

A-Engrossed
House Bill 2834

Ordered by the House April 17
Including House Amendments dated April 17

Sponsored by Representative GELSNER; Representatives BARNHART, BERGER, KOTEK

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.

[Creates Oregon School for the Blind Task Force to study and report on costs associated with Oregon School for the Blind, and benefits and challenges faced by Oregon School for the Blind.]
[Sunsets task force on date of convening of next regular biennial legislative session.]

Directs Superintendent of Public Instruction to close Oregon School for the Blind by September 1, 2009. Abolishes Board of Directors of the Oregon School for the Blind on September 1, 2009.

Directs Department of Education to develop individual comprehensive transition plans for certain students who attend Oregon School for the Blind.

Establishes Oregon Trust Fund for Blind and Visually Impaired Students. Requires moneys in trust fund to be used to further independence of and educational opportunities for certain blind and visually impaired students. Establishes Board of Directors of the Oregon Trust Fund for Blind and Visually Impaired Students to act as trustee of fund.

Directs board to develop plan to sell Oregon School for the Blind. Requires proceeds from sale to be deposited in fund.

Establishes Blind and Visually Impaired Student Legacy Fund. Continuously appropriates moneys in fund to Department of Education for purpose of assisting blind and visually impaired students. Appropriates moneys from General Fund to department for deposit in Blind and Visually Impaired Student Legacy Fund.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the Oregon School for the Blind; creating new provisions; amending ORS 179.210,
3 179.460, 238.350, 240.205, 240.240, 326.543, 326.603, 327.023, 339.370, 339.877, 343.236, 343.239,
4 346.010, 346.015, 346.017, 346.019, 346.020, 346.030, 346.041, 346.047, 346.055, 346.080 and 656.135;
5 repealing ORS 346.097, 346.099, 346.101 and 346.104 and section 53, chapter 858, Oregon Laws
6 2007; appropriating money; and declaring an emergency.

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

8 **SECTION 1. Prior to September 1, 2009, the Superintendent of Public Instruction shall**
9 **close the Oregon School for the Blind.**

10 **SECTION 2. On September 1, 2009, the Board of Directors of the Oregon School for the**
11 **Blind is abolished and the tenure of office of the members of the Board of Directors of the**
12 **Oregon School for the Blind ceases.**

13 **SECTION 3. (1) Prior to August 1, 2009, the Department of Education shall ensure that**
14 **a comprehensive transition plan is developed for each student of the Oregon School for the**
15 **Blind who:**

16 **(a) Was enrolled in the Oregon School for the Blind on March 1, 2009;**

17 **(b) Expected to be enrolled in the Oregon School for the Blind during the 2009-2010 school**
18 **year; and**

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 (c) Is under 21 years of age on September 1, 2009.

2 (2)(a) For the purpose of assisting in the development of a comprehensive transition plan
3 under this section, the Department of Human Services shall ensure that each student de-
4 scribed in subsection (1) of this section is screened and evaluated to determine the student's
5 eligibility for services offered by the community mental health and developmental disabilities
6 program serving the community where a student will be located after the closure of the
7 Oregon School for the Blind.

8 (b) A student who is determined to be eligible for services provided by a community
9 mental health and developmental disabilities program shall have priority access to the ser-
10 vices, including any community-based support services and family support services.

11 (3)(a) A comprehensive transition plan developed under this section shall provide stu-
12 dents described in subsection (1) of this section with a plan to receive appropriate resources
13 and services, including educational services, to ensure a successful transition to the com-
14 munity where the student will be located after the closure of the Oregon School for the
15 Blind.

16 (b) The educational services offered to a student under a comprehensive transition plan
17 shall be substantially equivalent to the level, frequency and type of educational services of-
18 fered to the student when the student was enrolled in the Oregon School for the Blind, ex-
19 cept that the comprehensive transition plan need not include residential services.

20 (c) A comprehensive transition plan may provide for any of the following:

21 (A) The purchase of assistive technology;

22 (B) The purchase of needed equipment, adaptive curriculum and materials;

23 (C) Staff training and development for the school district where the student will be lo-
24 cated after the closure of the Oregon School for the Blind;

25 (D) The development of behavior support plans, including training for families to support
26 continued growth and safety at home and school; and

27 (E) Any other resources and services that may help a student successfully transition to
28 the community where the student will be located after the closure of the Oregon School for
29 the Blind.

30 (4)(a) A comprehensive transition plan developed under this section shall be developed
31 by:

32 (A) The members of the student's individualized education program team;

33 (B) A representative from the regional program authorized under ORS 343.236 (1)(a)(A)
34 and (C) that provides services to the region where the student will be located;

35 (C) The principal of the school that the student will attend;

36 (D) If appropriate, a representative of a provider of vocational rehabilitation services or
37 the youth transition program that serves the community where the student will be located;

38 (E) If appropriate, a representative of the community mental health and developmental
39 disabilities program that serves the community where the student will be located; and

40 (F) One person who provided educational services to the student when the student was
41 enrolled at the Oregon School for the Blind.

42 (b) In addition to the persons identified under paragraph (a) of this subsection, the stu-
43 dent or a parent of the student may invite any person with knowledge of the student's needs
44 to participate in the development of a comprehensive transition plan.

45 **SECTION 4.** (1) Except as otherwise provided by a collective bargaining agreement, a

1 public employer shall give preference for a vacant position to an otherwise qualified person
2 who worked for the Oregon School for the Blind.

3 (2) The Department of Education shall facilitate communication between:

4 (a) Persons who were employed at the Oregon School for the Blind at the time the school
5 closed; and

6 (b) School districts recruiting to hire persons with the skills or credentials that a person
7 who worked at the Oregon School for the Blind may have.

8 (3) The Personnel Division of the Oregon Department of Administrative Services shall
9 facilitate communication between:

10 (a) Persons who were employed at the Oregon School for the Blind at the time the school
11 closed; and

12 (b) Political subdivisions recruiting to hire persons with the skills or experience that a
13 person who worked at the Oregon School for the Blind may have.

14 **SECTION 5.** Section 4 of this 2009 Act is repealed July 1, 2012.

15 **SECTION 6.** (1) The Oregon Trust Fund for Blind and Visually Impaired Students is es-
16 tablished in the State Treasury, separate and distinct from the General Fund. Interest
17 earned by the trust fund shall be credited to the trust fund. The Board of Directors of the
18 Oregon Trust Fund for Blind and Visually Impaired Students established by section 7 of this
19 2009 Act shall be the trustee of the trust fund.

20 (2) The State of Oregon declares that the state has no proprietary interest in the Oregon
21 Trust Fund for Blind and Visually Impaired Students or in moneys received for the purpose
22 of the trust fund. The state disclaims any right to reclaim any amounts in the trust fund
23 and waives any right of reclamation that the state may have had in the trust fund.

24 (3)(a) Moneys in the trust fund shall be used for the purpose of furthering the inde-
25 pendence of and educational opportunities for persons described in paragraph (b) of this
26 subsection. Moneys in the trust fund:

27 (A) May be distributed into the Blind and Visually Impaired Student Legacy Fund estab-
28 lished by section 11 of this 2009 Act to be used in compliance with the requirements of this
29 section; and

30 (B) May not be used for any purpose other than the purpose identified by this subsection.

31 (b) Moneys in the trust fund may be provided to persons who are blind or visually im-
32 paired and who are:

33 (A) Residents of this state and under 18 years of age.

34 (B) Residents of this state, under 21 years of age and receiving special education services
35 under the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq.

36 (C) Students who graduated from an Oregon high school and are enrolled in a degree or
37 certificate program at a community college or a degree program at a public or private in-
38 stitution of higher education.

39 (4)(a) Moneys from the trust fund may not be used to supplant or eliminate expenditures
40 that otherwise would be paid or provided by a state or local source, including a public school,
41 a school district, an education service district or a regional program authorized under ORS
42 343.236 (1)(a)(A) and (C).

43 (b) A person who receives moneys from the trust fund as provided by subsection (3) of
44 this section for the purchase of equipment:

45 (A) Must find a public use for the equipment after the person no longer has a need for

1 the equipment, unless the equipment has exceeded its useful life; and

2 (B) May not resell the equipment for profit.

3 (5) The board may accept gifts of money or other property from any source to be paid
4 into the trust fund. Money or other property received by the board for the trust fund shall
5 be used for the purposes for which the money or other property received that are consistent
6 with the purpose of the trust fund.

7 (6) The board shall provide for an annual audit of the trust fund.

8 **SECTION 7.** (1) The Board of Directors of the Oregon Trust Fund for Blind and Visually
9 Impaired Students is established. The primary purpose of the board is to act as trustee of
10 the Oregon Trust Fund for Blind and Visually Impaired Students established by section 6 of
11 this 2009 Act.

12 (2) The board consists of the following members:

13 (a) Eight members appointed by the Governor as follows:

14 (A) Two members who represent the blind and visually impaired community.

15 (B) A representative from a state council on developmental disabilities.

16 (C) One member who represents a regional program authorized under ORS 343.236
17 (1)(a)(A) and (C).

18 (D) One member who represents an urban school district.

19 (E) One member who represents a rural school district.

20 (F) One member who is a teacher with an endorsement to teach students who are blind
21 or visually impaired.

22 (G) One member who represents a community college or a state institution of higher
23 education.

24 (b) The Superintendent of Public Instruction.

25 (c) One member of the House of Representatives appointed by the Speaker of the House
26 of Representatives.

27 (d) One member of the Senate appointed by the President of the Senate.

28 (3) At least one voting member of the board must be a person who is blind or visually
29 impaired.

30 (4) The members of the board who are members of the Legislative Assembly are non-
31 voting members of the board and may act in an advisory capacity only.

32 (5) The term of each member of the board appointed by the Governor is four years, but
33 all appointed members of the board serve at the pleasure of the appointing authority.

34 (6)(a) Before the expiration of the term of a member, the appointing authority shall ap-
35 point a successor.

36 (b) If there is a vacancy for any cause, the appointing authority shall make an appoint-
37 ment to become immediately effective for the unexpired term.

38 (7) A member is eligible for reappointment to the board.

39 **SECTION 8.** Notwithstanding the term of office specified by section 7 of this 2009 Act,
40 the first members of the Board of Directors of the Oregon Trust Fund for Blind and Visually
41 Impaired Students shall adopt by rule a method for establishing the initial terms of office
42 of board members so that the terms of office do not all expire on the same date.

43 **SECTION 9.** (1) The Board of Directors of the Oregon Trust Fund for Blind and Visually
44 Impaired Students established by section 7 of this 2009 Act shall develop a written plan to
45 sell the site and facilities of the Oregon School for the Blind.

1 (2) The written plan developed under this section shall balance the following priorities:

2 (a) Managing the property for maximum value;

3 (b) Recognizing that the property was intended for the benefit of students who are blind
4 or visually impaired; and

5 (c) Giving consideration to the historic nature of the neighborhood where the property
6 is located and compatible uses for the property.

7 (3) No part of the site or facilities that made up the Oregon School for the Blind may be
8 listed for sale or sold until a written plan that complies with the requirements of this section
9 is completed.

10 (4) A written plan that complies with the requirements of this section must be submitted
11 to the Governor and made available to the public no later than June 1, 2010.

12 (5) All proceeds from a sale conducted according to the written plan developed under this
13 section must be deposited in the Oregon Trust Fund for Blind and Visually Impaired Stu-
14 dents established by section 6 of this 2009 Act.

15 **SECTION 10.** (1) The Oregon Department of Administrative Services shall hold the site
16 and facilities of the Oregon School for the Blind in trust until a written plan is developed as
17 provided in section 9 of this 2009 Act. While held in trust, any proceeds related to the site
18 and facilities of the Oregon School for the Blind must be transferred to the Oregon Trust
19 Fund for Blind and Visually Impaired Students established by section 6 of this 2009 Act.

20 (2) Except for property described in subsection (1) of this section, all other property of
21 the Oregon School for the Blind shall:

22 (a) When practicable, be distributed to the regional program described in ORS 343.236
23 (1)(b) or to the school districts that will be serving students who were enrolled at the Oregon
24 School for the Blind at the time the school closed; and

25 (b) When unable to be used as provided in paragraph (a) of this subsection, be disposed
26 in a manner that is consistent with the support of students who are blind or visually im-
27 paired. For the purpose of this paragraph:

28 (A) Property with a historic significance may be preserved; and

29 (B) The proceeds from the sale, lease or other action related to the property shall be
30 transferred to the Oregon Trust Fund for Blind and Visually Impaired Students established
31 by section 6 of this 2009 Act.

32 **SECTION 11.** (1) The Blind and Visually Impaired Student Legacy Fund is established in
33 the State Treasury, separate and distinct from the General Fund. Interest earned by the
34 Blind and Visually Impaired Student Legacy Fund shall be credited to the Blind and Visually
35 Impaired Student Legacy Fund.

36 (2) Moneys in the Blind and Visually Impaired Student Legacy Fund are continuously
37 appropriated to the Department of Education for the purposes of:

38 (a) Assisting students who are blind or visually impaired in receiving appropriate re-
39 sources and services, including educational services, in the communities where the students
40 reside;

41 (b) Supplementing funds available to regional programs authorized under ORS 343.236
42 (1)(a)(A) and (C) to ensure access to the expanded core curriculum for students who are blind
43 or visually impaired;

44 (c) Coordinating professional development of persons who provide educational services
45 to students who are blind or visually impaired;

1 (d) Providing technical assistance for the purpose of providing educational services to
2 students who are blind or visually impaired; and

3 (e) Coordinating activities for the benefit of students who are blind or visually impaired.

4 (3) Any moneys distributed to the Blind and Visually Impaired Student Legacy Fund from
5 the Oregon Trust Fund for Blind and Visually Impaired Students must be used in compliance
6 with the requirements of section 6 of this 2009 Act.

7 **SECTION 12.** There is appropriated to the Department of Education, for the biennium
8 beginning July 1, 2009, out of the General Fund, to be deposited into the Blind and Visually
9 Impaired Student Legacy Fund established by section 11 of this 2009 Act the amount of \$6.5
10 million for the purposes described in section 11 (2) of this 2009 Act.

11 **SECTION 13.** For the biennium beginning July 1, 2009, the Department of Education may
12 make distributions from the Blind and Visually Impaired Student Legacy Fund established
13 by section 11 of this 2009 Act that total no more than \$750,000 to the Department of Human
14 Services for services provided to students through a comprehensive transition plan developed
15 under section 3 of this 2009 Act.

16 **SECTION 14.** ORS 343.236 is amended to read:

17 343.236. (1)(a) The Superintendent of Public Instruction may provide special education on a lo-
18 cal, county or regional basis without regard to county boundaries in all areas of the state for chil-
19 dren who have:

20 [(a)] (A) A visual impairment;

21 [(b)] (B) A hearing impairment;

22 [(c)] (C) Blindness or deafness, or both;

23 [(d)] (D) An orthopedic impairment;

24 [(e)] (E) Autism; or

25 [(f)] (F) Traumatic brain injury.

26 (b) The superintendent shall designate one of the regional programs that provides special
27 education to children who are blind or visually impaired to provide statewide coordination
28 and technical assistance related to the provision of services described in section 11 (2) of this
29 2009 Act. The program designated by the superintendent:

30 (A) Must employ at least one full-time equivalent employee who:

31 (i) Provides the statewide coordination and technical assistance described in this para-
32 graph;

33 (ii) Oversees the transition of students from the Oregon School for the Blind to the
34 communities and school districts where the students will be located after the closure of the
35 Oregon School for the Blind;

36 (iii) Has a background in serving students who are blind or visually impaired; and

37 (iv) Has an endorsement to teach students who are blind or visually impaired; and

38 (B) May receive moneys from the Blind and Visually Impaired Student Legacy Fund es-
39 tablished by section 11 of this 2009 Act and distribute those moneys to other regional pro-
40 grams.

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

44 (3) The State Board of Education by rule shall establish eligibility criteria and educational
45 standards for the programs described in subsection (1) of this section and those programs in

1 [schools] **the school** operated under ORS 346.010.

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

6 **SECTION 15.** ORS 343.236, as amended by section 14 of this 2009 Act, is amended to read:

7 343.236. (1)(a) 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 (b) The superintendent shall designate one of the regional programs that provides special edu-
17 cation to children who are blind or visually impaired to provide statewide coordination and techni-
18 cal assistance related to the provision of services described in section 11 (2) of this 2009 Act. The
19 program designated by the superintendent:

20 (A) Must employ at least one full-time equivalent employee who:

21 (i) Provides the statewide coordination and technical assistance described in this paragraph;

22 [(ii) Oversees the transition of students from the Oregon School for the Blind to the communities
23 and school districts where the students will be located after the closure of the Oregon School for the
24 Blind;]

25 [(iii)] (ii) Has a background in serving students who are blind or visually impaired; and

26 [(iv)] (iii) Has an endorsement to teach students who are blind or visually impaired; and

27 (B) May receive moneys from the Blind and Visually Impaired Student Legacy Fund established
28 by section 11 of this 2009 Act and distribute those moneys to other regional programs.

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

32 (3) The State Board of Education by rule shall establish eligibility criteria and educational
33 standards for the programs described in subsection (1) of this section and those programs in the
34 school operated under ORS 346.010.

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

39 **SECTION 16.** The amendments to ORS 343.236 by section 15 of this 2009 Act become op-
40 erative September 1, 2010.

41 **SECTION 17.** ORS 179.210 is amended to read:

42 179.210. (1) The Department of Human Services, the Department of Corrections and the Super-
43 intendent of Public Instruction may audit, allow and pay a claim for damage to property made by
44 an employee of one of those agencies if:

45 (a) The damage to property arises out of the claimant's employment at one of the institutions

1 or facilities operated by the Department of Human Services or the Department of Corrections, or
2 [one of the schools] **the school** operated by the Superintendent of Public Instruction under ORS
3 346.010; and

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

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

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

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

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

14 **SECTION 18.** ORS 179.460 is amended to read:

15 179.460. (1) In order to encourage industry and thereby increase productiveness in the insti-
16 tutions, the Department of Corrections and the Department of Human Services shall prescribe rules
17 and regulations for the sale and exchange of surplus products of each.

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

22 (3) The provisions of this section apply to [schools] **the school** operated under ORS 346.010.

23 **SECTION 19.** ORS 238.350 is amended to read:

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

31 (b) For employees of a common school district, a union high school district, an education service
32 district or a community college, or employees of the State Board of Higher Education engaged in
33 teaching or other school activity at an institution of higher education, or employees of [schools] **the**
34 **school** operated under ORS 346.010 engaged in teaching or other school activity, who are employed
35 under contract for a period of less than 12 consecutive months and who are entitled to sick leave
36 with pay of less than 96 hours for a year, each hour of accumulated unused sick leave with pay shall
37 be valued on the basis of the actual number of contract hours of employment during the last year
38 of contributing membership of an employee before retiring and the salary of the employee during the
39 same period. This paragraph does not apply to any employee who is employed under contract for
40 12 consecutive months in any of the three or less years used in determining the final average salary
41 of the employee.

42 (c) For the purpose of this subsection, accumulated unused sick leave with pay includes unused
43 sick leave with pay accumulated by an active member of the system while in the service of any
44 public employer participating in the system that has the request described in paragraph (a) of this
45 subsection in effect at the time of the member's separation from the service of the employer, whether

1 that employer is or is not the employer of the member at the time of the member's retirement.

2 (d) The board shall establish rules requiring all public employers participating in the system to
3 transmit to the board reports of unused sick leave with pay accumulated by their employees who
4 are members of the system and to provide timely notification to each of those employees of unused
5 sick leave with pay accumulated by the employee and reported to the board.

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

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

13 (b) Sick leave credited for periods when an employee was absent from employment on sabbatical
14 leave, educational leave or any leave without pay may not be considered.

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

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

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

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

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

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

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

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

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

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

15 (A) Vacation not credited at the rate actually provided by the public employer may not be
16 considered.

17 (B) Amounts of vacation exceeding amounts creditable to employees in the classified service of
18 the state service pursuant to ORS 240.515 (1), and rules adopted pursuant thereto, in effect on June
19 30, 1981, shall not be considered.

20 (C) Vacation accumulated before, on and after July 1, 1981, may be considered only to the extent
21 it is supported by records of accumulation and use pursuant to a plan adopted formally by the public
22 employer. However, the written certification of a member or former member of the Legislative As-
23 sembly shall constitute a formal record of accumulation and use in determining the amount of ac-
24 cumulated unused vacation of a legislative employee for periods of legislative employment before
25 July 1, 1981.

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

30 **SECTION 20.** ORS 240.205 is amended to read:

31 240.205. The unclassified service shall comprise:

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

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

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

39 (4) Principal assistants and deputies and one private secretary for each executive or adminis-
40 trative officer specified in ORS 240.200 (1) and in subsections (1) to (3) of this section. "Deputy"
41 means the deputy or deputies to an executive or administrative officer listed in subsections (1) to
42 (3) of this section who is authorized to exercise that officer's authority upon absence of the officer.
43 "Principal assistant" means a manager of a major agency organizational component who reports
44 directly to an executive or administrative officer listed in subsections (1) to (3) of this section or
45 deputy and who is designated as such by that executive or administrative officer with the approval

1 of the Director of the Oregon Department of Administrative Services.

2 (5) Employees in the Governor's office and the principal assistant and private secretary in the
3 Secretary of State's division.

4 (6) The director, principals, instructors and teachers in [schools] **the school** operated under ORS
5 346.010.

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

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

9 (9) Lawyers employed in their professional capacities.

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

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

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

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

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

20 (15) Employees, including managers, of the foreign trade offices of the Economic and Community
21 Development Department located outside the country.

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

23 **SECTION 21.** ORS 240.240 is amended to read:

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

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

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

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

42 (5) With regard to unclassified positions in the Economic and Community Development Depart-
43 ment's foreign offices, the salary plan and arrangements for leave with pay shall be established by
44 the Director of the Economic and Community Development Department.

45 **SECTION 22.** ORS 326.543 is amended to read:

1 326.543. (1) As used in this section:

2 (a) "Education service district" has the meaning given that term in ORS 334.003.

3 (b) "Facility" means [*a school described in*] **the school operated under** ORS 346.010.

4 (c) "Post-secondary institution" means:

5 (A) A community college as defined in ORS 341.005;

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

7 (C) The Oregon Health and Science University.

8 (d) "School district" has the meaning given that term in ORS 330.005.

9 (2) The interest or estate of an education service district, a facility, a post-secondary institution
10 or a school district in any real property may not be extinguished or diminished by adverse pos-
11 session.

12 **SECTION 23.** ORS 326.603 is amended to read:

13 326.603. (1) For the purposes of requesting a state or nationwide criminal records check under
14 ORS 181.534, the Department of Education may require the fingerprints of:

15 (a) A school district or private school contractor, whether part-time or full-time, or an employee
16 thereof, whether part-time or full-time, who has direct, unsupervised contact with students as de-
17 termined by the district or private school.

18 (b) A person newly hired, whether part-time or full-time, by a school district or private school
19 in a capacity not described in ORS 342.223 (1) who has direct, unsupervised contact with children
20 as determined by the district or private school.

21 (c) A person employed, whether part-time or full-time, by a school district or private school in
22 a capacity not described in ORS 342.223 (1) who has direct, unsupervised contact with children as
23 determined by the district or private school.

24 (d) A person who is a community college faculty member providing instruction at a kindergarten
25 through grade 12 school site during the regular school day.

26 (e) A person who is an employee of a public charter school.

27 (2)(a) A school district shall send to the Department of Education for purposes of a criminal
28 records check any information, including fingerprints, for each person described in subsection (1)
29 of this section.

30 (b) A private school may send to the Department of Education for purposes of a criminal records
31 check any information, including fingerprints, for each person described in subsection (1)(a), (b), (c)
32 or (d) of this section.

33 (3) The Department of Education shall request that the Department of State Police conduct a
34 criminal records check as provided in ORS 181.534 and may charge the district or private school a
35 fee as established by rule under ORS 181.534. The school district or private school may recover its
36 costs or a portion thereof from the person described in subsection (1) of this section. If the person
37 described in subsection (1)(b), (c) or (e) of this section requests, the district shall and a private
38 school may withhold the amount from amounts otherwise due the person, including a periodic pay-
39 roll deduction rather than a lump sum payment.

40 (4) Notwithstanding subsection (1) of this section, the department may not require fingerprints
41 of a person described in subsection (1) of this section if the person or the person's employer was
42 checked in one school district or private school and is currently seeking to work in another district
43 or private school unless the person lived outside this state during the interval between the two pe-
44 riods of time of working in the district or private school.

45 (5) Nothing in this section requires a person described in subsection (1)(a), (b) or (e) of this

1 section to submit to fingerprinting until the person has been offered employment or a contract by
 2 a school district or private school. Contractor employees may not be required to submit to finger-
 3 printing until the contractor has been offered a contract.

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

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

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

20 (8) A school district may not hire or continue to employ or contract with or allow the contractor
 21 to continue to assign a person to the school project if the person described in subsection (1) of this
 22 section has been convicted of a crime according to the provisions of ORS 342.143.

23 (9) As used in this section and ORS 326.607:

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

26 (b) "School district" means:

27 (A) A school district as defined in ORS 330.003.

28 [(B) *The Oregon School for the Blind.*]

29 [(C)] (B) The Oregon School for the Deaf.

30 [(D)] (C) An educational program under the Youth Corrections Education Program.

31 [(E)] (D) A public charter school as defined in ORS 338.005.

32 [(F)] (E) An education service district.

33 **SECTION 24.** ORS 327.023 is amended to read:

34 327.023. In addition to those moneys distributed through the State School Fund, the Department
 35 of Education shall provide from state funds appropriated therefor, grants in aid or support for spe-
 36 cial and compensatory education programs including:

37 (1) [*The Oregon School for the Blind and*] The Oregon School for the Deaf.

38 (2) Medicaid match for administration efforts to secure Medicaid funds for services provided to
 39 children with disabilities.

40 (3) Hospital programs for education services to children who are hospitalized for extended pe-
 41 riods of time or who require hospitalization due to severe disabilities as described in ORS 343.261.

42 (4) Private agency programs for education services to children who are placed by the state in
 43 long term care or treatment facilities as described in ORS 343.961.

44 (5) Regional services provided to children with low-incidence disabling conditions as described
 45 in ORS 343.236.

1 (6) Early childhood special education provided to preschool children with disabilities from age
2 three until age of eligibility for kindergarten as described in ORS 339.185, 343.035, 343.041, 343.055,
3 343.065, 343.157 and 343.455 to 343.534.

4 (7) Early intervention services for preschool children from birth until age three as described in
5 ORS 339.185, 343.035, 343.041, 343.055, 343.065, 343.157 and 343.455 to 343.534.

6 (8) Evaluation services for children with disabilities to determine program eligibility and needs
7 as described in ORS 343.146.

8 (9) Education services to children residing at state hospitals.

9 (10) Disadvantaged children program under ORS 343.680.

10 (11) Early childhood education under ORS 329.228 and 329.235.

11 (12) Child development specialist program under ORS 329.255.

12 (13) Youth care centers under ORS 420.885.

13 (14) Staff development and mentoring.

14 (15) Professional technical education grants.

15 (16) Special science education programs.

16 (17) Talented and Gifted children program under ORS 343.391 to 343.413.

17 **SECTION 25.** ORS 339.370 is amended to read:

18 339.370. As used in this section and ORS 339.372, 339.375 and 339.377:

19 (1) "Abuse" has the meaning given that term in ORS 419B.005.

20 (2) "Disciplinary records" means the records related to a personnel discipline action or materi-
21 als or documents supporting that action.

22 (3) "Education provider" means:

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

24 [(b) *The Oregon School for the Blind.*]

25 [(c)] (b) The Oregon School for the Deaf.

26 [(d)] (c) An educational program under the Youth Corrections Education Program.

27 [(e)] (d) A public charter school as defined in ORS 338.005.

28 [(f)] (e) An education service district as defined in ORS 334.003.

29 [(g)] (f) Any state-operated program that provides educational services to kindergarten through
30 grade 12 students.

31 [(h)] (g) A private school.

32 (4) "Law enforcement agency" has the meaning given that term in ORS 419B.005.

33 (5) "Private school" means a school that provides educational services as defined in ORS 345.505
34 to kindergarten through grade 12 students.

35 (6) "School board" means the governing board or governing body of an education provider.

36 (7) "School employee" means an employee of an education provider.

37 **SECTION 26.** ORS 339.877 is amended to read:

38 339.877. (1) Any person other than a student at the Oregon School for the Deaf [*or the Oregon*
39 *School for the Blind*] upon successful completion of an educational program at elementary or sec-
40 ondary level at a state institution shall receive a diploma evidencing such completion issued by the
41 common or union high school district in which the person last resided prior to commitment to the
42 state institution.

43 (2) All educational records for the person shall be sent to the common or union high school
44 district issuing the diploma. The school district may make a transcript of such records available
45 upon request in the same manner and in the same form as it makes any other transcript available

1 and shall not therein indicate that any of the educational program was completed in any state in-
2 stitution.

3 **SECTION 27.** ORS 343.239 is amended to read:

4 343.239. (1) The Department of Education shall bill annually each resident school district for
5 children who are residents of the school district and are served under ORS 343.236 or enrolled in
6 a [program] **school operated** under ORS 346.010.

7 (2) A billing under this section shall be in an amount equal to (the amount of federal funds re-
8 ceived by the school district through the Individuals with Disabilities Education Act, 20 U.S.C. 1400
9 et seq., divided by the number of eligible children under the Individuals with Disabilities Education
10 Act who are reported by the school district as receiving special education services on the December
11 1 special education census) multiplied by the number of children who are eligible under the Indi-
12 viduals with Disabilities Education Act and served under ORS 343.236 or enrolled in a [program]
13 **school operated** under ORS 346.010.

14 (3) The department shall notify each resident school district of the estimated amount of the
15 billing no later than March 30 after the December 1 census.

16 (4) The department shall bill each resident school district no later than the November 1 fol-
17 lowing the March 30 notification under subsection (3) of this section. The resident school district
18 shall pay the amount of the billing out of the school district's Individuals with Disabilities Education
19 Act grant award no later than January 1 following the November 1 billing. In lieu of payment, a
20 school district may request that the department withhold the billing amount from any unclaimed
21 federal grant funds that are payable to the school district.

22 (5) The department shall distribute the moneys made available from billings under this section
23 to each program providing services to children under ORS 343.236 or to the [program] **school** in
24 which children are enrolled under ORS 346.010.

25 **SECTION 28.** ORS 346.010 is amended to read:

26 346.010. (1) Pursuant to rules of the State Board of Education, the Superintendent of Public In-
27 struction shall provide free training and education services in [schools] **a school** located in Marion
28 County for children who are [blind or] deaf.

29 (2) The Superintendent of Public Instruction shall indicate [*which school shall serve as the*
30 *Oregon School for the Blind and which school*] **which facilities** shall serve as the Oregon School for
31 the Deaf.

32 (3) The superintendent may order a change in all or part in the purpose and use of [schools] **the**
33 **facilities** available under this section whenever the superintendent determines that a change in
34 purpose and use will better enable the state to meet its responsibilities for the education and
35 training of children who are [blind or] deaf.

36 (4) The [schools] **school** shall be operated primarily for the provision of education and training
37 services for children who are [blind or] deaf who cannot be efficiently served in other schools or
38 programs.

39 (5) [*The Board of Directors of the Oregon School for the Blind or*] The Board of Directors of the
40 Oregon School for the Deaf may appeal any decision of the Superintendent of Public Instruction
41 made under this section to the State Board of Education. An appeal under this subsection must be
42 filed with the State Board of Education within 60 days of the date of the decision by the super-
43 intendent. The State Board of Education may uphold, modify or overturn any decision of the super-
44 intendent under this section.

45 **SECTION 29.** ORS 346.015 is amended to read:

1 346.015. (1) Prior to convening a meeting to prepare an individual education plan for a child
 2 with mental retardation or a developmental disability for whom placement at [*a school*] **the school**
 3 **operated** under ORS 346.010 may be considered, the agency that is providing the education for the
 4 child shall notify the local community mental health and developmental disabilities program. The
 5 case manager responsible for programs for children with mental retardation or developmental disa-
 6 bilities, in consultation with the Department of Human Services, shall evaluate whether the child
 7 also has needs for alternative residential care or other support services. If the evaluation determines
 8 this to be the case, but documents that community resources are not available to meet these needs,
 9 the school district may proceed with the meeting to prepare the individual education plan in which
 10 placement at [*a school*] **the school operated** under ORS 346.010 may be considered.

11 (2) An agency providing education under subsection (1) of this section may initiate the proce-
 12 dure in subsection (1) of this section for any child who does not have mental retardation or a de-
 13 velopmental disability when in the agency's judgment a treatment or residential issue is prompting
 14 proposed placement under ORS 346.010.

15 (3) A child may not be placed in [*a*] **the school** operated under ORS 346.010 unless the district
 16 superintendent or the superintendent's designee has signed a statement declaring that the district
 17 cannot provide a free appropriate public education for the child commensurate with the needs of the
 18 child as identified by the individual education plan of the child and that the school is the least re-
 19 strictive environment in which the child can be educated.

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

22 **SECTION 30.** ORS 346.017 is amended to read:

23 346.017. (1) Notwithstanding ORS 346.015, the Superintendent of Public Instruction may enroll
 24 a student in the [*schools*] **school** operated under ORS 346.010 if the student is not a resident of
 25 Oregon. However, priority for enrollment at the [*schools*] **school** shall be given to students who are
 26 residents of Oregon.

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

29 (3) A student who is enrolled under this section is not considered a resident of any school dis-
 30 trict based on the enrollment and attendance at the school.

31 **SECTION 31.** ORS 346.019 is amended to read:

32 346.019. (1) There is established an Educational Facilities Fund, separate and distinct from the
 33 General Fund. All tuition and fees collected under ORS 346.017 and all expenses incurred in the
 34 administration of ORS 346.017 shall be deposited to and borne by the fund. Interest earned by the
 35 fund shall be credited to the fund.

36 (2) The moneys in the fund are appropriated continuously to the Department of Education for
 37 purposes of the [*schools*] **school** operated under ORS 346.010.

38 **SECTION 32.** ORS 346.020 is amended to read:

39 346.020. (1) The Superintendent of Public Instruction shall prescribe the course of instruction for
 40 students enrolled in [*schools*] **the school** operated under ORS 346.010. The State Board of Education
 41 shall determine the procedures for placement, development of services and operation of the
 42 [*schools*] **school** in conformance with state and federal laws relating to children who are eligible for
 43 special education and shall adopt the procedures by rule.

44 (2) In consultation with the Board of Directors of the Oregon School for the Deaf [*or the Board*]
 45 *of Directors of the Oregon School for the Blind, as appropriate*], the Superintendent of Public In-

1 instruction shall select a director for *[each]* **the** school. The superintendent may also select teachers
 2 and other personnel necessary to manage the *[schools]* **school** in an effective and efficient manner
 3 or may delegate the selection of teachers and other personnel to the director of the school.

4 (3) The Superintendent of Public Instruction shall have control over persons enrolled in the
 5 *[schools]* **school** and shall direct their care and promote their mental, moral and physical welfare.

6 (4) *[The Board of Directors of the Oregon School for the Blind or]* The Board of Directors of the
 7 Oregon School for the Deaf may appeal a decision of the Superintendent of Public Instruction to the
 8 State Board of Education if the decision was made under subsection (2) of this section and relates
 9 to the selection or dismissal of the director of *[a]* **the** school. An appeal under this subsection must
 10 be filed with the State Board of Education within 60 days of the date of the decision by the super-
 11 intendent. The State Board of Education may uphold, modify or overturn any decision of the super-
 12 intendent under this section.

13 **SECTION 33.** ORS 346.030 is amended to read:

14 346.030. Application for admission to the *[schools]* **school** operated under ORS 346.010 shall be
 15 made to the Department of Education. Application shall be made on forms which are provided by
 16 the department.

17 **SECTION 34.** ORS 346.041 is amended to read:

18 346.041. (1) Transportation for pupils attending *[schools]* **the school operated** under ORS
 19 346.010 is the responsibility of the pupil's resident school district. The district may provide trans-
 20 portation directly or by agreement with another school district, a public carrier or the Department
 21 of Education.

22 (2) The actual and necessary transportation expenses incurred under subsection (1) of this sec-
 23 tion, at a frequency consistent with a pupil's individual education plan, shall be considered approved
 24 transportation costs for purposes of ORS 327.006 and 327.033.

25 (3) The resident school district shall reimburse the Department of Education for all transporta-
 26 tion costs the department incurs on behalf of the district within 10 days after receipt of the itemized
 27 invoice.

28 (4) The payments of the resident school districts required under subsection (3) of this section
 29 and an amount specifically appropriated thereto shall be deposited in the State Treasury to the
 30 credit of the Special Education Transportation Revolving Account to be used by the Department of
 31 Education for the transportation of pupils attending *[schools]* **the school operated** under ORS
 32 346.010. The account shall be continuously appropriated to the department for such purpose.

33 (5) Any unexpended and unobligated balance in the Special Education Transportation Revolving
 34 Account in excess of \$70,000 as of September 1 of any year shall be transferred from the account
 35 to the General Fund to be available for general governmental purposes.

36 **SECTION 35.** ORS 346.047 is amended to read:

37 346.047. The State Board of Education may receive, take and hold property, both real and per-
 38 sonal for *[any]* **the** school operated under ORS 346.010 and may sell, transfer, assign, allot, set over
 39 or convey the property pursuant to legislative authority.

40 **SECTION 36.** ORS 346.055 is amended to read:

41 346.055. (1) When the Department of Education has in possession or under control, in a bank
 42 account or otherwise, funds that are the property of the students enrolled in *[schools]* **the school**
 43 operated under ORS 346.010 or that have been deposited for their use or for expenditure in their
 44 behalf, the department shall deposit such funds, as they are received, together with any such funds
 45 as heretofore have accumulated, with the State Treasurer as a trust account, separate and distinct

1 from the General Fund. Interest earned by the account shall be credited to the account.

2 (2) As used in this section, "funds" includes but is not limited to moneys deposited with the
3 department for medical care or assistance of students, moneys derived from athletic activities, con-
4 tributions for athletic, health, or recreation projects, and any other moneys received by the depart-
5 ment that are not required by law to be credited to other state funds or accounts.

6 (3) The department is authorized to receive any of the funds referred to in this section. The
7 State Treasurer shall carry *[such]* **the** funds in separate accounts for *[such schools]* **the school**, but
8 may not credit *[such]* **the** funds or any part *[thereof]* **of the funds** to any state fund for governmental
9 purposes.

10 (4) Disbursements from the accounts for the purposes for which the contributions or payments
11 were made, and for payment to persons lawfully entitled thereto, may be made by the department,
12 by checks or orders drawn upon the State Treasurer. The department shall be accountable for the
13 proper handling of the accounts.

14 **SECTION 37.** ORS 346.080 is amended to read:

15 346.080. The Department of Education shall give the notice required by ORS 332.554 to all
16 classified employees of the Oregon School for the Deaf *[and the Oregon School for the Blind]* in the
17 same manner and to the same effect as notice given under ORS 332.554.

18 **SECTION 38.** ORS 656.135 is amended to read:

19 656.135. (1) As used in this section "school" means the Oregon School for the Deaf *[or the*
20 *Oregon School for the Blind]*.

21 (2) All persons participating as trainees in a work experience program of *[a school in which such*
22 *persons are enrolled]* **the school** are considered as workers of the school subject to this chapter for
23 purposes of this section.

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

27 (4) Upon receiving the written statement, the corporation may fix assumed wage rates for the
28 persons enrolled in the work experience program, without regard to ORS chapter 652 or ORS
29 653.010 to 653.545 and 653.991, which may be used only for purposes of computations under this
30 chapter.

31 (5) The Department of Education shall furnish the corporation with a list of the names of those
32 enrolled in work experience programs in the *[schools]* **school** and shall notify the corporation of any
33 changes therein. Only those persons whose names appear on such list prior to their personal injury
34 by accident are entitled to the benefits of this chapter and they are entitled to such benefits if in-
35 jured as provided in ORS 656.156 and 656.202 while performing any duties arising out of and in the
36 course of their participation in the work experience program, provided the duties being performed
37 are among those:

38 (a) Described on the application of the department; and

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

40 (6) The filing of claims for benefits under this section is the exclusive remedy of a trainee or
41 beneficiary of the trainee for injuries compensable under this chapter against the state, the school,
42 the department, its officers and employees, or any employer, regardless of negligence.

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

45 **SECTION 39.** ORS 346.097, 346.099, 346.101 and 346.104 and section 53, chapter 858, Oregon

1 **Laws 2007, are repealed.**

2 **SECTION 40. The amendments to ORS 179.210, 179.460, 238.350, 240.205, 240.240, 326.543,**
3 **326.603, 327.023, 339.370, 339.877, 343.239, 346.010, 346.015, 346.017, 346.019, 346.020, 346.030,**
4 **346.041, 346.047, 346.055, 346.080 and 656.135 by sections 17 to 38 of this 2009 Act and the repeal**
5 **of ORS 346.097, 346.099, 346.101 and 346.104 and section 53, chapter 858, Oregon Laws 2007,**
6 **by section 39 of this 2009 Act become operative September 1, 2009.**

7 **SECTION 41. This 2009 Act being necessary for the immediate preservation of the public**
8 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
9 **on its passage.**

10