or, except as provided in ORS 240.250, the management
 28 service shall not be subject to this chapter, except that employees and officers in the unclassified
 29 or management service shall be subject to the laws, rules and policies pertaining to any type of
 30 leave with pay except as otherwise provided in subsections (4) [*and (5)*] **to (6)** of this section, and
 31 shall be subject to the laws, rules and policies pertaining to salary plans except as otherwise pro-
 32 vided in subsections (3) and [*(5)*] **(6)** of this section.

33 (2) With regard to any unclassified or management service position for which the salary is not
 34 fixed by law, and except as otherwise provided in subsections (3) and [*(5)*] **(6)** of this section, the
 35 Personnel Division shall adopt a salary plan which is equitably applied to various categories in the
 36 unclassified or management service and is in reasonable conformity with the general salary struc-
 37 ture of the state. The division shall maintain this unclassified and management salary plan in ac-
 38 cordance with the procedures established for the classified salary plan as provided in ORS 240.235.

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

42 (4) With regard to unclassified instructors and teachers under annual teaching contracts for an
 43 academic year in facilities operated under ORS 346.010, arrangements for leave with pay shall be
 44 established by the Department of Education.

45 **(5) With regard to unclassified instructors and teachers under annual teaching contracts**

1 **for an academic year in the Oregon State School for the Deaf, arrangement for leave with**
 2 **pay shall be established by the Board of Trustees of the Oregon State School for the Deaf.**

3 [(5)] (6) With regard to unclassified positions in the Economic and Community Development
 4 Department's foreign offices, the salary plan and arrangements for leave with pay shall be estab-
 5 lished by the Director of the Economic and Community Development Department.

6 **SECTION 9.** ORS 343.236 is amended to read:

7 343.236. (1) The Superintendent of Public Instruction may provide special education on a local,
 8 county or regional basis without regard to county boundaries in all areas of the state for children
 9 who have:

- 10 (a) A visual impairment;
- 11 (b) A hearing impairment;
- 12 (c) Blindness or deafness, or both;
- 13 (d) An orthopedic impairment;
- 14 (e) Autism; or
- 15 (f) Traumatic brain injury.

16 (2) The Superintendent of Public Instruction may operate and administer a local, county or re-
 17 gional program of special education or the superintendent may contract for the operation and ad-
 18 ministration of the program with a school district or an education service district.

19 (3) The State Board of Education by rule shall establish eligibility criteria and educational
 20 standards for the programs described in subsection (1) of this section and those programs in facili-
 21 ties **for children who are blind** operated under ORS 346.010.

22 (4) A school district which contracts to provide a program under this section shall be paid for
 23 the state-approved program as determined and funded by the Legislative Assembly. Contracting
 24 school districts are authorized to negotiate supplemental programs with participating school dis-
 25 tricts.

26 **SECTION 10.** ORS 346.010 is amended to read:

27 346.010. (1)(a) Pursuant to rules of the State Board of Education, the Superintendent of Public
 28 Instruction shall provide free training and education services **in facilities located in Marion**
 29 **County** for *[deaf or blind]* children **who are blind**, *or children who are both deaf and blind, in fa-*
 30 *cilities located in Marion County*].

31 [(2)] (b) The Superintendent of Public Instruction shall indicate which facilities shall serve as
 32 *[the school for the deaf and]* the **Oregon State** School for the Blind. The superintendent may order
 33 a change in all or part in the purpose and use of facilities available under this *[section]* **subsection**
 34 whenever the superintendent determines that a change in purpose and use will better enable the
 35 state to meet its responsibilities for the education and training of *[deaf or blind]* children, *or chil-*
 36 *dren who are both deaf and blind* **who are blind**.

37 (2)(a) **The Board of Trustees of the Oregon State School for the Deaf shall provide free**
 38 **training and education services in facilities located in Marion County for children who are**
 39 **deaf or hard of hearing.**

40 (b) **The Board of Trustees of the Oregon State School for the Deaf shall indicate which**
 41 **facilities shall serve as the Oregon State School for the Deaf. The board may order a change**
 42 **in all or part in the purpose and use of facilities available under this subsection whenever**
 43 **the board determines that a change in purpose and use will better enable the state to meet**
 44 **its responsibilities for the education and training of children who are deaf or hard of hearing.**

45 (3) The facilities shall be operated primarily for the provision of education and training services

1 for children with sensory disabilities who cannot be efficiently served under the provisions of ORS
 2 chapter 343.

3 **SECTION 11.** ORS 346.017 is amended to read:

4 346.017. (1) Notwithstanding ORS 346.015, the Superintendent of Public Instruction **or the**
 5 **Board of Trustees of the Oregon State School for the Deaf** may enroll a student in the facilities
 6 operated under ORS 346.010 if the student is not a resident of Oregon. However, priority for en-
 7 rollment at the facilities shall be given to students who are residents of Oregon.

8 (2) The superintendent **or board** may charge tuition and fees to any student who is enrolled
 9 under this section.

10 (3) A student who is enrolled under this section shall not be considered a resident of any school
 11 district based on the enrollment and attendance at the facility.

12 **SECTION 12.** ORS 346.019 is amended to read:

13 346.019. (1) There is established an Educational Facilities Fund, separate and distinct from the
 14 General Fund. All tuition and fees collected under ORS 346.017 and all expenses incurred in the
 15 administration of ORS 346.017 shall be deposited to and borne by the fund. Interest earned by the
 16 fund shall be credited to the fund.

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

19 **SECTION 13.** ORS 346.020 is amended to read:

20 346.020. (1) The Superintendent of Public Instruction shall prescribe the course of instruction for
 21 students enrolled in facilities **for children who are blind** operated under ORS 346.010. The State
 22 Board of Education shall determine the procedures for placement, development of services and op-
 23 eration of the schools in conformance with state and federal laws relating to children who are eli-
 24 gible for special education and shall adopt the procedures by rule.

25 (2) The Superintendent of Public Instruction shall select teachers and other personnel necessary
 26 to manage the facilities **for children who are blind** in an effective and efficient manner. The su-
 27 perintendent shall also designate a well-qualified person or persons to assist in the administration
 28 of these facilities. The superintendent shall designate which positions shall serve as supervisors of
 29 these educational services and facilities; these designated positions shall be in the unclassified ser-
 30 vice.

31 (3) The Superintendent of Public Instruction shall have control over persons enrolled in [*these*]
 32 **the facilities for children who are blind** and shall direct their care and promote their mental,
 33 moral and physical welfare.

34 **SECTION 14.** ORS 346.030 is amended to read:

35 346.030. (1) Application for admission to [*facilities*] **the Oregon State School for the Blind**
 36 operated under ORS 346.010 shall be made to the Department of Education. Application shall be
 37 made on forms which are provided by the department **based on criteria prescribed by the Su-**
 38 **perintendent of Public Instruction.**

39 (2) **Application for admission to the Oregon State School for the Deaf operated under**
 40 **ORS 346.010 shall be made to the department. Application shall be made on forms which are**
 41 **provided by the department based on criteria prescribed by the Board of Trustees of the**
 42 **Oregon State School for the Deaf.**

43 **SECTION 15.** ORS 346.047 is amended to read:

44 346.047. (1) The State Board of Education may receive, take and hold property, both real and
 45 personal for [*any facility operated*] **the Oregon State School for the Blind** under ORS 346.010 and

1 may sell, transfer, assign, allot, set over or convey the property pursuant to legislative authority.

2 **(2) The Board of Trustees of the Oregon State School for the Deaf may receive, take and**
 3 **hold property, both real and personal for the Oregon State School for the Deaf under ORS**
 4 **346.010 and may sell, transfer, assign, allot, set over or convey the property pursuant to**
 5 **legislative authority.**

6 **SECTION 16.** ORS 346.055 is amended to read:

7 346.055. (1) When the [*Superintendent of Public Instruction*] **Department of Education** has in
 8 possession or under control in a bank account or otherwise, funds that are the property of the stu-
 9 dents enrolled in facilities operated under ORS 346.010 or that have been deposited for their use or
 10 for expenditure in their behalf shall deposit such funds, as they are received, together with any such
 11 funds as heretofore have accumulated, with the State Treasurer as a trust account, separate and
 12 distinct from the General Fund. Interest earned by the account shall be credited to the account.

13 (2) The word “funds” as used in this section shall include, but shall not be limited to, moneys
 14 deposited with the [*superintendent*] **department** for medical care or assistance of students, moneys
 15 derived from athletic activities, contributions for athletic, health, or recreation projects, and any
 16 other moneys received by the [*superintendent*] **department** that are not required by law to be
 17 credited to other state funds or accounts.

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

22 (4) Disbursements from the accounts for the purposes for which the contributions or payments
 23 were made, and for payment to persons lawfully entitled thereto, may be made by the [*Superinten-*
 24 *dent of Public Instruction or designee*] **department**, by checks or orders drawn upon the State
 25 Treasurer. The [*superintendent*] **department** shall be accountable for the proper handling of the
 26 accounts. **The disbursements for children who are enrolled in the Oregon State School for the**
 27 **Blind shall be made under the direction of the Superintendent of Public Instruction or**
 28 **designee. The disbursements for children who are enrolled in the Oregon State School for the**
 29 **Deaf shall be made under the direction of the Board of Trustees of the Oregon State School**
 30 **for the Deaf or designee.**

31 **SECTION 17.** ORS 346.070 is amended to read:

32 346.070. (1) Subject to subsection (3) of this section, every [*deaf*] student **who is deaf or hard**
 33 **of hearing and** who has been a resident of Oregon for the three years immediately preceding ap-
 34 plication and who is attending any university, college or other suitable school is eligible to apply
 35 for a state grant-in-aid to help defray approved expenses. If the student’s application for a grant-in-
 36 aid is approved by the [*Superintendent of Public Instruction*] **Board of Trustees of the Oregon**
 37 **State School for the Deaf**, the Department of Education may make the grant-in-aid contingent upon
 38 the student’s attending a school of the [*superintendent’s*] **board’s** choice.

39 (2) The grants-in-aid shall not exceed \$1,000 to any student for any fiscal year and shall be paid
 40 out of any funds appropriated to the department for that purpose. The [*State*] board [*of Education*]
 41 may adopt rules necessary to carry out this section.

42 (3) [*No deaf*] **A** student [*shall*] **may not** receive a grant-in-aid under subsection (1) of this section
 43 for a period exceeding seven years.

44 **SECTION 18. This 2007 Act being necessary for the immediate preservation of the public**
 45 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**

1 **July 1, 2007.**

2
