

House Bill 2282

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Education)

SUMMARY

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

Requires residential facilities to provide appropriate educational services to children under 21 years of age.

Declares emergency, effective July 1, 2011.

A BILL FOR AN ACT

1
2 Relating to education in residential facilities; creating new provisions; amending ORS 443.420; and
3 declaring an emergency.

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

5 **SECTION 1.** ORS 443.420 is amended to read:

6 443.420. (1) A person applying for a license under ORS 443.415 must, in the judgment of the di-
7 rector of the licensing agency, be a person:

8 (a) Who demonstrates an understanding and acceptance of the rules governing residential facil-
9 ities;

10 (b) Mentally and physically capable of caring for such residents; and

11 (c) Who employs or utilizes only individuals whose presence does not jeopardize the health,
12 safety or welfare of residents.

13 (2) A residential facility shall not be operated or maintained in combination with a nursing home
14 or hospital unless licensed, maintained and operated as a separate and distinct part.

15 (3) All physical residential facilities used for residents shall meet applicable requirements of the
16 State Fire Marshal.

17 (4) Prior to licensure, a residential facility must be in substantial compliance with applicable
18 state and local laws, rules, codes, ordinances and permit requirements.

19 (5) Prior to licensure, a residential facility that proposes to house persons under the age of 21
20 years shall submit written proof [*of compliance*] **to the licensing agency demonstrating that the**
21 **facility will:**

22 (a) **Comply** with ORS 336.575 [*to the licensing agency.*]; **and**

23 (b) **Ensure that the children who reside at the residential facility receive appropriate**
24 **educational services that are:**

25 (A) **Comprehensive and age-appropriate;**

26 (B) **In compliance with requirements of state and federal law; and**

27 (C) **If applicable, in compliance with the individual education program of the child.**

28 (6) Prior to an initial licensure of a residential care facility, the licensing agency shall consider:

29 (a) The license applicant's history of regulatory compliance and operational experience;

30 (b) The need in the local community for the services offered by the license applicant, as dem-

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 onstrated by a market study produced by the license applicant;

2 (c) The willingness of the license applicant to serve underserved populations; and

3 (d) The willingness of the license applicant to contract with the licensing agency to provide
4 services through the state medical assistance program.

5 **SECTION 2. The amendments to ORS 443.420 by section 1 of this 2011 Act apply to per-**
6 **sons who apply for:**

7 (1) **Licensure as a residential facility on or after the effective date of this 2011 Act; or**

8 (2) **Renewal of a license as a residential facility on or after the effective date of this 2011**
9 **Act.**

10 **SECTION 3. This 2011 Act being necessary for the immediate preservation of the public**
11 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
12 **July 1, 2011.**

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