

Enrolled
House Bill 3687

Sponsored by COMMITTEE ON EDUCATION

CHAPTER

AN ACT

Relating to the sale of the Oregon School for the Blind; creating new provisions; amending ORS 346.315 and section 6, chapter 562, Oregon Laws 2009; and declaring an emergency.

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

SECTION 1. Resources and services for which a school district receives moneys from the Blind and Visually Impaired Student Fund established by ORS 346.315 for students described in section 3 (1), chapter 562, Oregon Laws 2009, are considered approved costs for the purpose of determining whether a school district qualifies to receive a high cost disabilities grant from the High Cost Disabilities Account established by ORS 327.348.

SECTION 2. Section 1 of this 2010 Act applies to High Cost Disabilities Account distributions commencing with the distribution made in the 2009-2010 fiscal year.

SECTION 3. Section 1 of this 2010 Act is repealed on June 30, 2020.

SECTION 4. Section 6, chapter 562, Oregon Laws 2009, is amended to read:

Sec. 6. (1) The Oregon Department of Administrative Services, in consultation with the Department of Education and other interested parties, shall develop a plan for the sale of the real property owned by the Department of Education known as the Oregon School for the Blind. **The Oregon Department of Administrative Services shall present the plan at a meeting of the Capitol Planning Commission, and the commission shall provide the public with an opportunity to review and comment on the plan at that meeting.**

(2) For the period beginning July 1, 2009, and ending on the date that title is transferred to a purchaser, the Oregon Department of Administrative Services shall hold the real property described in subsection (1) of this section in trust. While held in trust, any proceeds related to the real property must first be used to reimburse expenditures incurred by the Oregon Department of Administrative Services in holding the property in trust. Proceeds in excess of the reimbursements shall be transferred to the [*Education Stability Fund established under ORS 348.696*] **Department of Education as provided by subsection (5) of this section.**

(3) Notwithstanding ORS 270.100 to 270.190, the Oregon Department of Administrative Services shall sell the real property described in subsection (1) of this section in a manner consistent with this section. The Oregon Department of Administrative Services may engage the services of a licensed real estate broker or real estate organization or any other professional necessary to facilitate the sale of the real property.

(4) The sale price of the real property described in subsection (1) of this section:

- (a) Must equal or exceed the fair market value of the real property; and
- (b) Shall be determined by the Oregon Department of Administrative Services.

(5)(a) The Oregon Department of Administrative Services shall retain from the sale of the real property described in subsection (1) of this section the costs incurred by the state in selling the real property, including:

(A) Costs incurred by the Department of Education in transferring the real property to the Oregon Department of Administrative Services;

(B) Any costs incurred by the Oregon Department of Administrative Services in holding the real property in trust that are not reimbursed as provided by subsection (2) of this section or by appropriation or other source of moneys; and

(C) Costs incurred by the Oregon Department of Administrative Services in selling the real property.

(b) The Oregon Department of Administrative Services and the Department of Education shall be reimbursed for any costs described in paragraph (a) of this subsection from the amount retained as provided by paragraph (a) of this subsection.

(c)(A) The Oregon Department of Administrative Services shall transfer the proceeds from the sale of the real property that remain after the amounts described in paragraph (a) of this subsection have been retained [shall be transferred to the Education Stability Fund established under ORS 348.696.] to the Department of Education for distribution as follows:

(i) Fifty percent for improvements, repairs and maintenance costs benefitting the health, safety and housing of the students of the Oregon School for the Deaf; and

(ii) Fifty percent to the Blind and Visually Impaired Student Fund established by ORS 346.315.

(B) The Oregon Department of Administrative Services shall transfer the proceeds from the sale attributable to the portion of the real property legally described as Lots 5 and 6 of Block 25 of the University Addition in the City of Salem, Marion County, Oregon, in the manner provided by subparagraph (A) of this paragraph.

(C) Notwithstanding subparagraphs (A) and (B) of this paragraph, if any portion of the real property described in subsection (1) of this section but excluding property described in subparagraph (B) of this paragraph is determined to be subject to a charitable trust, the sale proceeds attributable to that portion shall be distributed as provided by subparagraph (A) of this paragraph unless a different distribution is required by the terms of the charitable trust.

(6)(a) Except for property described in subsection (1) of this section, all other property of the Oregon School for the Blind:

(A) When practicable, shall be distributed to the regional program described in ORS 343.236 (1)(b) or to the school districts providing educational services to students described in section 3 (1) [of this 2009 Act], **chapter 562, Oregon Laws 2009**; and

(B) May be preserved in a manner determined by the Superintendent of Public Instruction if the property has historic significance.

(b) Proceeds from the sale, lease or other action related to the property described in this subsection shall be transferred to the Education Stability Fund.

SECTION 5. ORS 346.315 is amended to read:

346.315. (1) The Blind and Visually Impaired Student Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Blind and Visually Impaired Student Fund shall be credited to the Blind and Visually Impaired Student Fund.

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

(a) Assisting students who are blind or visually impaired in receiving appropriate resources and services, including educational services, in the communities where the students reside or in other settings identified in individualized education programs for students described in section 3 (1), chapter 562, Oregon Laws 2009;

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

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

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

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

(3) When determining the manner in which to spend the moneys in the Blind and Visually Impaired Student Fund, the Department of Education shall:

(a) Give priority to services or resources used by students described in section 3 (1), chapter 562, Oregon Laws 2009; and

(b) Ensure that the moneys are used in addition to any other available moneys and do not supplant moneys available from any other source.

(4) Notwithstanding subsection (3)(b) of this section, a school district is not required to seek moneys from the High Cost Disabilities Account established by ORS 327.348 prior to seeking moneys from the Blind and Visually Impaired Student Fund for costs associated with providing services to a student if:

(a) The student is a student described in section 3 (1), chapter 562, Oregon Laws 2009;

(b) The purpose of the moneys is to provide appropriate resources and services, including educational services, in a setting identified in the individualized education program for the student; and

(c) The total cost of the resources and services includes both medical and educational costs and exceeds \$200,000 per fiscal year.

SECTION 6. This 2010 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2010 Act takes effect on its passage.

Passed by House February 23, 2010

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Chief Clerk of House

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Speaker of House

Passed by Senate February 24, 2010

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President of Senate

Received by Governor:

.....M.,....., 2010

Approved:

.....M.,....., 2010

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Governor

Filed in Office of Secretary of State:

.....M.,....., 2010

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Secretary of State