

## HOUSE AMENDMENTS TO HOUSE BILL 2834

By COMMITTEE ON EDUCATION

April 17

1 On page 1 of the printed bill, line 2, after the semicolon delete the rest of the line and insert  
2 “creating new provisions; amending ORS 179.210, 179.460, 238.350, 240.205, 240.240, 326.543, 326.603,  
3 327.023, 339.370, 339.877, 343.236, 343.239, 346.010, 346.015, 346.017, 346.019, 346.020, 346.030, 346.041,  
4 346.047, 346.055, 346.080 and 656.135; repealing ORS 346.097, 346.099, 346.101 and 346.104 and section  
5 53, chapter 858, Oregon Laws 2007; appropriating money; and declaring an emergency.”.

6 Delete lines 4 through 30 and delete page 2 and insert:

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

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

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

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

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

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

19 **“(2)(a) For the purpose of assisting in the development of a comprehensive transition**  
20 **plan under this section, the Department of Human Services shall ensure that each student**  
21 **described in subsection (1) of this section is screened and evaluated to determine the stu-**  
22 **dent’s eligibility for services offered by the community mental health and developmental**  
23 **disabilities program serving the community where a student will be located after the closure**  
24 **of the Oregon School for the Blind.**

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

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

33 **“(b) The educational services offered to a student under a comprehensive transition plan**  
34 **shall be substantially equivalent to the level, frequency and type of educational services of-**  
35 **fered to the student when the student was enrolled in the Oregon School for the Blind, ex-**

cept that the comprehensive transition plan need not include residential services.

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

“(A) The purchase of assistive technology;

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

“(C) Staff training and development for the school district where the student will be located after the closure of the Oregon School for the Blind;

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

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

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

“(A) The members of the student’s individualized education program team;

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

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

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

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

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

“(b) In addition to the persons identified under paragraph (a) of this subsection, the student or a parent of the student may invite any person with knowledge of the student’s needs to participate in the development of a comprehensive transition plan.

“**SECTION 4.** (1) Except as otherwise provided by a collective bargaining agreement, a public employer shall give preference for a vacant position to an otherwise qualified person who worked for the Oregon School for the Blind.

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

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

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

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

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

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

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

“**SECTION 6.** (1) The Oregon Trust Fund for Blind and Visually Impaired Students is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the trust fund shall be credited to the trust fund. The Board of Directors of the

1 Oregon Trust Fund for Blind and Visually Impaired Students established by section 7 of this  
2 2009 Act shall be the trustee of the trust fund.

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

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

10 “(A) May be distributed into the Blind and Visually Impaired Student Legacy Fund es-  
11 tablished by section 11 of this 2009 Act to be used in compliance with the requirements of  
12 this section; and

13 “(B) May not be used for any purpose other than the purpose identified by this sub-  
14 section.

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

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

18 “(B) Residents of this state, under 21 years of age and receiving special education ser-  
19 vices under the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq.

20 “(C) Students who graduated from an Oregon high school and are enrolled in a degree  
21 or certificate program at a community college or a degree program at a public or private  
22 institution of higher education.

23 “(4)(a) Moneys from the trust fund may not be used to supplant or eliminate expenditures  
24 that otherwise would be paid or provided by a state or local source, including a public school,  
25 a school district, an education service district or a regional program authorized under ORS  
26 343.236 (1)(a)(A) and (C).

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

29 “(A) Must find a public use for the equipment after the person no longer has a need for  
30 the equipment, unless the equipment has exceeded its useful life; and

31 “(B) May not resell the equipment for profit.

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

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

37 “SECTION 7. (1) The Board of Directors of the Oregon Trust Fund for Blind and Visually  
38 Impaired Students is established. The primary purpose of the board is to act as trustee of  
39 the Oregon Trust Fund for Blind and Visually Impaired Students established by section 6 of  
40 this 2009 Act.

41 “(2) The board consists of the following members:

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

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

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

45 “(C) One member who represents a regional program authorized under ORS 343.236

1 (1)(a)(A) and (C).

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

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

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

6 “(G) One member who represents a community college or a state institution of higher  
7 education.

8 “(b) The Superintendent of Public Instruction.

9 “(c) One member of the House of Representatives appointed by the Speaker of the House  
10 of Representatives.

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

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

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

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

18 “(6)(a) Before the expiration of the term of a member, the appointing authority shall  
19 appoint a successor.

20 “(b) If there is a vacancy for any cause, the appointing authority shall make an ap-  
21 pointment to become immediately effective for the unexpired term.

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

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

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

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

31 “(a) Managing the property for maximum value;

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

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

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

39 “(4) A written plan that complies with the requirements of this section must be submit-  
40 ted to the Governor and made available to the public no later than June 1, 2010.

41 “(5) All proceeds from a sale conducted according to the written plan developed under  
42 this section must be deposited in the Oregon Trust Fund for Blind and Visually Impaired  
43 Students established by section 6 of this 2009 Act.

44 “SECTION 10. (1) The Oregon Department of Administrative Services shall hold the site  
45 and facilities of the Oregon School for the Blind in trust until a written plan is developed as

1 provided in section 9 of this 2009 Act. While held in trust, any proceeds related to the site  
2 and facilities of the Oregon School for the Blind must be transferred to the Oregon Trust  
3 Fund for Blind and Visually Impaired Students established by section 6 of this 2009 Act.

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

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

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

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

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

16 “SECTION 11. (1) The Blind and Visually Impaired Student Legacy Fund is established in  
17 the State Treasury, separate and distinct from the General Fund. Interest earned by the  
18 Blind and Visually Impaired Student Legacy Fund shall be credited to the Blind and Visually  
19 Impaired Student Legacy Fund.

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

22 “(a) Assisting students who are blind or visually impaired in receiving appropriate re-  
23 sources and services, including educational services, in the communities where the students  
24 reside;

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

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

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

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

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

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

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

45 “SECTION 14. ORS 343.236 is amended to read:

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

4 “[a] (A) A visual impairment;

5 “[b] (B) A hearing impairment;

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

7 “[d] (D) An orthopedic impairment;

8 “[e] (E) Autism; or

9 “[f] (F) Traumatic brain injury.

10 “(b) The superintendent shall designate one of the regional programs that provides spe-  
11 cial education to children who are blind or visually impaired to provide statewide coordi-  
12 nation and technical assistance related to the provision of services described in section 11  
13 (2) of this 2009 Act. The program designated by the superintendent:

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

15 “(i) Provides the statewide coordination and technical assistance described in this para-  
16 graph;

17 “(ii) Oversees the transition of students from the Oregon School for the Blind to the  
18 communities and school districts where the students will be located after the closure of the  
19 Oregon School for the Blind;

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

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

22 “(B) May receive moneys from the Blind and Visually Impaired Student Legacy Fund  
23 established by section 11 of this 2009 Act and distribute those moneys to other regional pro-  
24 grams.

25 “(2) The Superintendent of Public Instruction may operate and administer a local, county or  
26 regional program of special education or the superintendent may contract for the operation and  
27 administration of the program with a school district or an education service district.

28 “(3) The State Board of Education by rule shall establish eligibility criteria and educational  
29 standards for the programs described in subsection (1) of this section and those programs in  
30 [schools] the school operated under ORS 346.010.

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

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

36 “343.236. (1)(a) The Superintendent of Public Instruction may provide special education on a lo-  
37 cal, county or regional basis without regard to county boundaries in all areas of the state for chil-  
38 dren who have:

39 “(A) A visual impairment;

40 “(B) A hearing impairment;

41 “(C) Blindness or deafness, or both;

42 “(D) An orthopedic impairment;

43 “(E) Autism; or

44 “(F) Traumatic brain injury.

45 “(b) The superintendent shall designate one of the regional programs that provides special edu-

1 cation to children who are blind or visually impaired to provide statewide coordination and techni-  
2 cal assistance related to the provision of services described in section 11 (2) of this 2009 Act. The  
3 program designated by the superintendent:

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

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

6 “[*ii*] Oversees the transition of students from the Oregon School for the Blind to the communities  
7 and school districts where the students will be located after the closure of the Oregon School for the  
8 Blind;]

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

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

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

13 “(2) The Superintendent of Public Instruction may operate and administer a local, county or  
14 regional program of special education or the superintendent may contract for the operation and  
15 administration of the program with a school district or an education service district.

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

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

23 “**SECTION 16. The amendments to ORS 343.236 by section 15 of this 2009 Act become**  
24 **operative September 1, 2010.**

25 “**SECTION 17.** ORS 179.210 is amended to read:

26 “179.210. (1) The Department of Human Services, the Department of Corrections and the Su-  
27 perintendent of Public Instruction may audit, allow and pay a claim for damage to property made  
28 by an employee of one of those agencies if:

29 “(a) The damage to property arises out of the claimant’s employment at one of the institutions  
30 or facilities operated by the Department of Human Services or the Department of Corrections, or  
31 [one of the schools] **the school** operated by the Superintendent of Public Instruction under ORS  
32 346.010; and

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

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

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

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

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

43 “**SECTION 18.** ORS 179.460 is amended to read:

44 “179.460. (1) In order to encourage industry and thereby increase productiveness in the insti-  
45 tutions, the Department of Corrections and the Department of Human Services shall prescribe rules

1 and regulations for the sale and exchange of surplus products of each.

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

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

7 “**SECTION 19.** ORS 238.350 is amended to read:

8 “238.350. (1)(a) Upon the request by a public employer that its employees be compensated for  
9 accumulated unused sick leave with pay in the form of increased retirement benefits upon service  
10 or disability retirement, the board shall establish a procedure for adding to the gross amount of  
11 salary used in determining final average salary the monetary value of one-half of the accumulated  
12 unused sick leave with pay of each retiring employee of the requesting public employer and shall  
13 establish benefits of the retiring employee on the basis of a final average salary reflecting that ad-  
14 dition.

15 “(b) For employees of a common school district, a union high school district, an education ser-  
16 vice district or a community college, or employees of the State Board of Higher Education engaged  
17 in teaching or other school activity at an institution of higher education, or employees of [schools]  
18 **the school** operated under ORS 346.010 engaged in teaching or other school activity, who are em-  
19 ployed under contract for a period of less than 12 consecutive months and who are entitled to sick  
20 leave with pay of less than 96 hours for a year, each hour of accumulated unused sick leave with  
21 pay shall be valued on the basis of the actual number of contract hours of employment during the  
22 last year of contributing membership of an employee before retiring and the salary of the employee  
23 during the same period. This paragraph does not apply to any employee who is employed under  
24 contract for 12 consecutive months in any of the three or less years used in determining the final  
25 average salary of the employee.

26 “(c) For the purpose of this subsection, accumulated unused sick leave with pay includes unused  
27 sick leave with pay accumulated by an active member of the system while in the service of any  
28 public employer participating in the system that has the request described in paragraph (a) of this  
29 subsection in effect at the time of the member’s separation from the service of the employer, whether  
30 that employer is or is not the employer of the member at the time of the member’s retirement.

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

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

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

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

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



1 qualified for consideration.

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

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

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

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

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

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

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

34 “(b) Upon the request of a retiring legislative employee who is a member of the system, and the  
35 request of the public employer of the legislative employee, that the legislative employee be com-  
36 pensated for accumulated unused vacation with pay for periods of legislative employment in the form  
37 of increased retirement benefits upon service or disability retirement, the board shall add to the  
38 gross amount of salary used in determining final average salary of the legislative employee the  
39 monetary value of one-half of the accumulated unused vacation with pay of the legislative employee  
40 and shall establish the benefits of the legislative employee on the basis of a final average salary  
41 reflecting that addition.

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

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

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

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

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

14 “**SECTION 20.** ORS 240.205 is amended to read:

15 “240.205. The unclassified service shall comprise:

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

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

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

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

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

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

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

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

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

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

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

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

43 “(13) Any individual employed and paid from federal funds received under the Emergency Job  
44 and Unemployment Assistance Act of 1974 (United States Public Law 93-567) or any other federal  
45 program intended primarily to alleviate unemployment. However, persons employed under this sub-

1 section shall be treated as classified employees for purposes of ORS 243.650 to 243.782.

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

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

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

7 “**SECTION 21.** ORS 240.240 is amended to read:

8 “240.240. (1) The unclassified service or, except as provided in ORS 240.250, the management  
9 service shall not be subject to this chapter, except that employees and officers in the unclassified  
10 or management service shall be subject to the laws, rules and policies pertaining to any type of  
11 leave with pay except as otherwise provided in subsections (4) and (5) of this section, and shall be  
12 subject to the laws, rules and policies pertaining to salary plans except as otherwise provided in  
13 subsections (3) and (5) of this section.

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

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

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

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

29 “**SECTION 22.** ORS 326.543 is amended to read:

30 “326.543. (1) As used in this section:

31 “(a) ‘Education service district’ has the meaning given that term in ORS 334.003.

32 “(b) ‘Facility’ means [*a school described in*] **the school operated under** ORS 346.010.

33 “(c) ‘Post-secondary institution’ means:

34 “(A) A community college as defined in ORS 341.005;

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

36 “(C) The Oregon Health and Science University.

37 “(d) ‘School district’ has the meaning given that term in ORS 330.005.

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

41 “**SECTION 23.** ORS 326.603 is amended to read:

42 “326.603. (1) For the purposes of requesting a state or nationwide criminal records check under  
43 ORS 181.534, the Department of Education may require the fingerprints of:

44 “(a) A school district or private school contractor, whether part-time or full-time, or an em-  
45 ployee thereof, whether part-time or full-time, who has direct, unsupervised contact with students

1 as determined by the district or private school.

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

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

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

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

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

14 “(b) A private school may send to the Department of Education for purposes of a criminal re-  
15 cords check any information, including fingerprints, for each person described in subsection (1)(a),  
16 (b), (c) or (d) of this section.

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

24 “(4) Notwithstanding subsection (1) of this section, the department may not require fingerprints  
25 of a person described in subsection (1) of this section if the person or the person’s employer was  
26 checked in one school district or private school and is currently seeking to work in another district  
27 or private school unless the person lived outside this state during the interval between the two pe-  
28 riods of time of working in the district or private school.

29 “(5) Nothing in this section requires a person described in subsection (1)(a), (b) or (e) of this  
30 section to submit to fingerprinting until the person has been offered employment or a contract by  
31 a school district or private school. Contractor employees may not be required to submit to finger-  
32 printing until the contractor has been offered a contract.

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

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

44 “(7) If a person described in subsection (1) of this section refuses to consent to the criminal re-  
45 cords check or refuses to be fingerprinted or if the person falsely swears to the nonconviction of a

1 crime, the district shall terminate the employment or contract status of the person. Termination  
2 under this subsection removes the person from any school district policies, collective bargaining  
3 provisions regarding dismissal procedures and appeals and the provisions of ORS 342.805 to 342.937.

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

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

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

10 “(b) ‘School district’ means:

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

12 “[B] *The Oregon School for the Blind.*]

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

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

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

16 “[F] (E) An education service district.

17 “**SECTION 24.** ORS 327.023 is amended to read:

18 “327.023. In addition to those moneys distributed through the State School Fund, the Department  
19 of Education shall provide from state funds appropriated therefor, grants in aid or support for spe-  
20 cial and compensatory education programs including:

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

22 “(2) Medicaid match for administration efforts to secure Medicaid funds for services provided  
23 to children with disabilities.

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

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

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

30 “(6) Early childhood special education provided to preschool children with disabilities from age  
31 three until age of eligibility for kindergarten as described in ORS 339.185, 343.035, 343.041, 343.055,  
32 343.065, 343.157 and 343.455 to 343.534.

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

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

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

38 “(10) Disadvantaged children program under ORS 343.680.

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

40 “(12) Child development specialist program under ORS 329.255.

41 “(13) Youth care centers under ORS 420.885.

42 “(14) Staff development and mentoring.

43 “(15) Professional technical education grants.

44 “(16) Special science education programs.

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

1       “**SECTION 25.** ORS 339.370 is amended to read:  
2       “339.370. As used in this section and ORS 339.372, 339.375 and 339.377:  
3       “(1) ‘Abuse’ has the meaning given that term in ORS 419B.005.  
4       “(2) ‘Disciplinary records’ means the records related to a personnel discipline action or materi-  
5 als or documents supporting that action.  
6       “(3) ‘Education provider’ means:  
7       “(a) A school district as defined in ORS 332.002.  
8       “[(b) *The Oregon School for the Blind.*]  
9       “[(c)] (b) The Oregon School for the Deaf.  
10       “[(d)] (c) An educational program under the Youth Corrections Education Program.  
11       “[(e)] (d) A public charter school as defined in ORS 338.005.  
12       “[(f)] (e) An education service district as defined in ORS 334.003.  
13       “[(g)] (f) Any state-operated program that provides educational services to kindergarten through  
14 grade 12 students.  
15       “[(h)] (g) A private school.  
16       “(4) ‘Law enforcement agency’ has the meaning given that term in ORS 419B.005.  
17       “(5) ‘Private school’ means a school that provides educational services as defined in ORS 345.505  
18 to kindergarten through grade 12 students.  
19       “(6) ‘School board’ means the governing board or governing body of an education provider.  
20       “(7) ‘School employee’ means an employee of an education provider.  
21       “**SECTION 26.** ORS 339.877 is amended to read:  
22       “339.877. (1) Any person other than a student at the Oregon School for the Deaf [*or the Oregon*  
23 *School for the Blind*] upon successful completion of an educational program at elementary or sec-  
24 ondary level at a state institution shall receive a diploma evidencing such completion issued by the  
25 common or union high school district in which the person last resided prior to commitment to the  
26 state institution.  
27       “(2) All educational records for the person shall be sent to the common or union high school  
28 district issuing the diploma. The school district may make a transcript of such records available  
29 upon request in the same manner and in the same form as it makes any other transcript available  
30 and shall not therein indicate that any of the educational program was completed in any state in-  
31 stitution.  
32       “**SECTION 27.** ORS 343.239 is amended to read:  
33       “343.239. (1) The Department of Education shall bill annually each resident school district for  
34 children who are residents of the school district and are served under ORS 343.236 or enrolled in  
35 a [*program*] **school operated** under ORS 346.010.  
36       “(2) A billing under this section shall be in an amount equal to (the amount of federal funds  
37 received by the school district through the Individuals with Disabilities Education Act, 20 U.S.C.  
38 1400 et seq., divided by the number of eligible children under the Individuals with Disabilities Edu-  
39 cation Act who are reported by the school district as receiving special education services on the  
40 December 1 special education census) multiplied by the number of children who are eligible under  
41 the Individuals with Disabilities Education Act and served under ORS 343.236 or enrolled in a  
42 [*program*] **school operated** under ORS 346.010.  
43       “(3) The department shall notify each resident school district of the estimated amount of the  
44 billing no later than March 30 after the December 1 census.  
45       “(4) The department shall bill each resident school district no later than the November 1 fol-

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

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

9 “**SECTION 28.** ORS 346.010 is amended to read:

10 “346.010. (1) Pursuant to rules of the State Board of Education, the Superintendent of Public  
11 Instruction shall provide free training and education services in [schools] **a school** located in Marion  
12 County for children who are [blind or] deaf.

13 “(2) The Superintendent of Public Instruction shall indicate [which school shall serve as the  
14 Oregon School for the Blind and which school] **which facilities** shall serve as the Oregon School for  
15 the Deaf.

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

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

23 “(5) [The Board of Directors of the Oregon School for the Blind or] The Board of Directors of the  
24 Oregon School for the Deaf may appeal any decision of the Superintendent of Public Instruction  
25 made under this section to the State Board of Education. An appeal under this subsection must be  
26 filed with the State Board of Education within 60 days of the date of the decision by the super-  
27 intendent. The State Board of Education may uphold, modify or overturn any decision of the super-  
28 intendent under this section.

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

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

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

44 “(3) A child may not be placed in [a] **the school operated** under ORS 346.010 unless the district  
45 superintendent or the superintendent's designee has signed a statement declaring that the district

1 cannot provide a free appropriate public education for the child commensurate with the needs of the  
2 child as identified by the individual education plan of the child and that the school is the least re-  
3 strictive environment in which the child can be educated.

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

6 “**SECTION 30.** ORS 346.017 is amended to read:

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

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

13 “(3) A student who is enrolled under this section is not considered a resident of any school  
14 district based on the enrollment and attendance at the school.

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

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

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

22 “**SECTION 32.** 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 [schools] **the school** operated under ORS 346.010. The State Board of Edu-  
25 cation shall determine the procedures for placement, development of services and operation of the  
26 [schools] **school** in conformance with state and federal laws relating to children who are eligible for  
27 special 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 Board*  
29 *of Directors of the Oregon School for the Blind, as appropriate*], the Superintendent of Public In-  
30 struction shall select a director for [*each*] **the** school. The superintendent may also select teachers  
31 and other personnel necessary to manage the [schools] **school** in an effective and efficient manner  
32 or may delegate the selection of teachers and other personnel to the director of the school.

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

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

42 “**SECTION 33.** ORS 346.030 is amended to read:

43 “346.030. Application for admission to the [schools] **school** operated under ORS 346.010 shall be  
44 made to the Department of Education. Application shall be made on forms which are provided by  
45 the department.



1       “**SECTION 34.** ORS 346.041 is amended to read:

2       “346.041. (1) Transportation for pupils attending [*schools*] **the school operated** under ORS  
3 346.010 is the responsibility of the pupil’s resident school district. The district may provide trans-  
4 portation directly or by agreement with another school district, a public carrier or the Department  
5 of Education.

6       “(2) The actual and necessary transportation expenses incurred under subsection (1) of this  
7 section, at a frequency consistent with a pupil’s individual education plan, shall be considered ap-  
8 proved transportation costs for purposes of ORS 327.006 and 327.033.

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

12       “(4) The payments of the resident school districts required under subsection (3) of this section  
13 and an amount specifically appropriated thereto shall be deposited in the State Treasury to the  
14 credit of the Special Education Transportation Revolving Account to be used by the Department of  
15 Education for the transportation of pupils attending [*schools*] **the school operated** under ORS  
16 346.010. The account shall be continuously appropriated to the department for such purpose.

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

20       “**SECTION 35.** ORS 346.047 is amended to read:

21       “346.047. The State Board of Education may receive, take and hold property, both real and  
22 personal for [*any*] **the school operated** under ORS 346.010 and may sell, transfer, assign, allot, set  
23 over or convey the property pursuant to legislative authority.

24       “**SECTION 36.** ORS 346.055 is amended to read:

25       “346.055. (1) When the Department of Education has in possession or under control, in a bank  
26 account or otherwise, funds that are the property of the students enrolled in [*schools*] **the school**  
27 operated under ORS 346.010 or that have been deposited for their use or for expenditure in their  
28 behalf, the department shall deposit such funds, as they are received, together with any such funds  
29 as heretofore have accumulated, with the State Treasurer as a trust account, separate and distinct  
30 from the General Fund. Interest earned by the account shall be credited to the account.

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

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

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

43       “**SECTION 37.** ORS 346.080 is amended to read:

44       “346.080. The Department of Education shall give the notice required by ORS 332.554 to all  
45 classified employees of the Oregon School for the Deaf [*and the Oregon School for the Blind*] in the

1 same manner and to the same effect as notice given under ORS 332.554.

2 “**SECTION 38.** ORS 656.135 is amended to read:

3 “656.135. (1) As used in this section ‘school’ means the Oregon School for the Deaf [*or the*  
4 *Oregon School for the Blind*].

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

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

11 “(4) Upon receiving the written statement, the corporation may fix assumed wage rates for the  
12 persons enrolled in the work experience program, without regard to ORS chapter 652 or ORS  
13 653.010 to 653.545 and 653.991, which may be used only for purposes of computations under this  
14 chapter.

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

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

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

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

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

29 “**SECTION 39.** ORS 346.097, 346.099, 346.101 and 346.104 and section 53, chapter 858,  
30 **Oregon Laws 2007, are repealed.**

31 “**SECTION 40.** The amendments to ORS 179.210, 179.460, 238.350, 240.205, 240.240, 326.543,  
32 326.603, 327.023, 339.370, 339.877, 343.239, 346.010, 346.015, 346.017, 346.019, 346.020, 346.030,  
33 346.041, 346.047, 346.055, 346.080 and 656.135 by sections 17 to 38 of this 2009 Act and the repeal  
34 of ORS 346.097, 346.099, 346.101 and 346.104 and section 53, chapter 858, Oregon Laws 2007,  
35 by section 39 of this 2009 Act become operative September 1, 2009.

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