

A-Engrossed House Bill 3086

Ordered by the House May 19
Including House Amendments dated May 19

Sponsored by Representative KOTEK; Representative BOONE

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.

[Requires preparation of minority racial and ethnic impact statement by Department of Human Services when legislation may affect minority racial and ethnic population receiving child welfare services.]

[Directs department to report, by percentage, race or ethnicity of children in foster care system compared to race or ethnicity of children in general population.]

[Requires contractor or entity receiving funds from department to use percentage of funds that equals percentage of racial or ethnic population served out of total population served for child welfare services provided to persons in that racial or ethnic population.]

Establishes Early Learning Council for formulating and directing unified system of early childhood services. Establishes Early Learning Council Fund. Continuously appropriates moneys in fund to council.

Establishes Task Force on Improving Educational Success for At-Risk Youth for purpose of improving at-risk youth programs and services. Sunsets task force on June 30, 2012.

Abolishes, on July 1, 2011, State Commission on Children and Families. Transfers duties, powers and functions of commission to Early Learning Council.

Repeals, on June 30, 2012, provisions establishing local commissions on children and families.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to children; creating new provisions; amending ORS 131A.360, 131A.365, 181.715, 181.725, 182.515, 315.259, 329.150, 329.155, 329.156, 329.159, 329.175, 329.190, 329.195, 343.475, 343.495, 343.499, 343.507, 417.705, 417.710, 417.725, 417.727, 417.728, 417.747, 417.760, 417.765, 417.775, 417.780, 417.785, 417.787, 417.788, 417.790, 417.793, 417.795, 417.797, 417.799, 417.800, 417.801, 417.845, 417.850, 417.855, 417.857, 418.751, 418.975, 419A.170, 419B.005, 419C.453, 420.017, 423.565, 430.255, 430.257, 430.258, 430.420, 430.630, 431.385, 458.525, 609.652 and 657A.490; repealing ORS 417.730, 417.733, 417.735, 417.740, 417.745, 417.750, 417.760, 417.765, 417.770, 417.775, 417.777, 417.780, 417.785 and 417.787; appropriating money; and declaring an emergency.

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

EARLY LEARNING COUNCIL

(Generally)

SECTION 1. (1) The Early Learning Council is established in the office of the Governor.

(2) The council shall formulate and direct a unified system of early childhood services that is effectively coordinated with and connected to the public education system with the long-term goal of supporting the educational success of every child in Oregon.

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 **(3)(a) The council is under the supervision and control of a director, who is responsible**
2 **for the performance of the duties, functions and powers of the council.**

3 **(b) The Governor shall appoint the director, subject to confirmation by the Senate in the**
4 **manner prescribed in ORS 171.562 and 171.565.**

5 **(c) The director holds office at the pleasure of the Governor.**

6 **(4)(a) The council consists of nine members who are appointed by the Governor, subject**
7 **to confirmation by the Senate in the manner prescribed in ORS 171.562 and 171.565. Members**
8 **appointed to the council must:**

9 **(A) Demonstrate leadership skills in their professional and civic lives;**

10 **(B) To the greatest extent practicable, represent the geographic, ethnic, gender, racial**
11 **and economic diversity of this state; and**

12 **(C) Collectively offer expertise, knowledge and experience in early childhood development,**
13 **care or education, family financial stability, populations disproportionately burdened by poor**
14 **educational outcomes and outcome-based best practices.**

15 **(b) The term of office of each member is four years, but a member serves at the pleasure**
16 **of the Governor. Before the expiration of the term of a member, the Governor shall appoint**
17 **a successor whose term begins on January 1 next following. A member is eligible for reap-**
18 **pointment. If there is a vacancy for any cause, the Governor shall make an appointment to**
19 **become immediately effective for the unexpired term.**

20 **(c) A member of the council is not entitled to compensation, but in the discretion of the**
21 **director, may be reimbursed from funds available to the council for actual and necessary**
22 **travel and other expenses incurred by the member to attend meetings of the council or of**
23 **any of its task forces or subcommittees, in the manner and amount provided in ORS 292.495.**

24 **(5)(a) The Governor shall select from the membership of the council one of the council's**
25 **members as chairperson and another as vice chairperson.**

26 **(b) A majority of the members of the council constitutes a quorum for the transaction**
27 **of business.**

28 **(c) The council shall meet at least once every two months at a place, day and hour de-**
29 **termined by the council.**

30 **SECTION 2. The Early Learning Council shall submit a report and may include recom-**
31 **mendations for legislation to one or more interim committees of the Legislative Assembly**
32 **related to education and human services on or before November 1, 2011. The report and re-**
33 **commended legislation shall address the following:**

34 **(1) Merging, redesigning or improving the coordination and alignment of existing pro-**
35 **grams and services to improve outcomes for at-risk families and their children ages zero to**
36 **five years.**

37 **(2) Establishing a system of programs that could be implemented beginning on July 1,**
38 **2012, to accomplish the following goals:**

39 **(a) Ensuring the early identification of children and families who are at risk based upon**
40 **identified, critical indicators;**

41 **(b) Establishing and maintaining a system of family support managers who:**

42 **(A) Coordinate support services provided to children and families;**

43 **(B) Act as navigators and advocates for families receiving support services; and**

44 **(C) Serve a geographic area that represents the enrollment area of one or more ele-**
45 **mentary schools;**

1 (c) Ensuring that contracts with service providers require measured progress, establish
2 goals and provide payment based on the success of the provider in reaching the stated goals;

3 (d) Establishing kindergarten readiness assessments and early learning benchmarks; and

4 (e) Collecting and evaluating data related to early childhood services to ensure that
5 stated goals are being achieved.

6 **SECTION 3.** The Early Learning Council Fund is established in the State Treasury, sep-
7 arate and distinct from the General Fund. The Early Learning Council Fund consists of all
8 moneys appropriated by the Legislative Assembly and any other moneys deposited into the
9 fund by law. Interest earned by the fund shall be credited to the fund. Moneys in the fund
10 are continuously appropriated to the Early Learning Council to carry out the duties, func-
11 tions and powers of the council.

12 **SECTION 4.** (1) Sections 1 to 3 of this 2011 Act become operative on July 1, 2011.

13 (2) The director of the Early Learning Council may be appointed before the operative date
14 specified in subsection (1) of this section and may take any action before that date that is
15 necessary to enable the director to exercise, on and after the operative date specified in
16 subsection (1) of this section, the duties, functions and powers of the director pursuant to
17 sections 1 and 2 of this 2011 Act.

18 **SECTION 5.** (1) The Task Force on Improving Educational Success for At-Risk Youth is
19 established, consisting of 12 members appointed as follows:

20 (a) The President of the Senate shall appoint two members from among members of the
21 Senate, one from the majority party and one from the minority party.

22 (b) The Speaker of the House of Representatives shall appoint two members from among
23 members of the House of Representatives, one from the majority party and one from the
24 minority party.

25 (c) The Governor shall appoint eight members with expertise with at-risk youth and
26 families and educational resources in this state.

27 (2) The task force shall:

28 (a) Review the various funding sources currently available to provide services to at-risk
29 youth, including but not limited to funding for juvenile crime prevention and youth invest-
30 ment programs and services; and

31 (b) Make recommendations regarding:

32 (A) Improvement in the coordination of programs and services for at-risk youth to align
33 with the objective of improving educational outcomes for school-age children and youth in
34 this state;

35 (B) The role of the local commissions on children and families appointed under ORS
36 417.760 with respect to programs and services for at-risk youth; and

37 (C) Proposals for distribution of moneys that are available for programs and services for
38 at-risk youth and their families and for the form of entity responsible for distribution of
39 these moneys.

40 (3) A majority of the voting members of the task force constitutes a quorum for the
41 transaction of business.

42 (4) Official action by the task force requires the approval of a majority of the voting
43 members of the task force.

44 (5) The task force shall elect one of its members to serve as chairperson.

45 (6) If there is a vacancy for any cause, the appointing authority shall make an appoint-

1 ment to become immediately effective.

2 (7) The task force shall meet at times and places specified by the call of the chairperson
3 or of a majority of the voting members of the task force.

4 (8) The task force may adopt rules necessary for the operation of the task force.

5 (9) The task force shall submit a report, and may include recommendations for legis-
6 lation, to an interim committee of the Legislative Assembly related to education and human
7 services on or before November 1, 2011.

8 (10) The Early Learning Council shall provide staff support to the task force.

9 (11) Members of the task force who are not members of the Legislative Assembly are not
10 entitled to compensation, but may be reimbursed for actual and necessary travel and other
11 expenses incurred by them in the performance of their official duties in the manner and
12 amounts provided for in ORS 292.495. Claims for expenses incurred in performing functions
13 of the task force shall be paid out of funds appropriated to the Early Learning Council for
14 purposes of the task force.

15 (12) All agencies of state government, as defined in ORS 174.111, are directed to assist
16 the task force in the performance of its duties and, to the extent permitted by laws relating
17 to confidentiality, to furnish such information and advice as the members of the task force
18 consider necessary to perform their duties.

19 **SECTION 6.** Section 5 of this 2011 Act is repealed on June 30, 2012.

20 **SECTION 7.** ORS 417.730, 417.733, 417.735, 417.740, 417.745 and 417.750 are repealed.

21 **SECTION 8.** The repeal of ORS 417.730, 417.733, 417.735, 417.740, 417.745 and 417.750 by
22 section 7 of this 2011 Act becomes operative on June 30, 2011.

23
24 (Conforming Amendments)

25
26 **SECTION 9.** ORS 329.156 is amended to read:

27 329.156. (1) The Department of Education, the Department of Human Services and the [*State*
28 *Commission on Children and Families*] **Early Learning Council** shall support the development and
29 implementation of a network of community learning centers across the state.

30 (2) Within available funding, the [*state commission*] **council**, in conjunction with local commis-
31 sions on children and families or other organizations that provide training and technical assistance
32 to schools or community programs, shall provide training and technical assistance to promote the
33 development and implementation of community learning centers. To the extent possible, the [*state*
34 *commission*] **council** shall use voluntary organizations to provide the training and technical assist-
35 ance.

36 (3) If a community learning center is created by a school district, the school district shall co-
37 ordinate with the local commission on children and families to ensure that the community learning
38 center is referenced in the local coordinated comprehensive plan, implemented pursuant to ORS
39 417.775.

40 (4) Community learning centers created pursuant to this section shall:

- 41 (a) Be located in or near a school or a cluster of schools;
- 42 (b) Involve parents in the care and education of their children;
- 43 (c) Involve the local community in developing and overseeing community learning center pro-
44 grams;
- 45 (d) Incorporate the principles of family support services described in ORS 329.150 and 417.342;

1 (e) In partnership with the local school district board, create or designate an advisory committee
2 to offer guidance on program development and implementation, with membership that is represen-
3 tative of the diversity of community interests, including representatives of businesses, schools,
4 faith-based organizations, social service and health care agencies, cultural groups, recreation groups,
5 municipal governments, community colleges, libraries, child care providers, parents and youths;

6 (f) Conduct an assessment of strengths, needs and assets within the community to be served by
7 the community learning center that identifies services being delivered in the community, defines and
8 clarifies services that are missing or overlapping and builds on any existing community assessments;
9 and

10 (g) Coordinate the community assessment with the local commission on children and families.

11 (5) The Department of Human Services and the Department of Education shall provide technical
12 assistance to community learning centers to develop policies ensuring that confidential information
13 is disclosed only in accordance with state and federal laws.

14 **SECTION 10.** ORS 417.705 is amended to read:

15 417.705. As used in ORS 417.705 to 417.801:

16 (1) 'Community mobilization' means government and private efforts to increase community
17 awareness and facilitate the active participation of citizens and organizations in projects and issues
18 that will have positive impact on the well-being of children, families and communities.

19 (2) 'Efficiency' means a measurable indicator of the amount of resources required to produce an
20 output.

21 (3) 'High-level outcome' means the Oregon benchmarks adopted by the Oregon Progress Board
22 and any other measurable indicators of societal well-being.

23 (4) 'Intermediate outcome' means a measurable indicator of the effort by an agency or other
24 entity toward achieving a high-level outcome target.

25 (5) 'Local commission' means a local commission on children and families established pursuant
26 to ORS 417.760.

27 (6) 'Local coordinated comprehensive plan' or 'local plan' means a local coordinated compre-
28 hensive plan for children and families that is developed pursuant to ORS 417.775 through a process
29 coordinated and led by a local commission and that consists of:

30 (a) A community plan that identifies the community's needs, strengths, goals, priorities and
31 strategies for:

32 (A) Creating positive outcomes for children and families;

33 (B) Community mobilization;

34 (C) Coordinating programs, strategies and services for children who are 0 through 18 years of
35 age and their families among community groups, government agencies, private providers and other
36 parties; and

37 (D) Addressing the needs of target populations; and

38 (b) The service plans listed in ORS 417.775 (6) that designate specific services for the target
39 populations identified in the community plan.

40 (7) 'Outcome' means the measure of a desired result.

41 (8) 'Output' means the amount or frequency of products or services delivered by an agency or
42 other entity.

43 (9) 'Performance measure' includes outcomes, outputs and efficiencies that indicate how well an
44 agency or other entity is carrying out its mission and achieving its goals.

45 (10) 'Services for children and families' does not include services provided by the Department

1 of Education or school districts that are related to curriculum or instructional programs.

2 [(11) 'State commission' means the State Commission on Children and Families established under
3 ORS 417.730.]

4 [(12)] (11) 'Target' means a specific level of achievement desired for a specific time, expressed
5 numerically.

6 **SECTION 11.** ORS 417.710 is amended to read:

7 417.710. Subject to the availability of funds [therefor] and the specific provisions of ORS 417.705
8 to 417.801 and 419A.170, it is the purpose of ORS 417.705 to 417.801 and 419A.170 to:

9 (1) Authorize the [State Commission on Children and Families] **Early Learning Council** to set
10 statewide guidelines for the planning, coordination and delivery of services for children and families
11 in conjunction with other state agencies and other planning bodies;

12 (2) Vest in local commissions on children and families the authority to distribute state and fed-
13 eral funds allocated to the local commissions to supervise services or to purchase services for chil-
14 dren and families in the local area and to supervise the development of the local coordinated
15 comprehensive plan;

16 (3) Provide a process for comprehensive local planning for services for children and families to
17 provide local services that are consistent with statewide guidelines;

18 (4) Retain in the state the responsibility for funding of services for children and families through
19 a combination of local, state and federal funding, including the leveraging of public and private
20 funds available under ORS 417.705 to 417.801 and 419A.170; and

21 (5) Retain state supervision of child protection and other services that should be uniform
22 throughout the state and that are necessarily the state's responsibility.

23 **SECTION 12.** ORS 417.728 is amended to read:

24 417.728. (1) The [State Commission on Children and Families] **Early Learning Council**, the De-
25 partment of Education, the Employment Department, the Department of Human Services and the
26 Oregon Health Authority shall lead a joint effort with other state and local early childhood partners
27 to establish the policies necessary for a voluntary statewide early childhood system that shall be
28 incorporated into the local coordinated comprehensive plan.

29 (2) The voluntary statewide early childhood system shall be designed to achieve:

30 (a) The appropriate early childhood benchmarks jointly identified by the [State Commission on
31 Children and Families] **Early Learning Council**, the Department of Education, the Employment
32 Department, the Department of Human Services and the Oregon Health Authority, with input from
33 early childhood partners, as the appropriate benchmarks; and

34 (b) Any other early childhood benchmark or intermediate outcome jointly identified by the [State
35 Commission on Children and Families] **Early Learning Council**, the Department of Education, the
36 Employment Department, the Department of Human Services and the Oregon Health Authority, with
37 input from early childhood partners, as an appropriate benchmark or outcome.

38 (3) The voluntary statewide early childhood system shall include the following components:

39 (a) A process to identify as early as possible children and families who would benefit from early
40 childhood services;

41 (b) A plan to support the identified needs of the child and family that coordinates case man-
42 agement personnel and the delivery of services to the child and family; and

43 (c) Services to support children who are zero through eight years of age and their families who
44 give their express written consent, including:

45 (A) Screening, assessment and home visiting services pursuant to ORS 417.795;

1 (B) Specialized or targeted home visiting services;

2 (C) Community-based services such as relief nurseries, family support programs and parent ed-
3 ucation programs;

4 (D) High quality child care, as defined by the Commission for Child Care;

5 (E) Preschool and other early education services;

6 (F) Health services for children and pregnant women;

7 (G) Mental health services;

8 (H) Alcohol and drug treatment programs that meet the standards promulgated by the Oregon
9 Health Authority pursuant to ORS 430.357;

10 (I) Developmental disability services; and

11 (J) Other state and local services.

12 (4) The [*State Commission on Children and Families*] **Early Learning Council**, the Department
13 of Education, the Employment Department, the Department of Human Services and the Oregon
14 Health Authority shall jointly:

15 (a) Consolidate administrative functions relating to the voluntary statewide early childhood
16 system, to the extent practicable, including but not limited to training and technical assistance,
17 planning and budgeting. This paragraph does not apply to the administrative functions of the De-
18 partment of Education relating to education programs;

19 (b) Adopt policies to establish training and technical assistance programs to ensure that per-
20 sonnel have skills in appropriate areas, including screening, family assessment, competency-based
21 home visiting skills, cultural and gender differences and other areas as needed;

22 (c) Identify research-based age-appropriate and culturally and gender appropriate screening and
23 assessment tools that would be used as appropriate in programs and services of the voluntary
24 statewide early childhood system;

25 (d) Develop a plan for the implementation of a common data system for voluntary early child-
26 hood programs [*as provided in section 7, chapter 831, Oregon Laws 2001*];

27 (e) Coordinate existing and new early childhood programs to provide a range of community-
28 based supports;

29 (f) Establish a common set of quality assurance standards to guide local implementation of all
30 elements of the voluntary statewide early childhood system, including voluntary universal screening
31 and assessment, home visiting, staffing, evaluation and community-based services;

32 (g) Ensure that all plans for voluntary early childhood services are coordinated and consistent
33 with federal and state law, including but not limited to plans for Oregon prekindergarten programs,
34 federal Head Start programs, early childhood special education services, early intervention services
35 and public health services;

36 (h) Identify how the voluntary statewide early childhood system for children who are zero
37 through eight years of age will link with systems of support for older children and their families;

38 (i) Contract for an evaluation of the outcomes of the voluntary statewide early childhood system;
39 and

40 (j) During January of each odd-numbered year, report to the Governor and the Legislative As-
41 sembly on the voluntary statewide early childhood system. The report shall include the evaluation
42 described in paragraph (i) of this subsection.

43 (5) The [*State Commission on Children and Families*] **Early Learning Council**, the State Board
44 of Education, the Employment Department, the Department of Human Services and the Oregon
45 Health Authority when adopting rules to administer voluntary early childhood programs under their

1 individual authority shall adopt rules that are consistent with the requirements of the voluntary
2 statewide early childhood system created under this section.

3 (6) Information gathered in conjunction with the voluntary comprehensive screening and as-
4 sessment of children and their families may be used only for the following purposes:

5 (a) Providing services to children and families who give their express written consent;

6 (b) Providing statistical data that are not personally identifiable;

7 (c) Accomplishing other purposes for which the family has given express written consent; and

8 (d) Meeting the requirements of mandatory state and federal disclosure laws.

9 **SECTION 13.** ORS 417.760 is amended to read:

10 417.760. (1) The board of county commissioners of a county or the boards of county commis-
11 sioners of contiguous counties that agree to appoint a regional commission:

12 (a) Shall appoint a chairperson and a minimum of eight members to a local commission on chil-
13 dren and families in the manner described in ORS 417.765.

14 (b) Shall appoint a local staff director. The staff director shall hire and supervise any other
15 support staff necessary for operation of the local commission. The staff director and staff are subject
16 to county personnel policies and other administration policies and ordinances. The staff director
17 shall be responsible for all management functions of the local commission.

18 (c) Must approve the local coordinated comprehensive plan before it may be submitted to the
19 [*State Commission on Children and Families*] **Early Learning Council**. If the local plan has been
20 revised or is amended, the revised or amended local plan must be submitted to the board or boards
21 for approval before it is submitted to the [*state commission*] **council**.

22 (2) The board or boards of county commissioners must approve any transfer of responsibility for
23 a state service and its funding to a local commission.

24 (3) Funds payable to implement local coordinated comprehensive plans shall be paid to the
25 county. The board or boards of county commissioners are responsible for the expenditure of such
26 funds subject to county budget and fiscal operating procedures.

27 **SECTION 14.** ORS 417.765 is amended to read:

28 417.765. (1)(a) A majority of a local commission on children and families, including the chair-
29 person, shall be laypersons [*as defined in ORS 417.730 (6)(b)*]. Appointments to the local commission
30 shall reflect the county's or counties' diverse populations and shall reflect expertise along the full
31 spectrum of developmental stages of a child, from the prenatal stage through 18 years of age.
32 Members shall include persons who have knowledge of the issues relating to children and families
33 in the affected communities, including education, municipal government and the court system.

34 (b) **As used in this subsection, 'layperson' means a person whose primary income is not**
35 **derived from either offering direct service to children and youth or being an administrator**
36 **for a program for children and youth.**

37 (2) Members of the local commission shall be appointed to four-year terms. The appointing board
38 or boards of county commissioners may appoint a member for additional terms or may limit the
39 number of terms that a member may serve.

40 **SECTION 15.** ORS 417.775 is amended to read:

41 417.775. (1) Under the direction of the board or boards of county commissioners, and in con-
42 junction with the guidelines set by the [*State Commission on Children and Families*] **Early Learning**
43 **Council**, the local commission on children and families shall promote wellness for children of all
44 ages and their families in the county or region, if the families have given their express written
45 consent, mobilize communities and develop policy and oversee the implementation of a local coor-

1 dinated comprehensive plan described in this section. A local commission shall:

2 (a) Inform and involve citizens;

3 (b) Identify and map the range of resources in the community;

4 (c) Plan, advocate and fund research-based initiatives for children who are 18 years of age or
5 younger, including prenatal, and their families;

6 (d) Develop local policies, priorities, outcomes and targets;

7 (e) Prioritize activities identified in the local plan and mobilize the community to take action;

8 (f) Prioritize the use of nondedicated resources;

9 (g) Monitor implementation of the local plan; and

10 (h) Monitor and evaluate the intermediate outcome targets identified in the local plan that are
11 reviewed under ORS 417.797, and report on the progress in addressing priorities and achieving out-
12 comes.

13 (2)(a) A local commission may not provide direct services for children and their families.

14 (b) Notwithstanding paragraph (a) of this subsection, a local commission may provide direct
15 services for children and their families for a period not to exceed six months if:

16 (A)(i) The local commission determines that there is an emergency;

17 (ii) A provider of services discontinues providing the services in the county or region; or

18 (iii) No provider is able to offer the services in the county or region; and

19 (B) The family has given its express written consent.

20 (3) The local commission shall lead and coordinate a process to assess needs, strengths, goals,
21 priorities and strategies, and identify county or regional outcomes to be achieved. The process shall
22 be in conjunction with other coordinating bodies for services for children and their families and
23 shall include representatives of education, mental health services, developmental disability services,
24 alcohol and drug treatment programs, public health programs, local child care resource and referral
25 agencies, child care providers, law enforcement and corrections agencies, private nonprofit entities,
26 local governments, faith-based organizations, businesses, families, youth and the local community.
27 The process shall include populations representing the diversity of the county or region.

28 (4) Through the process described in subsection (3) of this section, the local commission shall
29 coordinate the development of a single local plan for coordinating community programs, strategies
30 and services for children who are 18 years of age or younger, including prenatal, and their families
31 among community groups, government agencies, private providers and other parties. The local plan
32 shall be a comprehensive area-wide service delivery plan for all services to be provided for children
33 and their families in the county or region, if the families have given their express written consent.
34 The local plan shall be designed to achieve state and county or regional outcomes based on state
35 policies and guidelines and to maintain a level of services consistent with state and federal re-
36 quirements.

37 (5) The local commission shall prepare the local coordinated comprehensive plan and applica-
38 tions for funds to implement ORS 417.705 to 417.801 and 419A.170. The local plan, policies and pro-
39 posed service delivery systems shall be submitted to the board or boards of county commissioners
40 for approval prior to submission to the [state commission] **Early Learning Council**. The local plan
41 shall be based on identifying the most effective service delivery system allowing for the continuation
42 of current public and private programs where appropriate. The local plan shall address needs,
43 strengths and assets of all children, their families and communities, including those children and
44 their families at highest risk.

45 (6) Subject to the availability of funds:

- 1 (a) The local coordinated comprehensive plan shall include:
- 2 (A) Identification of ways to connect all state and local planning processes related to services
3 for children and their families into the local coordinated comprehensive plan to create positive
4 outcomes for children and their families; and
- 5 (B) Provisions for a continuum of social supports at the community level for children from the
6 prenatal stage through 18 years of age, and their families, that takes into account areas of need,
7 service overlap, asset building and community strengths as outlined in ORS 417.305 (2).
- 8 (b) The local coordinated comprehensive plan shall reference:
- 9 (A) A voluntary local early childhood system plan created [*pursuant to*] **under** ORS 417.777;
- 10 (B) Local alcohol and other drug prevention and treatment plans developed [*pursuant to*] **under**
11 section 1, chapter 856, Oregon Laws 2009;
- 12 (C) Local service plans, developed [*pursuant to*] **under** ORS 430.630, for the delivery of mental
13 health services for children and their families;
- 14 (D) Local public health plans, developed [*pursuant to*] **under** ORS 431.385, that include public
15 health issues such as prenatal care, immunizations, well-child checkups, tobacco use, nutrition, teen
16 pregnancy, maternal and child health care and suicide prevention; and
- 17 (E) The local high-risk juvenile crime prevention plan developed [*pursuant to*] **under** ORS
18 417.855.
- 19 (7) The local coordinated comprehensive plan shall include a list of staff positions budgeted to
20 support the local commission on children and families. The list shall indicate the status of each po-
21 sition as a percentage of full-time equivalency dedicated to the implementation of the local coordi-
22 nated comprehensive plan. The county board or boards of commissioners shall be responsible for
23 providing the level of staff support detailed in the local plan and shall ensure that funds provided
24 for these purposes are used to carry out the local plan.
- 25 (8) The local coordinated comprehensive plan shall:
- 26 (a) Improve results by addressing the needs, strengths and assets of all children, their families
27 and communities in the county or region, including those children and their families at highest risk;
- 28 (b) Improve results by identifying the methods that work best at the state and local levels to
29 coordinate resources, reduce paperwork and simplify processes, including data gathering and plan-
30 ning;
- 31 (c) Be based on local, state and federal resources;
- 32 (d) Be based on proven practices of effectiveness for the specific community;
- 33 (e) Contribute to a voluntary statewide system of formal and informal services and supports that
34 is provided at the community level, that is integrated in local communities and that promotes im-
35 proved outcomes for Oregon's children;
- 36 (f) Be presented to the citizens in each county for public review, comment and adjustment;
- 37 (g) Be designed to achieve outcomes based on research-identified proven practices of effective-
38 ness; and
- 39 (h) Address other issues, local needs or children and family support areas as determined by the
40 local commission [*pursuant to ORS 417.735*].
- 41 (9) In developing the local coordinated comprehensive plan, the local commission shall:
- 42 (a) Secure active participation [*pursuant to*] **under** subsection (3) of this section;
- 43 (b) Provide for community participation in the planning process, including media notification;
- 44 (c) Conduct an assessment of the community that identifies needs and strengths;
- 45 (d) Identify opportunities for service integration; and

1 (e) Develop a local coordinated comprehensive plan and budget to meet the priority needs of a
2 county or region.

3 (10) The *[state commission]* **Early Learning Council** may disapprove the part of the local coor-
4 dinated comprehensive plan relating to the planning process required by this section and the vol-
5 untary local early childhood system plan.

6 (11)(a) The *[state commission]* **Early Learning Council** may disapprove the **part of the local**
7 **coordinated comprehensive plan relating to the** planning process and the voluntary local early
8 childhood system plan only upon making specific findings that the local plan substantially fails to
9 conform to the principles, characteristics and values identified in ORS 417.708 to 417.725 *[and*
10 *417.735 (4)]* or that the local plan fails to conform with the planning process requirements of this
11 section. The staff of the *[state commission]* **council** shall assist the local commission in remedying
12 the deficiencies in the planning process or the voluntary local early childhood system plan. The
13 *[state commission]* **council** shall set a date by which any deficient portions of the planning process
14 or the voluntary local early childhood system plan must be revised and resubmitted to the *[state*
15 *commission]* **council** by the local commission.

16 (b) The *[state commission]* **council** does not have approval authority over the following service
17 plans referenced in the local coordinated comprehensive plan:

18 (A) The local alcohol and other drug prevention and treatment plans developed pursuant to
19 section 1, chapter 856, Oregon Laws 2009;

20 (B) Local service plans, developed pursuant to ORS 430.630, relating to the delivery of mental
21 health services;

22 (C) Local public health plans developed pursuant to ORS 431.385; and

23 (D) Local high-risk juvenile crime prevention plans developed pursuant to ORS 417.855.

24 (12) The *[state commission]* **Early Learning Council**, the Alcohol and Drug Policy Commission,
25 the Department of Human Services and the Juvenile Crime Prevention Advisory Committee may
26 jointly approve the community plan that is part of the local coordinated comprehensive plan, but
27 may not jointly approve the service plans that are referenced in the local plan. If the community
28 plan is disapproved in whole, the agencies shall identify with particularity the manner in which the
29 community plan is deficient and the service plans may be implemented. If only part of the community
30 plan is disapproved, the remainder of the community plan and the service plans may be implemented.
31 The staff of the agencies shall assist the local commission in remedying the disapproved portions
32 of the community plan. The agencies shall jointly set a date by which the deficient portions of the
33 community plan shall be revised and resubmitted to the agencies by the local commission. In re-
34 viewing the community plan, the agencies shall consider the impact of state and local budget re-
35 ductions on the community plan.

36 (13) If a local commission determines that the needs of the county or region *[it]* **the local**
37 **commission** serves differ from those identified by the *[state commission, it]* **Early Learning Coun-**
38 **cil, the local commission** may ask the *[state commission]* **council** to waive specific requirements
39 in its list of children's support areas. The process for granting waivers shall be developed by the
40 *[state commission]* **council** prior to the start of the review and approval process for the local coor-
41 dinated comprehensive plan *[described in ORS 417.735 (4)]* and shall be based primarily on a deter-
42 mination of whether the absence of a waiver would prevent the local commission from best meeting
43 the needs of the county or region.

44 (14) From time to time, the local commission may amend the local coordinated comprehensive
45 plan and applications for funds to implement ORS 417.705 to 417.801 and 419A.170. The local com-

1 mission must amend the local plan to reflect current community needs, strengths, goals, priorities
2 and strategies. Amendments become effective upon approval of the board or boards of county com-
3 missioners and the [state commission] **Early Learning Council**.

4 (15) The local commission shall keep an official record of any amendments to the local coordi-
5 nated comprehensive plan under subsection (14) of this section.

6 (16) The local commission shall provide an opportunity for public and private contractors to
7 review the components of the local coordinated comprehensive plan and any amendments to the lo-
8 cal plan, to receive notice of any component that the county or counties intend to provide through
9 a county agency and to comment publicly to the board or boards of county commissioners if they
10 disagree with the proposed service delivery plan.

11 **SECTION 16.** ORS 417.775, as amended by section 17, chapter 856, Oregon Laws 2009, is
12 amended to read:

13 417.775. (1) Under the direction of the board or boards of county commissioners, and in con-
14 junction with the guidelines set by the [State Commission on Children and Families] **Early Learning**
15 **Council**, the local commission on children and families shall promote wellness for children of all
16 ages and their families in the county or region, if the families have given their express written
17 consent, mobilize communities and develop policy and oversee the implementation of a local coordi-
18 nated comprehensive plan described in this section. A local commission shall:

19 (a) Inform and involve citizens;

20 (b) Identify and map the range of resources in the community;

21 (c) Plan, advocate and fund research-based initiatives for children who are 18 years of age or
22 younger, including prenatal, and their families;

23 (d) Develop local policies, priorities, outcomes and targets;

24 (e) Prioritize activities identified in the local plan and mobilize the community to take action;

25 (f) Prioritize the use of nondedicated resources;

26 (g) Monitor implementation of the local plan; and

27 (h) Monitor and evaluate the intermediate outcome targets identified in the local plan that are
28 reviewed under ORS 417.797, and report on the progress in addressing priorities and achieving out-
29 comes.

30 (2)(a) A local commission may not provide direct services for children and their families.

31 (b) Notwithstanding paragraph (a) of this subsection, a local commission may provide direct
32 services for children and their families for a period not to exceed six months if:

33 (A)(i) The local commission determines that there is an emergency;

34 (ii) A provider of services discontinues providing the services in the county or region; or

35 (iii) No provider is able to offer the services in the county or region; and

36 (B) The family has given its express written consent.

37 (3) The local commission shall lead and coordinate a process to assess needs, strengths, goals,
38 priorities and strategies, and identify county or regional outcomes to be achieved. The process shall
39 be in conjunction with other coordinating bodies for services for children and their families and
40 shall include representatives of education, mental health services, developmental disability services,
41 alcohol and drug treatment programs, public health programs, local child care resource and referral
42 agencies, child care providers, law enforcement and corrections agencies, private nonprofit entities,
43 local governments, faith-based organizations, businesses, families, youth and the local community.
44 The process shall include populations representing the diversity of the county or region.

45 (4) Through the process described in subsection (3) of this section, the local commission shall

1 coordinate the development of a single local plan for coordinating community programs, strategies
 2 and services for children who are 18 years of age or younger, including prenatal, and their families
 3 among community groups, government agencies, private providers and other parties. The local plan
 4 shall be a comprehensive area-wide service delivery plan for all services to be provided for children
 5 and their families in the county or region, if the families have given their express written consent.
 6 The local plan shall be designed to achieve state and county or regional outcomes based on state
 7 policies and guidelines and to maintain a level of services consistent with state and federal re-
 8 quirements.

9 (5) The local commission shall prepare the local coordinated comprehensive plan and applica-
 10 tions for funds to implement ORS 417.705 to 417.801 and 419A.170. The local plan, policies and pro-
 11 posed service delivery systems shall be submitted to the board or boards of county commissioners
 12 for approval prior to submission to the [state commission] **Early Learning Council**. The local plan
 13 shall be based on identifying the most effective service delivery system allowing for the continuation
 14 of current public and private programs where appropriate. The local plan shall address needs,
 15 strengths and assets of all children, their families and communities, including those children and
 16 their families at highest risk.

17 (6) Subject to the availability of funds:

18 (a) The local coordinated comprehensive plan shall include:

19 (A) Identification of ways to connect all state and local planning processes related to services
 20 for children and their families into the local coordinated comprehensive plan to create positive
 21 outcomes for children and their families; and

22 (B) Provisions for a continuum of social supports at the community level for children from the
 23 prenatal stage through 18 years of age, and their families, that takes into account areas of need,
 24 service overlap, asset building and community strengths as outlined in ORS 417.305 (2).

25 (b) The local coordinated comprehensive plan shall reference:

26 (A) A voluntary local early childhood system plan created [pursuant to] **under** ORS 417.777;

27 (B) Local alcohol and other drug prevention and treatment plans developed [pursuant to] **under**
 28 section 1, chapter 856, Oregon Laws 2009;

29 (C) Local service plans, developed [pursuant to] **under** ORS 430.630, for the delivery of mental
 30 health services for children and their families;

31 (D) Local public health plans, developed [pursuant to] **under** ORS 431.385, that include public
 32 health issues such as prenatal care, immunizations, well-child checkups, tobacco use, nutrition, teen
 33 pregnancy, maternal and child health care and suicide prevention; and

34 (E) The local high-risk juvenile crime prevention plan developed [pursuant to] **under** ORS
 35 417.855.

36 (7) The local coordinated comprehensive plan shall include a list of staff positions budgeted to
 37 support the local commission on children and families. The list shall indicate the status of each po-
 38 sition as a percentage of full-time equivalency dedicated to the implementation of the local coordi-
 39 nated comprehensive plan. The county board or boards of commissioners shall be responsible for
 40 providing the level of staff support detailed in the local plan and shall ensure that funds provided
 41 for these purposes are used to carry out the local plan.

42 (8) The local coordinated comprehensive plan shall:

43 (a) Improve results by addressing the needs, strengths and assets of all children, their families
 44 and communities in the county or region, including those children and their families at highest risk;

45 (b) Improve results by identifying the methods that work best at the state and local levels to

1 coordinate resources, reduce paperwork and simplify processes, including data gathering and plan-
2 ning;

3 (c) Be based on local, state and federal resources;

4 (d) Be based on proven practices of effectiveness for the specific community;

5 (e) Contribute to a voluntary statewide system of formal and informal services and supports that
6 is provided at the community level, that is integrated in local communities and that promotes im-
7 proved outcomes for Oregon's children;

8 (f) Be presented to the citizens in each county for public review, comment and adjustment;

9 (g) Be designed to achieve outcomes based on research-identified proven practices of effective-
10 ness; and

11 (h) Address other issues, local needs or children and family support areas as determined by the
12 local commission [pursuant to ORS 417.735].

13 (9) In developing the local coordinated comprehensive plan, the local commission shall:

14 (a) Secure active participation [pursuant to] **under** subsection (3) of this section;

15 (b) Provide for community participation in the planning process, including media notification;

16 (c) Conduct an assessment of the community that identifies needs and strengths;

17 (d) Identify opportunities for service integration; and

18 (e) Develop a local coordinated comprehensive plan and budget to meet the priority needs of a
19 county or region.

20 (10) The [state commission] **Early Learning Council** may disapprove the part of the local coordi-
21 nated comprehensive plan relating to the planning process required by this section and the vol-
22 untary local early childhood system plan.

23 (11)(a) The [state commission] **Early Learning Council** may disapprove the **part of the local**
24 **coordinated comprehensive plan relating to the** planning process and the voluntary local early
25 childhood system plan only upon making specific findings that the local plan substantially fails to
26 conform to the principles, characteristics and values identified in ORS 417.708 to 417.725 [and
27 417.735 (4)] or that the local plan fails to conform with the planning process requirements of this
28 section. The staff of the [state commission] **council** shall assist the local commission in remedying
29 the deficiencies in the planning process or the voluntary local early childhood system plan. The
30 [state commission] **council** shall set a date by which any deficient portions of the planning process
31 or the voluntary local early childhood system plan must be revised and resubmitted to the [state
32 commission] **council** by the local commission.

33 (b) The [state commission] **council** does not have approval authority over the following service
34 plans referenced in the local coordinated comprehensive plan:

35 (A) The local alcohol and other drug prevention and treatment plans developed pursuant to
36 section 1, chapter 856, Oregon Laws 2009;

37 (B) Local service plans, developed pursuant to ORS 430.630, relating to the delivery of mental
38 health services;

39 (C) Local public health plans developed pursuant to ORS 431.385; and

40 (D) Local high-risk juvenile crime prevention plans developed pursuant to ORS 417.855.

41 (12) The [state commission] **Early Learning Council**, the Department of Human Services and the
42 Juvenile Crime Prevention Advisory Committee may jointly approve the community plan that is part
43 of the local coordinated comprehensive plan, but may not jointly approve the service plans that are
44 referenced in the local plan. If the community plan is disapproved in whole, the agencies shall
45 identify with particularity the manner in which the community plan is deficient and the service

1 plans may be implemented. If only part of the community plan is disapproved, the remainder of the
 2 community plan and the service plans may be implemented. The staff of the agencies shall assist the
 3 local commission in remedying the disapproved portions of the community plan. The agencies shall
 4 jointly set a date by which the deficient portions of the community plan shall be revised and re-
 5 submitted to the agencies by the local commission. In reviewing the community plan, the agencies
 6 shall consider the impact of state and local budget reductions on the community plan.

7 (13) If a local commission determines that the needs of the county or region *[it]* **the local**
 8 **commission** serves differ from those identified by the *[state commission, it]* **Early Learning Coun-**
 9 **cil, the local commission** may ask the *[state commission]* **council** to waive specific requirements
 10 in its list of children's support areas. The process for granting waivers shall be developed by the
 11 *[state commission]* **council** prior to the start of the review and approval process for the local coor-
 12 dinated comprehensive plan *[described in ORS 417.735 (4)]* and shall be based primarily on a deter-
 13 mination of whether the absence of a waiver would prevent the local commission from best meeting
 14 the needs of the county or region.

15 (14) From time to time, the local commission may amend the local coordinated comprehensive
 16 plan and applications for funds to implement ORS 417.705 to 417.801 and 419A.170. The local com-
 17 mission must amend the local plan to reflect current community needs, strengths, goals, priorities
 18 and strategies. Amendments become effective upon approval of the board or boards of county com-
 19 missioners and the *[state commission]* **Early Learning Council**.

20 (15) The local commission shall keep an official record of any amendments to the local coordi-
 21 nated comprehensive plan under subsection (14) of this section.

22 (16) The local commission shall provide an opportunity for public and private contractors to
 23 review the components of the local coordinated comprehensive plan and any amendments to the lo-
 24 cal plan, to receive notice of any component that the county or counties intend to provide through
 25 a county agency and to comment publicly to the board or boards of county commissioners if they
 26 disagree with the proposed service delivery plan.

27 **SECTION 17.** ORS 417.780 is amended to read:

28 417.780. Funds received by a county or counties from the state to implement ORS 417.705 to
 29 417.801 and 419A.170 shall not be used to replace county general fund moneys, other than federal
 30 or state funds, currently being used by the county for existing programs for children and youth.
 31 However, in case of severe financial hardship demonstrated by a county or counties, the *[State*
 32 *Commission on Children and Families]* **Early Learning Council** may waive the requirements of this
 33 section in approving the local coordinated comprehensive plan.

34 **SECTION 18.** ORS 417.785 is amended to read:

35 417.785. A local commission is the recommended local structure for implementation of ORS
 36 417.705 to 417.801 and 419A.170. However, a county or counties may elect to offer another structure
 37 but shall submit only one local coordinated comprehensive plan. The alternative structure must be
 38 approved by the *[State Commission on Children and Families]* **Early Learning Council**.

39 **SECTION 19.** ORS 417.787 is amended to read:

40 417.787. The *[State Commission on Children and Families]* **Early Learning Council** shall:

41 (1) Determine when funds for services for children and families not described in ORS 409.010
 42 (2)(a) and 430.215 are to be transferred to the local commission. If a local commission with an ap-
 43 proved local coordinated comprehensive plan requests a transfer, the *[state commission]* **council**
 44 shall determine whether funds can be transferred.

45 (2) Determine which, if any, services for children and families that are not described in ORS

1 409.010 (2)(a) and 430.215 are not to be transferred to local commissions but are to remain state
2 responsibilities.

3 **SECTION 20.** ORS 417.788 is amended to read:

4 417.788. (1) The [*State Commission on Children and Families*] **Early Learning Council** shall
5 support relief nurseries statewide through local commissions on children and families as funding
6 becomes available. Local commissions may establish relief nurseries for young children who are at
7 risk and their families. Local commissions in adjoining counties may choose to establish regional
8 relief nurseries. The relief nurseries shall:

9 (a) Be consistent with the voluntary early childhood system plan that is part of the local coor-
10 dinated comprehensive plan; and

11 (b) Involve the parents of children served by the relief nurseries.

12 (2) Programs at the relief nurseries shall include:

13 (a) Therapeutic early childhood education programs; and

14 (b) Parent education, training and support.

15 (3) Each relief nursery that receives state funding shall have financial support from the com-
16 munity that is at least equal to 25 percent of any state allocation.

17 **SECTION 21.** ORS 417.790 is amended to read:

18 417.790. The [*State Commission on Children and Families*] **Early Learning Council** shall:

19 (1) Make grants to local commissions on children and families to fund research-based services
20 and initiatives to improve outcomes for children, youth or families. The [*state commission*] **council**
21 shall assist counties in the implementation of community services that are efficient, accountable,
22 coordinated and readily available. Grants for services and initiatives to support children, youth or
23 families shall be used at the local level according to the county's local coordinated comprehensive
24 plan. These services shall be provided in accordance with ORS 417.715 and 417.720.

25 (2) Make Great Start grants to local commissions on children and families to fund community-
26 based programs for children who are newborn through eight years of age. A county or region shall
27 use Great Start grant funds to provide research-based early childhood programs in community set-
28 tings and to provide services that have proven to be successful and that meet the needs of the
29 community as described in the county's local coordinated comprehensive plan. These services shall
30 be provided in accordance with ORS 417.728.

31 **SECTION 22.** ORS 417.793 is amended to read:

32 417.793. The [*State Commission on Children and Families*] **Early Learning Council** shall support
33 parents-as-teachers programs statewide through local commissions on children and families as fund-
34 ing becomes available. If a local commission offers a program, the program shall be part of a com-
35 prehensive, research-based approach to parent education and support. The program shall be
36 consistent with the voluntary early childhood system plan that is part of the local coordinated
37 comprehensive plan.

38 **SECTION 23.** ORS 417.795 is amended to read:

39 417.795. (1) The [*State Commission on Children and Families established under ORS 417.730*]
40 **Early Learning Council** shall establish Healthy Start Family Support Services programs through
41 contracts entered into by local commissions on children and families in all counties of this state as
42 funding becomes available.

43 (2) These programs shall be nonstigmatizing, voluntary and designed to achieve the appropriate
44 early childhood benchmarks and shall:

45 (a) Ensure that express written consent is obtained from the family prior to any release of in-

1 formation that is protected by federal or state law and before the family receives any services;

2 (b) Ensure that services are voluntary and that, if a family chooses not to accept services or
3 ends services, there are no adverse consequences for those decisions;

4 (c) Offer a voluntary comprehensive screening and risk assessment of all newly born children
5 and their families;

6 (d) Ensure that the disclosure of information gathered in conjunction with the voluntary com-
7 prehensive screening and risk assessment of children and their families is limited [*pursuant to*] **un-**
8 **der** ORS 417.728 (6) to the following purposes:

9 (A) Providing services under the programs to children and families who give their express
10 written consent;

11 (B) Providing statistical data that are not personally identifiable;

12 (C) Accomplishing other purposes for which the family has given express written consent; and

13 (D) Meeting the requirements of mandatory state and federal disclosure laws;

14 (e) Ensure that risk factors used in the risk assessment are limited to those risk factors that
15 have been shown by research to be associated with poor outcomes for children and families;

16 (f) Identify, as early as possible, families that would benefit most from the programs;

17 (g) Provide parenting education and support services, including but not limited to community-
18 based home visiting services and primary health care services;

19 (h) Provide other supports, including but not limited to referral to and linking of community and
20 public services for children and families such as mental health services, alcohol and drug treatment
21 programs that meet the standards promulgated by the Oregon Health Authority [*pursuant to*] **under**
22 ORS 430.357, child care, food, housing and transportation;

23 (i) Coordinate services for children consistent with the voluntary local early childhood system
24 plan developed [*pursuant to*] **under** ORS 417.777;

25 (j) Provide follow-up services and supports from birth through five years of age;

26 (k) Integrate data with any common data system for early childhood programs implemented
27 [*pursuant to section 7, chapter 831, Oregon Laws 2001*];

28 (L) Be included in a statewide independent evaluation to document:

29 (A) Level of screening and assessment;

30 (B) Incidence of child abuse and neglect;

31 (C) Change in parenting skills; and

32 (D) Rate of child development;

33 (m) Be included in a statewide training program in the dynamics of the skills needed to provide
34 early childhood services, such as assessment and home visiting; and

35 (n) Meet voluntary statewide and local early childhood system quality assurance and quality
36 improvement standards.

37 (3) The Healthy Start Family Support Services programs, local health departments and other
38 providers of prenatal and perinatal services in counties, as part of the voluntary local early child-
39 hood system, shall:

40 (a) Identify existing services and describe and prioritize additional services necessary for a
41 voluntary home visit system;

42 (b) Build on existing programs;

43 (c) Maximize the use of volunteers and other community resources that support all families;

44 (d) Target, at a minimum, all first birth families in the county; and

45 (e) Ensure that home visiting services provided by local health departments for children and

1 pregnant women support and are coordinated with local Healthy Start Family Support Services
2 programs.

3 (4) Through a Healthy Start Family Support Services program, a trained family support worker
4 or nurse shall be assigned to each family assessed as at risk that consents to receive services
5 through the worker or nurse. The worker or nurse shall conduct home visits and assist the family
6 in gaining access to needed services.

7 (5) The services required by this section shall be provided by hospitals, public or private entities
8 or organizations, or any combination thereof, capable of providing all or part of the family risk as-
9 sessment and the follow-up services. In granting a contract, a local commission may utilize
10 collaborative contracting or requests for proposals and shall take into consideration the most ef-
11 fective and consistent service delivery system.

12 (6) The family risk assessment and follow-up services for families at risk shall be provided by
13 trained family support workers or nurses organized in teams supervised by a manager and including
14 a family services coordinator who is available to consult.

15 (7) Each Healthy Start Family Support Services program shall adopt disciplinary procedures for
16 family support workers, nurses and other employees of the program. The procedures shall provide
17 appropriate disciplinary actions for family support workers, nurses and other employees who violate
18 federal or state law or the policies of the program.

19 **SECTION 24.** ORS 417.797 is amended to read:

20 417.797. (1) Each state agency or other entity that is responsible for a component of the local
21 coordinated comprehensive plan shall ensure that a biennial evaluation of the plan component is
22 conducted according to a consistent framework. The program evaluation shall include:

23 (a) An identified goal and associated Oregon benchmarks;

24 (b) Proven practices of effectiveness and related Oregon data;

25 (c) A target population and a description of local service systems that may be used in identify-
26 ing, screening, recruiting and serving the target population;

27 (d) Specific intermediate outcomes that measure progress in addressing risk contributors or de-
28 veloping core supports and competencies and specific tools and data sources to measure the inter-
29 mediate outcomes;

30 (e) Baseline data about the incidence of risk and asset and support factors with the goal of
31 measuring change over time, including an assessment of local need;

32 (f) Measures of fiscal accountability;

33 (g) Identified roles and responsibilities for state agencies and local partners and performance
34 measures to evaluate effectiveness in agreed-upon roles; and

35 (h) Measures of the change in coordination among service providers and programs as a result
36 of the local plan, including increases in access to services.

37 (2) The [*State Commission on Children and Families*] **Early Learning Council** shall disclose the
38 results of the evaluations to any person upon request.

39 (3) The Oregon Progress Board shall conduct a review of the intermediate [*outcome targets*]
40 **outcomes that were** achieved by local coordinated comprehensive plans [*in accordance with ORS*
41 *417.735 (3)(c)*] for the purpose of identifying progress in achieving outcomes specified in local plans.
42 The Oregon Progress Board shall coordinate the review with the evaluations conducted according
43 to subsection (1) of this section.

44 **SECTION 25.** ORS 417.799 is amended to read:

45 417.799. (1) The [*State Commission on Children and Families*] **Early Learning Council** is re-

1 sponsible for coordinating statewide planning for delivery of services to runaway and homeless
2 youth and their families.

3 (2) The [*State Commission on Children and Families*] **Early Learning Council** shall lead a pro-
4 cess that will allow the [*state commission*] **council**, the Juvenile Crime Prevention Advisory Com-
5 mittee, the Employment Department, the Department of Human Services, the Housing and
6 Community Services Department, the Department of Community Colleges and Workforce Develop-
7 ment, the Department of Education and the Oregon Youth Authority to develop a comprehensive
8 and coordinated approach for services and support for runaway and homeless youth and their fami-
9 lies. The approach shall include an assessment of service needs, the integration of existing services
10 and the identification and tracking of a statewide high-level outcome related to runaway and
11 homeless youth and their families.

12 (3) Through the process, the agencies and other persons and entities involved in the process
13 shall:

14 (a) Recommend funding mechanisms, financial resources and policy changes that will support a
15 continuum of services and that will ensure integration of services among state agencies that provide
16 services to runaway and homeless youth and their families;

17 (b) Identify means of service delivery that are culturally competent, gender specific and evidence
18 based and that reflect differences in approaches for urban and rural runaway and homeless youth
19 and their families;

20 (c) Develop urban and rural demonstration sites to test effective service delivery models for the
21 urban and rural populations;

22 (d) Recommend policies and services that specifically address the needs and responsibilities of
23 parents of runaway and homeless youth;

24 (e) Review existing state laws regarding parental accountability to determine recommended
25 enforcement levels and examine new strategies to encourage parents to be accountable for positive
26 development of their children; and

27 (f) Recommend policies that integrate a system of services for runaway and homeless youth into
28 the state's continuum of care for children who are 0 through 18 years of age.

29 (4) In addition to the state agencies listed in subsection (2) of this section, the [*state*
30 *commission*] **joint process described in subsection (2) of this section** shall include representatives
31 of youth, nonprofit organizations and statewide coalitions related to runaway and homeless youth
32 services and supports [*in the joint process described in subsection (2) of this section*].

33 **SECTION 26.** ORS 417.800 is amended to read:

34 417.800. The [*State Commission on Children and Families*] **Early Learning Council** shall coor-
35 dinate the collection of data, provision of technical assistance to communities for assessing the
36 needs of runaway and homeless youth, and identification and promotion of the best practices for
37 service delivery, and shall recommend long term goals to identify and address the underlying causes
38 of homelessness of youth.

39 **SECTION 27.** ORS 417.801 is amended to read:

40 417.801. Local commissions on children and families shall consider the needs, resources and
41 support for runaway and homeless youth and their families as part of the development of local co-
42 ordinated comprehensive plans. As part of this process, local commissions shall provide information
43 to the [*State Commission on Children and Families*] **Early Learning Council** on the barriers to local
44 implementation of care and services to runaway and homeless youth and their families that result
45 from existing state level policies.

1 **SECTION 28.** ORS 417.845 is amended to read:

2 417.845. (1) The Juvenile Crime Prevention Advisory Committee is created within the [*State*
3 *Commission on Children and Families*] **Early Learning Council.**

4 (2) The committee shall have the following members:

5 (a) The Director of the Oregon Youth Authority or a designee of the director;

6 (b) The [*staff*] director of the [*State Commission on Children and Families*] **Early Learning**
7 **Council** or a designee of the [*staff*] director;

8 (c) The Director of the Oregon Health Authority or one or more designees of the director, one
9 of whom has expertise in treatment and prevention of substance abuse;

10 (d) The executive director of the Oregon Criminal Justice Commission or a designee of the
11 executive director;

12 (e) The Superintendent of Public Instruction or a designee of the superintendent;

13 (f) The Superintendent of State Police or a designee of the superintendent;

14 (g) The Director of the Department of Corrections or a designee of the director;

15 (h) One designee of the Governor;

16 (i) One member appointed by the President of the Senate, who shall be a member of the Senate
17 and who shall be a nonvoting, advisory member;

18 (j) One member appointed by the Speaker of the House of Representatives, who shall be a
19 member of the House of Representatives and who shall be a nonvoting, advisory member; and

20 (k) One designee of the Chief Justice of the Supreme Court from the Judicial Department who
21 serves as a nonvoting member to provide information and support the partnership role of the courts
22 in an effective comprehensive statewide approach to high-risk youth and their families.

23 (3) In addition to the members listed in subsection (2) of this section, the Governor shall appoint
24 the following members who shall be representative of the geographic and cultural diversity of the
25 state:

26 (a) To represent local public and private entities:

27 (A) A county commissioner;

28 (B) A local juvenile director;

29 (C) A director of a local commission on children and families;

30 (D) Two law enforcement officials;

31 (E) A county mental health director;

32 (F) An alcohol and drug abuse professional;

33 (G) A school superintendent;

34 (H) A private youth service provider; and

35 (I) An elected city official;

36 (b) A researcher;

37 (c) A citizen member; and

38 (d) Other members as determined by the Governor.

39 (4) Each member of the committee appointed by the Governor under subsection (3) of this sec-
40 tion shall serve a term of four years. Members appointed by the Governor shall serve at the pleasure
41 of the Governor. A vacancy in the office of any member appointed by the Governor under subsection
42 (3) of this section shall be filled by the Governor by appointment for the unexpired term.

43 (5) The Governor shall select one of the members of the committee as chairperson and one of
44 its members as vice chairperson.

45 (6) The committee shall meet at times, places and intervals deemed advisable by a majority of

1 the members.

2 (7) The [*State Commission on Children and Families*] **Early Learning Council** shall provide staff
3 support to the committee.

4 **SECTION 29.** ORS 417.855 is amended to read:

5 417.855. (1) Each board of county commissioners shall designate an agency or organization to
6 serve as the lead planning organization to facilitate the creation of a partnership among state and
7 local public and private entities in each county. The partnership shall include, but is not limited to,
8 local commissions on children and families, education representatives, public health representatives,
9 local alcohol and drug planning committees, representatives of the court system, local mental health
10 planning committees, city or municipal representatives and local public safety coordinating councils.
11 The partnership shall develop a local high-risk juvenile crime prevention plan that shall be incor-
12 porated into the local coordinated comprehensive plans created [*pursuant to*] **under** ORS 417.775.

13 (2) The local high-risk juvenile crime prevention plans shall use services and activities to meet
14 the needs of a targeted population of youths who:

15 (a) Have more than one of the following risk factors:

16 (A) Antisocial behavior;

17 (B) Poor family functioning or poor family support;

18 (C) Failure in school;

19 (D) Substance abuse problems; or

20 (E) Negative peer association; and

21 (b) Are clearly demonstrating at-risk behaviors that have come to the attention of government
22 or community agencies, schools or law enforcement and will lead to imminent or increased involve-
23 ment in the juvenile justice system.

24 (3)(a) The [*State Commission on Children and Families*] **Early Learning Council** shall allocate
25 funds available to support the local high-risk juvenile crime prevention plans to counties based on
26 the youth population age 18 or younger in those counties.

27 (b) The [*state commission*] **council** shall award a minimum grant to small counties. The minimum
28 grant level shall be determined by the Juvenile Crime Prevention Advisory Committee through a
29 public process and reviewed by the committee biennially.

30 **SECTION 30.** ORS 417.857 is amended to read:

31 417.857. (1) Deschutes County may place greater emphasis on early intervention and work with
32 younger children than required by the Juvenile Crime Prevention Advisory Committee if the county
33 has been granted a waiver [*pursuant to*] **under** this section.

34 (2) The Juvenile Crime Prevention Advisory Committee shall develop an objective process, re-
35 view criteria and timetable for consideration of a waiver request. A waiver granted under this sec-
36 tion applies to the requirements for basic services grants described in ORS 417.850 (8) and high-risk
37 juvenile crime prevention resources managed by the [*State Commission on Children and Families*]
38 **Early Learning Council**. The waiver shall be consistent with the goals of ORS 417.705 to 417.801,
39 417.850 and 417.855.

40 (3) Any documentation required for a waiver under this section shall be obtained to the greatest
41 extent possible from material contained in the county's juvenile crime prevention plan and from
42 material as determined through biennial intergovernmental agreements. The Juvenile Crime Pre-
43 vention Advisory Committee may ask the county to submit additional information regarding how the
44 county intends to use crime prevention funds under the waiver.

45 (4) The Juvenile Crime Prevention Advisory Committee shall grant a waiver or continue a

1 waiver based on criteria that include:

2 (a) The rate of Oregon Youth Authority discretionary bed usage compared to other counties;

3 (b) The county's rates of first-time juvenile offenders, chronic juvenile offenders and juvenile
4 recidivism compared to other counties;

5 (c) The amount and allocation of expenditures from all funding sources for juvenile crime pre-
6 vention, including prevention and early intervention strategies, and how the requested waiver ad-
7 dresses the needs and priorities for the target population described in ORS 417.855 and for the
8 target population described in the waiver;

9 (d) Inclusion of prevention or early intervention strategies in the juvenile crime prevention plan;

10 (e) Investments in evidence-based crime prevention programs and practices;

11 (f) Support of the local public safety coordinating council, local commission on children and
12 families and board of county commissioners;

13 (g) Local integration practices including citizens, victims, courts, law enforcement, business and
14 schools;

15 (h) Identification of the risk factors for the target population described in the waiver; and

16 (i) Changes in the risk factors for the target population described in the waiver.

17 (5) The committee shall review and act on any request for a waiver within 90 days after receipt
18 of the request.

19 (6) The duration of a waiver granted under this section is four years. Before the expiration of
20 a waiver granted under this section, the county may submit a request for another waiver.

21 **SECTION 31.** ORS 418.751 is amended to read:

22 418.751. (1) The Department of Human Services, as provided in ORS 418.702, and the Department
23 of Justice shall ensure that training and education are provided for persons, other than law
24 enforcement officers, who are required to investigate allegations of child abuse. The Department of
25 Human Services and the Department of Justice shall consult with the [*State Commission on Children
26 and Families*] **Early Learning Council** in assessing the grant funding that might be distributed to
27 enhance and support training and continuing education for the county multidisciplinary child abuse
28 teams.

29 (2) The Department of Human Services and the Department of Justice shall work with the Board
30 on Public Safety Standards and Training to ensure that the training that is offered to persons under
31 subsection (1) of this section and ORS 418.702 is coordinated with the training given to law
32 enforcement officers.

33 **SECTION 32.** ORS 418.975 is amended to read:

34 418.975. As used in ORS 418.975 to 418.985:

35 (1) 'Cultural competence' means accepting and respecting diversity and differences in a contin-
36 uous process of self-assessment and reflection on one's personal and organizational perceptions of
37 the dynamics of culture.

38 (2) 'Family' includes, with respect to a youth:

39 (a) A biological or legal parent;

40 (b) A sibling;

41 (c) An individual related by blood, marriage or adoption;

42 (d) A foster parent;

43 (e) A legal guardian;

44 (f) A caregiver;

45 (g) An individual with a significant social relationship with the youth; and

1 (h) Any person who provides natural, formal or informal support to the youth that the youth
2 identifies as important.

3 (3) 'Family-run organization' means a private nonprofit entity organized for the purpose of
4 serving families with a youth who has a serious emotional disorder that:

5 (a) Has a governing board in which a majority of the members are family members of a youth
6 with a serious emotional disorder; and

7 (b) Gives a preference to family members in hiring decisions for the entity.

8 (4) 'Identified population' means youth who have or are at risk of developing emotional, behav-
9 ioral or substance use related needs, and who are involved with two or more systems of care.

10 (5) 'Partner agency' includes the Department of Education, Oregon Youth Authority, Department
11 of Human Services, [*State Commission on Children and Families*] **Early Learning Council** and other
12 appropriate agencies involved in the system of care.

13 (6) 'Services and supports' means public, private and community resources that assist youth in
14 the achievement of positive outcomes.

15 (7) 'System of care' means a coordinated network of services including education, child welfare,
16 public health, primary care, pediatric care, juvenile justice, mental health treatment, substance use
17 treatment, developmental disability services and any other services and supports to the identified
18 population that integrates care planning and management across multiple levels, that is culturally
19 and linguistically competent, that is designed to build meaningful partnerships with families and
20 youth in the delivery and management of services and the development of policy and that has a
21 supportive policy and management infrastructure.

22 (8) 'Wraparound' means a definable, team-based planning process involving a youth and the
23 youth's family that results in a unique set of community services and services and supports indi-
24 vidualized for that youth and family to achieve a set of positive outcomes.

25 (9) 'Youth' means an individual 18 years of age or younger.

26 **SECTION 33.** ORS 419A.170 is amended to read:

27 419A.170. (1) In every case under ORS chapter 419B, the court shall appoint a court appointed
28 special advocate. The court appointed special advocate is deemed a party in these proceedings, and
29 in the furtherance thereof, may be represented by counsel, file pleadings and request hearings and
30 may subpoena, examine and cross-examine witnesses. If the court appointed special advocate is re-
31 presented by counsel, counsel shall be paid from funds available to the Court Appointed Special
32 Advocate Volunteer Program. No funds from the Public Defense Services Account or Judicial De-
33 partment operating funds may be used for this purpose.

34 (2) Subject to the direction of the court, the duties of the court appointed special advocate are
35 to:

36 (a) Investigate all relevant information about the case;

37 (b) Advocate for the child or ward, ensuring that all relevant facts are brought before the court;

38 (c) Facilitate and negotiate to ensure that the court, Department of Human Services, if appli-
39 cable, and the child or ward's attorney, if any, fulfill their obligations to the child or ward in a
40 timely fashion; and

41 (d) Monitor all court orders to ensure compliance and to bring to the court's attention any
42 change in circumstances that may require a modification of the court's order.

43 (3) If a juvenile court does not have available to it a CASA Volunteer Program, or a sufficient
44 number of qualified CASA volunteers, the court may, in fulfillment of the requirements of this sec-
45 tion, appoint a juvenile department employee or other suitable person to represent the child or

1 ward's interest in court [*pursuant to*] **under** ORS 419A.012 or 419B.195.

2 (4) Any person appointed as a court appointed special advocate in any judicial proceeding on
3 behalf of the child or ward is immune from any liability for defamation or statements made in good
4 faith by that person, orally or in writing, in the course of the case review or judicial proceeding.

5 (5) Any person appointed as a court appointed special advocate, CASA Volunteer Program di-
6 rector, CASA Volunteer Program employee or member of the board of directors or trustees of any
7 CASA Volunteer Program is immune from any liability for acts or omissions or errors in judgment
8 made in good faith in the course or scope of that person's duties or employment as part of a CASA
9 Volunteer Program.

10 (6) Whenever the court appoints a court appointed special advocate or other person under sub-
11 sections (1) to (3) of this section to represent the child or ward, it may require a parent, if able, or
12 guardian of the estate, if the estate is able, to pay, in whole or in part, the reasonable costs of CASA
13 services including reasonable attorney fees. The court's order of payment is enforceable in the same
14 manner as an order of support under ORS 419B.408.

15 (7) Upon presentation of the order of appointment by the court appointed special advocate, any
16 agency, hospital, school organization, division, office or department of the state, doctor, nurse or
17 other health care provider, psychologist, psychiatrist, police department or mental health clinic shall
18 permit the court appointed special advocate to inspect and copy any records relating to the child
19 or ward involved in the case, without the consent of the child, ward or parents.

20 (8) All records and information acquired or reviewed by a court appointed special advocate
21 during the course of official duties are deemed confidential under ORS 419A.255.

22 (9) For the purposes of a Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.)
23 grant to this state under Public Law No. 93-247, or any related state or federal legislation, a court
24 appointed special advocate or other person appointed [*pursuant to*] **under** subsections (1) to (3) of
25 this section is deemed a guardian ad litem to represent the interests of the child or ward in pro-
26 ceedings before the court. Any provisions of this section and ORS 419B.035 and 419B.045 that cause
27 this state to lose federal funding are null and void.

28 (10) There is created a Court Appointed Special Advocate (CASA) Fund in the General Fund.
29 The fund consists of all moneys credited to it. Moneys in the Court Appointed Special Advocate
30 Fund are continuously appropriated to the [*State Commission on Children and Families*] **Early**
31 **Learning Council** and may be used only to carry out the purposes of this section. The
32 [*commission*] **council** may apply for and receive funds from federal and private sources for carrying
33 out the provisions of this section.

34 (11) The [*state commission*] **Early Learning Council** may expend moneys from the Court Ap-
35 pointed Special Advocate Fund directly or indirectly through contracts or grants for the creation,
36 supervision and operation of CASA Volunteer Programs statewide in accordance with the provisions
37 of ORS 419A.045 to 419A.048. The [*commission*] **council** may also expend moneys from the Court
38 Appointed Special Advocate Fund to pay the reasonable costs of its administration of the Court
39 Appointed Special Advocate Fund. The [*commission*] **council** shall adopt rules for carrying out its
40 responsibilities under this section and ORS 419B.035 and 419B.045.

41 **SECTION 34.** ORS 419B.005, as amended by section 4, chapter 60, Oregon Laws 2010, is
42 amended to read:

43 419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

44 (1)(a) 'Abuse' means:

45 (A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child

1 which has been caused by other than accidental means, including any injury which appears to be
2 at variance with the explanation given of the injury.

3 (B) Any mental injury to a child, which shall include only observable and substantial impairment
4 of the child's mental or psychological ability to function caused by cruelty to the child, with due
5 regard to the culture of the child.

6 (C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual pene-
7 tration and incest, as those acts are described in ORS chapter 163.

8 (D) Sexual abuse, as described in ORS chapter 163.

9 (E) Sexual exploitation, including but not limited to:

10 (i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any
11 other conduct which allows, employs, authorizes, permits, induces or encourages a child to engage
12 in the performing for people to observe or the photographing, filming, tape recording or other ex-
13 hibition which, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or
14 described in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not in-
15 cluding any conduct which is part of any investigation conducted [*pursuant to*] **under** ORS 419B.020
16 or which is designed to serve educational or other legitimate purposes; and

17 (ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution, as defined in
18 ORS chapter 167.

19 (F) Negligent treatment or maltreatment of a child, including but not limited to the failure to
20 provide adequate food, clothing, shelter or medical care that is likely to endanger the health or
21 welfare of the child.

22 (G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm
23 to the child's health or welfare.

24 (H) Buying or selling a person under 18 years of age as described in ORS 163.537.

25 (I) Permitting a person under 18 years of age to enter or remain in or upon premises where
26 methamphetamines are being manufactured.

27 (J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, that subjects a child
28 to a substantial risk of harm to the child's health or safety.

29 (b) 'Abuse' does not include reasonable discipline unless the discipline results in one of the
30 conditions described in paragraph (a) of this subsection.

31 (2) 'Child' means an unmarried person who is under 18 years of age.

32 (3) 'Public or private official' means:

33 (a) Physician, osteopathic physician, physician assistant, naturopathic physician, podiatric phy-
34 sician and surgeon, including any intern or resident.

35 (b) Dentist.

36 (c) School employee.

37 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide
38 or employee of an in-home health service.

39 (e) Employee of the Department of Human Services, Oregon Health Authority, [*State Commission*
40 *on Children and Families*,] Child Care Division of the Employment Department, the Oregon Youth
41 Authority, a county health department, a community mental health program, a community develop-
42 mental disabilities program, a county juvenile department, a licensed child-caring agency or an al-
43 cohol and drug treatment program.

44 (f) Peace officer.

45 (g) Psychologist.

- 1 (h) Member of the clergy.
- 2 (i) Regulated social worker.
- 3 (j) Optometrist.
- 4 (k) Chiropractor.
- 5 (L) Certified provider of foster care, or an employee thereof.
- 6 (m) Attorney.
- 7 (n) Licensed professional counselor.
- 8 (o) Licensed marriage and family therapist.
- 9 (p) Firefighter or emergency medical technician.
- 10 (q) A court appointed special advocate, as defined in ORS 419A.004.
- 11 (r) A child care provider registered or certified under ORS 657A.030 and 657A.250 to 657A.450.
- 12 (s) Member of the Legislative Assembly.
- 13 (t) Physical, speech or occupational therapist.
- 14 (u) Audiologist.
- 15 (v) Speech-language pathologist.
- 16 (w) Employee of the Teacher Standards and Practices Commission directly involved in investi-
- 17 gations or discipline by the commission.
- 18 (x) Pharmacist.
- 19 (y) An operator of a preschool recorded program under ORS 657A.255.
- 20 (z) An operator of a school-age recorded program under ORS 657A.257.
- 21 (aa) Employee of a private agency or organization facilitating the provision of respite services,
- 22 as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS
- 23 109.056.
- 24 (4) 'Law enforcement agency' means:
- 25 (a) Any city or municipal police department.
- 26 (b) Any county sheriff's office.
- 27 (c) The Oregon State Police.
- 28 (d) A county juvenile department.
- 29 **SECTION 35.** ORS 182.515 is amended to read:
- 30 182.515. As used in this section and ORS 182.525:
- 31 (1) 'Agency' means:
- 32 (a) The Department of Corrections;
- 33 (b) The Oregon Youth Authority; **and**
- 34 [(c) *The State Commission on Children and Families; and*]
- 35 [(d)] (c) That part of the Oregon Health Authority that deals with mental health and addiction
- 36 issues.
- 37 (2) 'Cost effective' means that cost savings realized over a reasonable period of time are greater
- 38 than costs.
- 39 (3) 'Evidence-based program' means a program that:
- 40 (a) Incorporates significant and relevant practices based on scientifically based research; and
- 41 (b) Is cost effective.
- 42 (4)(a) 'Program' means a treatment or intervention program or service that is intended to:
- 43 (A) Reduce the propensity of a person to commit crimes;
- 44 (B) Improve the mental health of a person with the result of reducing the likelihood that the
- 45 person will commit a crime or need emergency mental health services; or

1 (C) Reduce the propensity of a person who is less than 18 years of age to engage in antisocial
2 behavior with the result of reducing the likelihood that the person will become a juvenile offender.

3 (b) 'Program' does not include:

4 (A) An educational program or service that an agency is required to provide to meet educational
5 requirements imposed by state law; or

6 (B) A program that provides basic medical services.

7 (5) 'Scientifically based research' means research that obtains reliable and valid knowledge by:

8 (a) Employing systematic, empirical methods that draw on observation or experiment;

9 (b) Involving rigorous data analyses that are adequate to test the stated hypotheses and justify
10 the general conclusions drawn; and

11 (c) Relying on measurements or observational methods that provide reliable and valid data
12 across evaluators and observers, across multiple measurements and observations and across studies
13 by the same or different investigators.

14 **SECTION 36.** ORS 329.155 is amended to read:

15 329.155. (1) State agencies that administer education programs and other programs that provide
16 services for children and families shall:

17 (a) Evaluate the effectiveness of the program as related to the principles stated in ORS 329.025
18 and 417.305 in the earliest stages of the budget process, including components within programs as
19 appropriate;

20 (b) Articulate ways in which the program is an effective component of agency and state priori-
21 ties, goals and strategies, such as those developed by the Oregon Progress Board, or to relevant
22 research and professional standards;

23 (c) Establish plans, interagency partnerships, implementation practices and interactions with
24 local coordinated comprehensive plans;

25 (d) Utilize the information generated by applicable state advisory groups [*and by the local plan-*
26 *ning process administered by the State Commission on Children and Families*] in the program as-
27 sessment of needs and decisions as to service delivery in a given community; and

28 (e) Identify barriers to improving program capability to serve the needs of young children and
29 related recommendations, if any.

30 (2) The processes listed in subsection (1) of this section are for the purpose of generating
31 interagency coordination so as to serve to the greatest extent possible young children and their
32 families in a comprehensive and developmentally appropriate fashion. The information generated by
33 these processes shall be considered as a contribution to subsequent budget decisions by state and
34 local agencies, the Oregon Department of Administrative Services and Legislative Assembly[, *and*
35 *as a contribution to the planning and coordination tasks of the State Commission on Children and*
36 *Families*].

37 **SECTION 37.** ORS 329.159 is amended to read:

38 329.159. (1) Within available funding, the Department of Education shall, in conjunction with the
39 Department of Human Services, [*the State Commission on Children and Families,*] representatives of
40 local commissions on children and families[,] and the Juvenile Crime Prevention Advisory Commit-
41 tee, explore the feasibility of conducting a statewide evaluation of the effectiveness of community
42 learning centers. The evaluation may consider the following outcomes:

43 (a) Student attendance;

44 (b) Test scores;

45 (c) Parent involvement;

- 1 (d) Family mobility;
- 2 (e) Disciplinary referrals; and
- 3 (f) Referrals to the juvenile justice system.

4 (2) The Department of Education, in consultation with the Department of Human Services, [the
5 *State Commission on Children and Families*,] representatives of local commissions on children and
6 families, and the Juvenile Crime Prevention Advisory Committee, shall create a form for reporting
7 and monitoring information collected by community learning centers. The form shall be designed to
8 collect the following data:

- 9 (a) Unduplicated number of children and unduplicated number of adults served in community
10 learning center programs;
- 11 (b) Number of requests for information and other referrals;
- 12 (c) Level of parent or customer satisfaction;
- 13 (d) Increases in or reductions of collaboration among agencies and departments;
- 14 (e) Increases in or reductions of the use of public facilities for community and family programs;
- 15 and
- 16 (f) Outcomes listed in subsection (1) of this section.

17 **SECTION 38.** ORS 329.190 is amended to read:

18 329.190. The Department of Education shall establish an advisory committee composed of inter-
19 ested parents and representatives from the [*State Commission on Children and Families*,] health care
20 profession, early childhood education and development staff preparation programs, Oregon Head
21 Start Association, school districts, community colleges, Early Intervention Council, child care and
22 other organizations. The purpose of the advisory committee is to provide advice to the department
23 on matters related to the Oregon prekindergarten program.

24 **SECTION 39.** ORS 343.499 is amended to read:

25 343.499. (1)(a) There is created the State Interagency Coordinating Council.

26 (b) The Governor shall appoint members of the council from a list of eligible appointees provided
27 by the council and agencies described in subsection (2) of this section and shall ensure that the
28 membership of the council reasonably represents the population of this state.

29 (c) The Governor shall designate one member of the council to serve as the chairperson, or if
30 the Governor chooses not to name a chairperson, the council may elect one of its members to serve
31 as chairperson. However, any member of the council who represents the Department of Education
32 may not serve as the chairperson of the council.

33 (2) The membership of the council shall be composed as follows:

34 (a) At least 20 percent of the council members shall be parents, including minority parents, of
35 preschool children with disabilities or of children with disabilities who are 12 years of age or
36 younger who have knowledge of or experience with programs for infants and toddlers with disabili-
37 ties. At least one council member shall be a parent of an infant or toddler with a disability or of a
38 child with a disability who is six years of age or younger.

39 (b) At least 20 percent of the council members shall be public or private providers of early
40 intervention and early childhood special education services.

41 (c) At least one council member shall be a member of the Legislative Assembly.

42 (d) At least one council member shall be involved in personnel preparation.

43 (e) At least one council member shall represent the Department of Human Services.

44 (f) At least one council member shall represent the federal Head Start program.

45 (g) At least one council member shall represent the Child Care Division of the Employment

1 Department.

2 (h) At least one council member shall represent the Department of Education.

3 (i) At least one council member shall represent the Department of Consumer and Business Ser-
4 vices.

5 *[(j) At least one council member shall represent the State Commission on Children and Families.]*

6 *[(k)]* (j) At least one council member shall represent the Child Development and Rehabilitation
7 Center of the Oregon Health and Science University.

8 *[(L)]* (k) At least one council member shall be a member of the State Advisory Council for Spe-
9 cial Education created under ORS 343.287.

10 *[(m)]* (L) At least one council member shall be a representative designated by the state coordi-
11 nator for homeless education.

12 *[(n)]* (m) At least one council member shall represent the state child welfare agency responsible
13 for foster care.

14 *[(o)]* (n) At least one council member shall represent the state agency responsible for children's
15 mental health.

16 *[(p)]* (o) At least one council member shall be from the Oregon Health Authority.

17 *[(q)]* (p) The council may include other members appointed by the Governor, including but not
18 limited to one representative from the United States Bureau of Indian Affairs or, where there is no
19 school operated or funded by the bureau, from the Indian Health Service or the tribe or tribal
20 council.

21 (3) An individual appointed to represent a state agency that is involved in the provision of or
22 payment for services for preschool children with disabilities under subsection (2)(e) and (h) to *[(k)]*
23 (j) of this section shall have sufficient authority to engage in making and implementing policy on
24 behalf of the agency.

25 (4) The State Interagency Coordinating Council shall:

26 (a) Advise the Superintendent of Public Instruction and the State Board of Education on unmet
27 needs in the early childhood special education and early intervention programs for preschool chil-
28 dren with disabilities, review and comment publicly on any rules proposed by the State Board of
29 Education and the distribution of funds for the programs and assist the state in developing and re-
30 porting data on and evaluations of the programs and services.

31 (b) Advise and assist the represented public agencies regarding the services and programs they
32 provide to preschool children with disabilities and their families, including public comments on any
33 proposed rules affecting the target population and the distribution of funds for such services, and
34 assist each agency in developing services that reflect the overall goals for the target population as
35 adopted by the council.

36 (c) Advise and assist the Department of Education and other state agencies in the development
37 and implementation of the policies that constitute the statewide system.

38 (d) Assist all appropriate public agencies in achieving the full participation, coordination and
39 cooperation for implementation of a statewide system that includes but is not limited to:

40 (A) Seeking information from service providers, service coordinators, parents and others about
41 any federal, state or local policies that impede timely service delivery; and

42 (B) Taking steps to ensure that any policy problems identified under subparagraph (A) of this
43 paragraph are resolved.

44 (e) Advise and assist the Department of Education in identifying the sources of fiscal and other
45 support for preschool services, assigning financial responsibility to the appropriate agencies and

1 ensuring that the provisions of interagency agreements under ORS 343.511 are carried out.

2 (f) Review and comment on each agency's services and policies regarding services for preschool
3 children with disabilities, or preschool children who are at risk of developing disabling conditions,
4 and their families to the maximum extent possible to assure cost-effective and efficient use of re-
5 sources.

6 (g) To the extent appropriate, assist the Department of Education in the resolution of disputes.

7 (h) Advise and assist the Department of Education in the preparation of applications and
8 amendments thereto.

9 (i) Advise and assist the Department of Education regarding the transition of preschool children
10 with disabilities.

11 (j) Prepare and submit an annual report to the Governor and to the United States Secretary of
12 Education on the status of early intervention programs operated within this state.

13 (5) The council may advise appropriate agencies about integration of services for preschool
14 children with disabilities and at-risk preschool children.

15 (6) Terms of office for council members shall be three years, except that:

16 (a) The representative from the State Advisory Council for Special Education shall serve a
17 one-year term; and

18 (b) The representatives from other state agencies and the representative from the Legislative
19 Assembly shall serve indefinite terms.

20 (7) Subject to approval by the Governor, the council may use federal funds appropriated for this
21 purpose and available to the council to:

22 (a) Conduct hearings and forums;

23 (b) Reimburse nonagency council members [pursuant to] **under** ORS 292.495 for attending coun-
24 cil meetings, for performing council duties, and for necessary expenses, including child care for
25 parent members;

26 (c) Pay compensation to a council member if the member is not employed or if the member must
27 forfeit wages from other employment when performing official council business;

28 (d) Hire staff; and

29 (e) Obtain the services of such professional, technical and clerical personnel as may be neces-
30 sary to carry out its functions.

31 (8) Except as provided in subsection (7) of this section, council members shall serve without
32 compensation.

33 (9) The Department of Education shall provide clerical and administrative support, including
34 staff, to the council to carry out the performance of the council's function as described in this sec-
35 tion.

36 (10) The council shall meet at least quarterly. The meetings shall be announced publicly and,
37 to the extent appropriate, be open and accessible to the general public.

38 (11) No member of the council shall cast a vote on any matter that would provide direct finan-
39 cial benefit to that member or otherwise give the appearance of a conflict of interest under state
40 law.

41 **SECTION 40.** ORS 343.507 is amended to read:

42 343.507. (1) Each contractor for early childhood special education and early intervention ser-
43 vices shall assist in the development of a local early intervention interagency advisory council in
44 every county within the contractor's service area.

45 (2) Each local early intervention interagency advisory council shall include as members at least

1 20 percent parents of preschool children with disabilities, 20 percent providers of early childhood
2 special education and early intervention services or other services to preschool children with
3 disabilities[, *a representative of the State Commission on Children and Families*] and representatives
4 from public and private agencies that serve young children and their families, including but not
5 limited to Head Start and Oregon prekindergartens, community child care, the Child Care Division
6 of the Employment Department, local school districts, education service districts, Department of
7 Education regional special education programs, community mental health and developmental disa-
8 bilities programs, Department of Human Services health programs, child welfare programs and pub-
9 lic assistance programs, Indian education agencies, migrant programs serving young children and
10 community colleges.

11 (3) Each local early intervention interagency advisory council shall select its own chairperson
12 and vice chairperson and fix the duties of its officers.

13 (4) The department shall establish procedures pursuant to rules of the State Board of Education
14 for seeking and considering local council advice regarding the selection of contractors, coordination
15 of services and procedures for local resolution of disputes.

16 **SECTION 41.** ORS 430.257 is amended to read:

17 430.257. (1) The Legislative Assembly finds that alcohol and other drug use, abuse and addiction:

18 (a) Pose significant social and public health problems for Oregon;

19 (b) Impact the budgets and workloads of state and local agencies that provide services for chil-
20 dren and families and contribute to incidences of crime, violence, accidents and deaths, as well as
21 reducing worker productivity; and

22 (c) Contribute substantially to the problems faced by a significant number of persons served by
23 the Department of Human Services, Department of Corrections, Oregon Health Authority, Oregon
24 Youth Authority[,] **and** Juvenile Crime Prevention Advisory Committee [*and State Commission on*
25 *Children and Families*].

26 (2) The Department of Human Services, Department of Corrections, Oregon Health Authority,
27 Oregon Youth Authority[,] **and** Juvenile Crime Prevention Advisory Committee [*and State Commis-*
28 *sion on Children and Families*] shall contribute to the development of a comprehensive state plan for
29 alcohol and other drug prevention, intervention and treatment services.

30 (3) The administrative heads of the Department of Education, Department of Human Services,
31 Oregon Health Authority, Oregon State Police, Department of Transportation, Oregon Liquor Con-
32 trol Commission[,] **and** Juvenile Crime Prevention Advisory Committee [*and State Commission on*
33 *Children and Families*] shall each designate an individual, or in the instance of multidivisional de-
34 partments, individuals, to serve as liaison to and assist the Governor's Council on Alcohol and Drug
35 Abuse Programs in meeting the policies, duties and responsibilities set forth in this section and ORS
36 430.250, 430.255, 430.258, 430.259, 430.270, 430.290, 430.359, 430.368, 430.535 and 430.630.

37 **SECTION 42.** ORS 458.525 is amended to read:

38 458.525. (1) The Interagency Council on Hunger and Homelessness is established. The Director
39 of the Housing and Community Services Department shall chair the council. In addition to the di-
40 rector, the council shall consist of 15 members as follows:

41 (a) One member representing each of the following:

42 (A) The Housing and Community Services Department.

43 (B) The Department of Corrections.

44 (C) The Oregon Business Development Department.

45 [(D) *The State Commission on Children and Families.*]

1 [(E)] (D) The Department of Education.

2 [(F)] (E) The State Department of Agriculture.

3 [(G)] (F) The Employment Department.

4 [(H)] (G) The Department of Veterans' Affairs.

5 [(I)] (H) The Department of Transportation.

6 [(J)] (I) The Oregon Youth Authority.

7 [(K)] (J) The Department of Community Colleges and Workforce Development.

8 [(L)] (K) The Department of Justice.

9 [(M)] (L) The Oregon Health Authority.

10 (b) Two members representing the Department of Human Services. Of the two members repre-
11 senting that department:

12 (A) One shall have expertise on issues affecting services to adults and families.

13 (B) One shall have expertise on issues affecting services to seniors and to persons with disabil-
14 ities.

15 (2) Each council member must be the administrative head of the listed agency or an employee
16 of that agency who is designated by the administrative head and who has an agency policy-making
17 role affecting hunger, food programs, nutrition, homelessness or related issues.

18 (3) The Hunger Relief Task Force shall adopt recommendations and proposals as the task force
19 deems appropriate. The council shall be responsible for receiving the recommendations and pro-
20 posals adopted by the task force and the recommendations of any state body relating to the issue
21 of homelessness, and for forwarding the recommendations and proposals to state agencies or other
22 public or private organizations for action that the council deems appropriate:

23 (a) To ensure the coordination of state agency hunger relief efforts and homelessness relief ef-
24 forts;

25 (b) To ensure that food and nutrition programs, other hunger relief efforts and homelessness
26 relief efforts operate efficiently and effectively;

27 (c) To monitor the utilization of federal hunger relief efforts and homelessness relief efforts and
28 provide outreach to expand underutilized programs; and

29 (d) To encourage the coordination of state and local programs, public and private antipoverty
30 programs affecting food distribution and programs for assisting the homeless.

31 (4) The Director of the Housing and Community Services Department, in collaboration with the
32 Director of Human Services, shall convene council meetings at least quarterly.

33 (5) The Director of the Housing and Community Services Department shall provide the council
34 with staff support the director deems appropriate, by using Housing and Community Services De-
35 partment employees or by contract. The director shall also provide the council with supplies as the
36 director deems appropriate.

37 **SECTION 43.** ORS 609.652 is amended to read:

38 609.652. As used in ORS 609.654:

39 (1)(a) 'Aggravated animal abuse' means any animal abuse as described in ORS 167.322.

40 (b) 'Aggravated animal abuse' does not include:

41 (A) Good animal husbandry, as defined in ORS 167.310; or

42 (B) Any exemption listed in ORS 167.335.

43 (2) 'Law enforcement agency' means:

44 (a) Any city or municipal police department.

45 (b) Any county sheriff's office.

- 1 (c) The Oregon State Police.
- 2 (d) A law enforcement division of a county or municipal animal control agency that employs
- 3 sworn officers.
- 4 (3) 'Public or private official' means:
- 5 (a) A physician, including any intern or resident.
- 6 (b) A dentist.
- 7 (c) A school employee.
- 8 (d) A licensed practical nurse or registered nurse.
- 9 (e) An employee of the Department of Human Services, Oregon Health Authority, [*State Com-*
- 10 *mission on Children and Families,*] Child Care Division of the Employment Department, the Oregon
- 11 Youth Authority, a county health department, a community mental health program, a community
- 12 developmental disabilities program, a county juvenile department, a licensed child-caring agency or
- 13 an alcohol and drug treatment program.
- 14 (f) A peace officer.
- 15 (g) A psychologist.
- 16 (h) A member of the clergy.
- 17 (i) A regulated social worker.
- 18 (j) An optometrist.
- 19 (k) A chiropractor.
- 20 (L) A certified provider of foster care, or an employee thereof.
- 21 (m) An attorney.
- 22 (n) A naturopathic physician.
- 23 (o) A licensed professional counselor.
- 24 (p) A licensed marriage and family therapist.
- 25 (q) A firefighter or emergency medical technician.
- 26 (r) A court appointed special advocate, as defined in ORS 419A.004.
- 27 (s) A child care provider registered or certified under ORS 657A.030 and 657A.250 to 657A.450.
- 28 (t) A member of the Legislative Assembly.
- 29 **SECTION 44.** ORS 657A.490 is amended to read:
- 30 657A.490. If the Department of Education is able to find adequate funding under ORS 657A.493,
- 31 the department, in partnership with organizations including, but not limited to, the Institute on Vi-
- 32 olence and Destructive Behavior at the University of Oregon, the Child Care Division of the Em-
- 33 ployment Department[, *the State Commission on Children and Families*] and the Oregon Center for
- 34 Career Development in Childhood Care and Education:
- 35 (1) Shall establish, in coordination with existing training systems, a statewide child care pro-
- 36 vider training program that will educate child care providers on:
- 37 (a) The importance of healthy brain development in the first three years of a child's life.
- 38 (b) The identification of risk factors and behaviors that indicate that a child:
- 39 (A) Needs special education or mental health treatment; or
- 40 (B) Is at risk of becoming involved in the criminal justice system.
- 41 (c) Appropriate referrals for intervention for the behaviors identified under paragraph (b) of this
- 42 subsection.
- 43 (2) Shall establish an application process for child care providers who wish to attend the pro-
- 44 gram and may charge child care providers a fee for attending the program.
- 45 (3) May adopt any rules necessary to implement this section.

1 **SECTION 45.** ORS 131A.360 is amended to read:

2 131A.360. (1) The provisions of this section apply only to a forfeiting agency other than the
3 state, and apply only to forfeiture proceeds arising out of prohibited conduct as defined by ORS
4 131A.005 (12)(a).

5 (2) If the forfeiting agency is not a county, the forfeiting agency shall enter into an agreement,
6 under ORS chapter 190, with the county in which the property was seized to provide a portion of
7 the forfeiture proceeds to the county.

8 (3) After entry of a judgment of forfeiture, a forfeiting agency shall first pay from the forfeiture
9 proceeds the costs incurred by seizing and forfeiting agencies in investigating and prosecuting the
10 case, including costs, disbursements and attorney fees as defined in ORCP 68 A, special expenses
11 such as the provision of currency for undercover law enforcement operations, the cost of disabling
12 a hidden compartment in a motor vehicle and the expenses of maintaining the seized property. The
13 forfeiting agency may not pay expenditures made in connection with the ordinary maintenance and
14 operation of a seizing or forfeiting agency under this subsection.

15 (4) After payment of costs under subsection (3) of this section, the forfeiting agency shall:

16 (a) Deduct an amount equal to five percent of the forfeiture proceeds and deposit that amount
17 in the Illegal Drug Cleanup Fund established by ORS 475.495 for the purposes specified in ORS
18 475.495 (5) and (6);

19 (b) Deduct an amount equal to 2.5 percent of the forfeiture proceeds and deposit that amount
20 in the Asset Forfeiture Oversight Account;

21 (c) Deduct an amount equal to 20 percent of the forfeiture proceeds and deposit that amount in
22 the Oregon Criminal Justice Commission Account established under ORS 137.662 for disbursement
23 to drug court programs as described in ORS 3.450; and

24 (d) Deduct an amount equal to 10 percent of the forfeiture proceeds and deposit that amount in
25 the [*State Commission on Children and Families Account established by ORS 417.733*] **Early Learn-**
26 **ing Council Fund established in section 3 of this 2011 Act** for disbursement to relief nurseries
27 as described in ORS 417.788.

28 (5) If the forfeiting agency has entered into an agreement with a county under subsection (2)
29 of this section, after paying costs under subsection (3) of this section and making the deductions
30 required by subsection (4) of this section, the forfeiting agency shall pay the county the amounts
31 required by the agreement.

32 (6) After making all payments and deductions required by subsections (3), (4) and (5) of this
33 section, the forfeiting agency may use the remaining forfeiture proceeds, including amounts received
34 by a county under subsection (5) of this section or by a any other public body under an intergov-
35 ernmental agreement entered into under ORS 131A.355, only for:

36 (a) The purchase of equipment necessary for the enforcement of laws relating to the unlawful
37 delivery, distribution, manufacture or possession of controlled substances;

38 (b) Currency for undercover law enforcement operations;

39 (c) Drug awareness and drug education programs offered in middle schools and high schools;

40 (d) The expenses of a forfeiting agency in operating joint narcotic operations with other for-
41 feiting agencies pursuant to the terms of an intergovernmental agreement, including paying for
42 rental space, utilities and office equipment; and

43 (e) Expenses of a district attorney in criminal prosecutions for unlawful delivery, distribution,
44 manufacture or possession of controlled substances, as determined through intergovernmental
45 agreement between the forfeiting agency and the district attorney.

1 (7) Notwithstanding subsection (6) of this section, growing equipment and laboratory equipment
 2 seized by a forfeiting agency that was used, or intended for use, in the manufacturing of controlled
 3 substances may be donated to a public school, community college or institution of higher education.

4 (8) A forfeiting agency shall sell as much property as may be needed to make the distributions
 5 required by this section. Distributions required under subsection (4) of this section must be made
 6 once every three months and are due within 20 days of the end of each quarter. No interest shall
 7 accrue on amounts that are paid within the period specified by this subsection.

8 **SECTION 46.** ORS 131A.365 is amended to read:

9 131A.365. (1) The provisions of this section apply only when the forfeiting agency is the state,
 10 and apply only to forfeiture proceeds arising out of prohibited conduct as defined by ORS 131A.005
 11 (12)(a).

12 (2) After entry of a judgment of forfeiture, a forfeiting agency shall first pay from the forfeiture
 13 proceeds the costs incurred by seizing and forfeiting agencies in investigating and prosecuting the
 14 case, including costs, disbursements and attorney fees as defined in ORCP 68 A, special expenses
 15 such as the provision of currency for undercover law enforcement operations, the cost of disabling
 16 a hidden compartment in a motor vehicle and the expenses of maintaining the seized property. The
 17 forfeiting agency may not pay expenditures made in connection with the ordinary maintenance and
 18 operation of a seizing or forfeiting agency under this subsection. Any amount paid to or retained
 19 by the Department of Justice under this subsection shall be deposited in the Criminal Justice Re-
 20 volving Account in the State Treasury. Any amount paid to or retained by the Oregon State Police
 21 under this subsection shall be deposited in the State Police Account.

22 (3) After payment of costs under subsection (2) of this section, the forfeiting agency shall:

23 (a) Deduct an amount equal to 10 percent of the forfeiture proceeds and deposit that amount in
 24 the Illegal Drug Cleanup Fund established by ORS 475.495 for the purposes specified in ORS 475.495
 25 (5) and (6);

26 (b) Deduct an amount equal to three percent of the forfeiture proceeds, not to exceed \$50,000
 27 in a biennium, and deposit that amount in the Asset Forfeiture Oversight Account;

28 (c) Deduct an amount equal to 20 percent of the forfeiture proceeds and deposit that amount in
 29 the Oregon Criminal Justice Commission Account established under ORS 137.662 for disbursement
 30 to drug court programs as described in ORS 3.450; and

31 (d) Deduct an amount equal to 10 percent of the forfeiture proceeds and deposit that amount in
 32 the [State Commission on Children and Families Account established by ORS 417.733] **Early Learn-
 33 ing Council Fund established in section 3 of this 2011 Act** for disbursement to relief nurseries
 34 as described in ORS 417.788.

35 (4) If the forfeiting agency has entered into an intergovernmental agreement with another public
 36 body under ORS 131A.355, or has entered into an agreement with any other law enforcement agency
 37 of the state relating to distribution of forfeiture proceeds, after paying costs under subsection (2)
 38 of this section and making the deductions required by subsection (3) of this section, the forfeiting
 39 agency shall pay an equitable portion of the forfeiture proceeds to each agency participating in the
 40 seizure or forfeiture as provided by the agreement.

41 (5) After making all payments and deductions required by subsections (2), (3) and (4) of this
 42 section, the forfeiting agency shall distribute the remaining forfeiture proceeds as follows:

43 (a) If no law enforcement agency other than the Department of Justice participated in the sei-
 44 zure or forfeiture, the remaining forfeiture proceeds, and forfeiture proceeds received by the De-
 45 partment of Justice under subsection (4) of this section, shall be divided between the Criminal

1 Justice Revolving Account and the Special Crime and Forfeiture Account according to the following
2 schedule:

3 (A) One hundred percent of the first \$200,000 accumulated shall be deposited in the Criminal
4 Justice Revolving Account.

5 (B) Seventy-five percent of the next \$200,000 shall be deposited in the Criminal Justice Revolv-
6 ing Account and the balance in the Special Crime and Forfeiture Account.

7 (C) Fifty percent of the next \$200,000 shall be deposited in the Criminal Justice Revolving Ac-
8 count and the balance in the Special Crime and Forfeiture Account.

9 (D) Twenty-five percent of the next \$200,000 shall be deposited in the Criminal Justice Revolving
10 Account and the balance in the Special Crime and Forfeiture Account.

11 (E) One hundred percent of all additional sums shall be deposited in the Special Crime and
12 Forfeiture Account.

13 (b) If no law enforcement agency other than the Department of State Police participated in the
14 seizure or forfeiture, the remaining proceeds, and proceeds received by the Department of State
15 Police under subsection (4) of this section, shall be divided between the State Police Account and
16 the Special Crime and Forfeiture Account according to the following schedule:

17 (A) One hundred percent of the first \$600,000 accumulated shall be deposited in the State Police
18 Account.

19 (B) Seventy-five percent of the next \$300,000 shall be deposited in the State Police Account and
20 the balance in the Special Crime and Forfeiture Account.

21 (C) Fifty percent of the next \$200,000 shall be deposited in the State Police Account and the
22 balance in the Special Crime and Forfeiture Account.

23 (D) Twenty-five percent of the next \$200,000 shall be deposited in the State Police Account and
24 the balance in the Special Crime and Forfeiture Account.

25 (E) One hundred percent of all additional sums shall be deposited in the Special Crime and
26 Forfeiture Account.

27 (6) Forfeiture proceeds distributed under subsection (5) of this section may be used only for:

28 (a) The purchase of equipment necessary for the enforcement of laws relating to the unlawful
29 delivery, distribution, manufacture or possession of controlled substances;

30 (b) Currency for undercover law enforcement operations;

31 (c) Drug awareness and drug education programs offered in middle schools and high schools; and

32 (d) The expenses of a forfeiting agency in operating joint narcotic operations with other for-
33 feiting agencies [*pursuant to*] **under** the terms of an intergovernmental agreement, including paying
34 for rental space, utilities and office equipment.

35 (7) A forfeiting agency shall sell as much property as may be needed to make the distributions
36 required by this section. Distributions required under subsection (3) of this section must be made
37 once every three months and are due within 20 days of the end of each quarter. No interest shall
38 accrue on amounts that are paid within the period specified by this subsection.

39 **SECTION 47.** ORS 181.715 is amended to read:

40 181.715. (1) The Department of State Police or another criminal justice agency designated by the
41 Director of the Oregon Department of Administrative Services shall operate a Criminal Justice In-
42 formation Standards program that coordinates information among state criminal justice agencies.
43 The program shall:

44 (a) Ensure that in developing new information systems, data can be retrieved to support evalu-
45 ation of criminal justice planning and programs, including, but not limited to, the ability of the

1 programs to reduce future criminal conduct;

2 (b) Ensure that maximum effort is made for the safety of public safety officers;

3 (c) Establish methods and standards for data interchange and information access between crim-
4 inal justice information systems, in compliance with the technology standards and policies of the
5 Oregon Department of Administrative Services;

6 (d) Design and implement improved applications for exchange of agency information; and

7 (e) Implement the capability to exchange images between criminal justice agencies.

8 (2) The program shall develop a plan to accelerate data sharing and information integration
9 among criminal justice agencies. The plan shall include, but is not limited to, priorities, timelines,
10 development costs, resources needed, the projected ongoing cost of support, critical success factors
11 and any known barriers to accomplishing the plan. Representatives of criminal justice agencies and
12 public safety agencies, including but not limited to local law enforcement agencies, courts of crimi-
13 nal jurisdiction, district attorneys, city attorneys with criminal prosecutive functions, public
14 defender organizations established under ORS chapter 151, community corrections directors, jail
15 managers and county juvenile departments, shall be invited to participate in the planning process.
16 The program shall present the plan to the Director of the Oregon Department of Administrative
17 Services no later than May 30 of each even-numbered year for development of the Governor's budget
18 report. The program shall submit the plan to the Joint Legislative Committee on Information Man-
19 agement and Technology no later than December 31 of each even-numbered year.

20 (3) Notwithstanding the meaning given 'criminal justice agency' in ORS 181.010, as used in this
21 section and ORS 181.720, 'criminal justice agency' includes, but is not limited to:

22 (a) The Judicial Department;

23 (b) The Attorney General;

24 (c) The Department of Corrections;

25 (d) The Department of State Police;

26 (e) Any other state agency with law enforcement authority designated by order of the Governor;

27 (f) The Department of Transportation;

28 (g) The State Board of Parole and Post-Prison Supervision;

29 (h) The Department of Public Safety Standards and Training;

30 (i) The State Department of Fish and Wildlife;

31 (j) The Oregon Liquor Control Commission; **and**

32 (k) The Oregon Youth Authority.[: and]

33 [*L*] *The State Commission on Children and Families.*]

34 **SECTION 48.** ORS 181.725 is amended to read:

35 181.725. (1) There is established a Criminal Justice Information Standards Advisory Board to
36 advise the Department of State Police or the criminal justice agency designated by the Director of
37 the Oregon Department of Administrative Services under ORS 181.715 (1) about the department's
38 or the agency's duties under ORS 181.715. The board consists of the following members:

39 (a) The State Court Administrator or the administrator's designee;

40 (b) The Director of the Department of Corrections or the director's designee;

41 (c) The Superintendent of State Police or the superintendent's designee;

42 (d) The executive director of the Oregon Criminal Justice Commission or the executive
43 director's designee;

44 (e) The Director of Transportation or the director's designee;

45 (f) The chairperson of the State Board of Parole and Post-Prison Supervision or the

1 chairperson's designee;

2 (g) The Director of the Department of Public Safety Standards and Training or the director's
3 designee;

4 (h) A chief of police designated by the Oregon Association Chiefs of Police;

5 (i) A sheriff designated by the Oregon Sheriffs' Association;

6 (j) A jail manager designated by the Oregon Jail Managers' Association;

7 (k) A county juvenile department director designated by the Oregon Juvenile Department
8 Directors' Association;

9 (L) A community corrections agency director designated by the Oregon Association of Commu-
10 nity Corrections Directors;

11 (m) A district attorney designated by the Oregon District Attorneys Association;

12 (n) The administrator of the Enterprise Information Strategy and Policy Division of the Oregon
13 Department of Administrative Services or the administrator's designee;

14 (o) The Director of the Oregon Youth Authority or the director's designee;

15 (p) The State Fish and Wildlife Director or the director's designee; **and**

16 (q) The administrator of the Oregon Liquor Control Commission or the administrator's
17 designee.]; *and*]

18 [*r*] *The staff director of the State Commission on Children and Families or the staff director's*
19 *designee.*]

20 (2) The board shall meet at such times and places as the board deems necessary.

21 (3) The members of the board are not entitled to compensation but are entitled to expenses as
22 provided in ORS 292.495.

23 **SECTION 49.** ORS 419C.453 is amended to read:

24 419C.453. (1) Pursuant to a hearing, the juvenile court may order a youth offender placed in a
25 detention facility for a specific period of time not to exceed eight days, in addition to time already
26 spent in the facility[, *unless a program plan that is in conformance with standards established by the*
27 *State Commission on Children and Families has been filed with and approved by the commission, in*
28 *which case the youth offender may be held in detention for a maximum of 30 days in addition to time*
29 *already spent in the facility,*] when:

30 (a) The youth offender has been found to be within the jurisdiction of the juvenile court by
31 reason of having committed an act [*which*] **that** would be a crime if committed by an adult; or

32 (b) The youth offender has been placed on formal probation for an act [*which*] **that** would be a
33 crime if committed by an adult, and has been found to have violated a condition of that probation.

34 (2) Pursuant to a hearing, the juvenile court may order a youth offender who is at least 18 years
35 of age placed in a jail or other place where adults are detained. The placement must be for a specific
36 period of time and may not exceed eight days in addition to time already spent in a juvenile de-
37 tention facility or jail. The court may order placement under this subsection when:

38 (a) The youth offender has been found to be within the jurisdiction of the juvenile court by
39 reason of having committed an act which would be a crime if committed by an adult; or

40 (b) The youth offender has been placed on formal probation for an act [*which*] **that** would be a
41 crime if committed by an adult, and has been found to have violated a condition of that probation.

42 (3) In order to detain a youth offender under subsection (2) of this section, the court shall make
43 case-specific findings that placement in a jail or other place where adults are detained meets the
44 specific needs of the youth offender.

45 (4) As used in this section, 'adult' does not include a person who is 18 years of age or older and

1 is alleged to be, or has been found to be, within the jurisdiction of the juvenile court under ORS
2 419C.005.

3
4 (Transitional Provisions)

5
6 **SECTION 50.** (1) The State Commission on Children and Families is abolished. On the
7 operative date of this section, all duties, functions and powers of the State Commission on
8 Children and Families are imposed upon, transferred to and vested in the Early Learning
9 Council established under section 1 of this 2011 Act.

10 (2) The staff director of the State Commission on Children and Families shall:

11 (a) Deliver to the director of the Early Learning Council all records and property within
12 the jurisdiction of the staff director and the state commission that relate to the duties,
13 functions and powers transferred to and assumed by the council under the provisions of this
14 section; and

15 (b) Transfer to the council those employees engaged primarily in the exercise of the du-
16 ties, functions and powers transferred to and assumed by the council under the provisions
17 of this section.

18 (3) The director of the Early Learning Council shall take possession of the records and
19 property, and shall take charge of the employees and employ them in the exercise of the
20 duties, functions and powers transferred by the provisions of this section, without reduction
21 of compensation but subject to change or termination of employment or compensation as
22 provided by law.

23 (4) The Governor shall resolve any dispute between the State Commission on Children
24 and Families and the Early Learning Council relating to transfers of records, property and
25 employees under this section, and the Governor's decision is final.

26 **SECTION 51.** The State Commission on Children and Families Account is abolished. Any
27 moneys remaining in the account on June 30, 2011, that are unexpended, unobligated and not
28 subject to any conditions shall be transferred to the Early Learning Council Fund established
29 under section 3 of this 2011 Act.

30 **SECTION 52.** (1) The unexpended balances of amounts authorized to be expended by the
31 State Commission on Children and Families for the biennium beginning July 1, 2009, from
32 revenues dedicated, continuously appropriated, appropriated or otherwise made available for
33 the purpose of administering and enforcing the duties, functions and powers transferred by
34 the provisions of section 50 of this 2011 Act are transferred to and are available for expend-
35 iture by the Early Learning Council for the biennium beginning July 1, 2011, for the purpose
36 of administering and enforcing the duties, functions and powers transferred by the provisions
37 of section 50 of this 2011 Act.

38 (2) The expenditure classifications, if any, established by Acts authorizing or limiting
39 expenditures by the state commission remain applicable to expenditures by the council under
40 this section.

41 **SECTION 53.** The transfer of duties, functions and powers to the Early Learning Council
42 by the provisions of section 50 of this 2011 Act does not affect any action, proceeding or
43 prosecution involving or with respect to such duties, functions and powers begun before and
44 pending at the time of the transfer, except that the council is substituted for the State
45 Commission on Children and Families in the action, proceeding or prosecution.

1 **and**

2 **(B) Create local match requirements when required for state and federal financial sup-**
3 **port.**

4 **(2) The local commissions shall submit their recommendations to the council on or before**
5 **September 15, 2011.**

6 **SECTION 60. ORS 417.760, 417.765, 417.770, 417.775, 417.777, 417.780, 417.785 and 417.787 are**
7 **repealed.**

8 **SECTION 61. The repeal of ORS 417.760, 417.765, 417.770, 417.775, 417.777, 417.780, 417.785**
9 **and 417.787 by section 60 of this 2011 Act becomes operative on June 30, 2012.**

10 **SECTION 62. ORS 315.259 is amended to read:**

11 315.259. (1) The tax credits provided under this section may be referred to as the First Break
12 Program.

13 (2) As used in this section:

14 (a) 'Certificate' means a certificate issued by a community-based organization under subsection
15 (5) of this section that certifies an individual as a qualified youth.

16 (b) 'Community-based organization' means an organization designated by the Employment De-
17 partment by rule as an organization authorized to certify individuals as qualified youths for purposes
18 of this section, including all [*local commissions on children and families,*] schools or class groups
19 offering alternative education programs under ORS 336.615 to 336.675, the federal Job Corps, school
20 districts and the Youth Employment and Empowerment Coalition.

21 (c) 'Employer' means an employer subject to taxation under ORS chapter 316, 317 or 318.

22 (d) 'Hiring date' means the date on which the individual begins work for the first employer after
23 becoming a qualified youth.

24 (e) 'Qualified youth' or 'qualified youth employee' means an individual who is 14 to 23 years of
25 age on the hiring date and who has received a certificate pursuant to subsection (5) of this section
26 from a community-based organization identifying the youth as eligible to participate in the First
27 Break Program according to rules adopted by the Employment Department.

28 (f) 'Sustained employment' means employment:

29 (A)(i) Of at least six months during the 12-month period following the hiring date; and

30 (ii) By three or fewer employers during the 12-month period following the hiring date; or

31 (B) Of a full-time student for at least two months during the period between May 1 and Sep-
32 tember 15.

33 (3)(a) A credit against the taxes otherwise due under ORS chapter 316 (or, if the taxpayer is a
34 corporation that is an employer, under ORS chapter 317 or 318) is allowed to a resident employer,
35 based upon wages actually paid by the employer to a qualified youth employee.

36 (b) The credit allowed under this subsection shall be allowed for the tax year in which ends the
37 12-month period following the hiring date of the qualified youth employee. Nothing in this paragraph
38 shall be interpreted to require the employer to employ the qualified youth for the entire 12-month
39 period in order to be eligible for the credit under this subsection.

40 (4) The amount of the credit provided under subsection (3) of this section shall be equal to the
41 lesser of:

42 (a) \$1,000;

43 (b) The amount of credit provided for in paragraph (a) of this subsection that has not already
44 been taken into account by a previous employer of the qualified youth employee; or

45 (c) 50 percent of the wages paid to the qualified youth employee during the 12-month period

1 following the qualified youth employee's hiring date.

2 (5)(a) The Employment Department shall authorize each community-based organization to issue
3 only a fixed number of certificates, the amount to be determined by the Employment Department,
4 but not to exceed 1,500 certificates.

5 (b) Each certificate is valid only for a two-year period from the date it is issued to a qualified
6 youth by a community-based organization.

7 (c) A community-based organization shall track the use of each certificate issued by it to a
8 qualified youth and, if the youth is employed by more than one employer during the time the cer-
9 tificate is issued, shall calculate the amount of maximum credit allowable under subsection (4) of
10 this section and shall inform each subsequent employer of the maximum amount of credit under this
11 section to which the employer may be entitled.

12 (d) If the community-based organization determines that the qualified youth is unable or un-
13 willing to find or maintain sustained employment, the community-based organization shall cancel the
14 certificate and inform the Employment Department of the cancellation. Upon cancellation of a cer-
15 tificate, the Employment Department may authorize any community-based organization to issue a
16 new certificate to a qualified youth, provided that the total number of outstanding certificates and
17 unissued certificates authorized to be issued does not exceed 1,500.

18 (e) If the community-based organization determines that all of the employers of a qualified youth
19 are collectively entitled to 80 percent or more of the tax credit provided under this section at the
20 time the qualified youth becomes unemployed, the community-based organization shall withdraw the
21 certificate, and any subsequent employer shall not be entitled to a credit under this section for
22 employment of the qualified youth. A certificate that is withdrawn under this paragraph shall not
23 be reissued.

24 (f) No certificate may be issued under this subsection on or after January 1, 2005.

25 (6) Wages taken into account for purposes of subsection (4) of this section shall not include any
26 amount paid by the employer to an individual for whom the employer receives federal funds for on-
27 the-job training of the individual.

28 (7) Only one employer at a time shall be eligible for the credit provided under this section for
29 the employment of a qualified youth employee.

30 (8)(a) A nonresident shall be allowed the credit provided under subsection (3) of this section
31 computed in the same manner and subject to the same limitations as the credit allowed to a resident
32 of this state. However, the credit shall be prorated using the proportion provided in ORS 316.117.

33 (b) If a change in the taxable year of a taxpayer occurs as described in ORS 314.085, or if the
34 Department of Revenue terminates the taxpayer's taxable year under ORS 314.440, the credit al-
35 lowed by subsection (3) of this section shall be prorated or computed in a manner consistent with
36 ORS 314.085.

37 (c) If a change in the status of a taxpayer from resident to nonresident or from nonresident to
38 resident occurs, the credit allowed by subsection (3) of this section shall be determined in a manner
39 consistent with ORS 316.117.

40 (9) Any tax credit otherwise allowable under this section that is not used by the taxpayer in a
41 particular tax year may be carried forward and offset against the taxpayer's tax liability for the next
42 succeeding tax year. Any credit remaining unused in such next succeeding tax year may be carried
43 forward and used in the second succeeding tax year, and likewise any credit not used in that second
44 succeeding tax year may be carried forward and used in the third succeeding tax year, and any
45 credit not used in that third succeeding tax year may be carried forward and used in the fourth

1 succeeding tax year, and any credit not used in that fourth succeeding tax year may be carried
2 forward and used in the fifth succeeding tax year, but may not be carried forward for any tax year
3 thereafter.

4 (10)(a) The credit allowed under subsection (3) of this section is in addition to any deduction
5 otherwise allowable under ORS chapter 316, 317 or 318.

6 (b) No other credit allowed under this chapter or ORS chapter 316, 317 or 318 shall be based
7 upon all or any portion of amounts upon which the credit allowed under subsection (3) of this sec-
8 tion is based.

9 (11) An employer receiving a credit under subsection (3) of this section shall maintain records
10 for each qualified youth employee establishing that the employee was certified by a community-based
11 organization as a qualified youth on or before the hiring date. The records shall be retained for a
12 period of four years after the tax year in which a credit provided under subsection (3) of this section
13 is taken.

14 (12) The Employment Department shall adopt rules that:

15 (a) Provide the criteria by which a youth may be identified as eligible to participate in the First
16 Break Program.

17 (b) Designate community-based organizations that may issue the certificates described in sub-
18 section (5) of this section, including all [*local commissions on children and families,*] schools and class
19 groups offering alternative education programs, the federal Jobs Corps, school districts and the
20 Youth Employment and Empowerment Coalition.

21 **SECTION 63.** ORS 329.150 is amended to read:

22 329.150. A school district may provide services for children and families at the school site, which
23 may include a community learning center. If the district chooses to provide services, the design of
24 educational and other services to children and their families shall be the responsibility of the school
25 district. School districts may coordinate services with programs provided through the [*local com-
26 missions on children and families*] **Early Learning Council** to provide services to families. To ensure
27 that all educational and other services for young children and their families offer the maximum op-
28 portunity possible for the personal success of the child and family members, it is the policy of this
29 state that the following principles for serving children should be observed to the maximum extent
30 possible in all of its educational and other programs serving young children and their families, in-
31 cluding those programs delivered at community learning centers:

32 (1) Services for young children and their families should be located as close to the child and the
33 family's community as possible, encouraging community support and ownership of such services;

34 (2) Services for young children and their families should reflect the importance of integration
35 and diversity to the maximum extent possible in regard to characteristics such as race, economics,
36 gender, creed, capability and cultural differences;

37 (3) Services should be designed to support and strengthen the welfare of the child and the family
38 and be planned in consideration of the individual family's values;

39 (4) Services should be designed to ensure continuity of care among care givers in a given day
40 and among service plans from year to year;

41 (5) Service systems should address the most urgent needs in a timely manner including health,
42 intervention and support services; and

43 (6) Service providers and sources of support should be coordinated and collaborative, to reflect
44 the knowledge that no single system can serve all of the needs of the child and family.

45 **SECTION 64.** ORS 329.156, as amended by section 9 of this 2011 Act, is amended to read:

1 329.156. (1) The Department of Education, the Department of Human Services and the Early
2 Learning Council shall support the development and implementation of a network of community
3 learning centers across the state.

4 (2) Within available funding, the council, in conjunction with [*local commissions on children and*
5 *families or*] other organizations that provide training and technical assistance to schools or com-
6 munity programs, shall provide training and technical assistance to promote the development and
7 implementation of community learning centers. To the extent possible, the council shall use volun-
8 tary organizations to provide the training and technical assistance.

9 (3) If a community learning center is created by a school district, the school district shall [*co-*
10 *ordinate with the local commission on children and families to*] ensure that the community learning
11 center is referenced in the local coordinated comprehensive plan[, *implemented pursuant to ORS*
12 *417.775*].

13 (4) Community learning centers created pursuant to this section shall:

14 (a) Be located in or near a school or a cluster of schools;

15 (b) Involve parents in the care and education of their children;

16 (c) Involve the local community in developing and overseeing community learning center pro-
17 grams;

18 (d) Incorporate the principles of family support services described in ORS 329.150 and 417.342;

19 (e) In partnership with the local school district board, create or designate an advisory committee
20 to offer guidance on program development and implementation, with membership that is represen-
21 tative of the diversity of community interests, including representatives of businesses, schools,
22 faith-based organizations, social service and health care agencies, cultural groups, recreation groups,
23 municipal governments, community colleges, libraries, child care providers, parents and youths; **and**

24 (f) Conduct an assessment of strengths, needs and assets within the community to be served by
25 the community learning center that identifies services being delivered in the community, defines and
26 clarifies services that are missing or overlapping and builds on any existing community
27 assessments.]; *and*]

28 [(*g*) *Coordinate the community assessment with the local commission on children and families.*]

29 (5) The Department of Human Services and the Department of Education shall provide technical
30 assistance to community learning centers to develop policies ensuring that confidential information
31 is disclosed only in accordance with state and federal laws.

32 **SECTION 65.** ORS 329.159, as amended by section 37 of this 2011 Act, is amended to read:

33 329.159. (1) Within available funding, the Department of Education shall, in conjunction with the
34 Department of Human Services[, *representatives of local commissions on children and families,*] and
35 the Juvenile Crime Prevention Advisory Committee, explore the feasibility of conducting a statewide
36 evaluation of the effectiveness of community learning centers. The evaluation may consider the fol-
37 lowing outcomes:

38 (a) Student attendance;

39 (b) Test scores;

40 (c) Parent involvement;

41 (d) Family mobility;

42 (e) Disciplinary referrals; and

43 (f) Referrals to the juvenile justice system.

44 (2) The Department of Education, in consultation with the Department of Human Services[,
45 *representatives of local commissions on children and families,*] and the Juvenile Crime Prevention

1 Advisory Committee, shall create a form for reporting and monitoring information collected by
2 community learning centers. The form shall be designed to collect the following data:

3 (a) Unduplicated number of children and unduplicated number of adults served in community
4 learning center programs;

5 (b) Number of requests for information and other referrals;

6 (c) Level of parent or customer satisfaction;

7 (d) Increases in or reductions of collaboration among agencies and departments;

8 (e) Increases in or reductions of the use of public facilities for community and family programs;
9 and

10 (f) Outcomes listed in subsection (1) of this section.

11 **SECTION 66.** ORS 329.175 is amended to read:

12 329.175. (1) The Department of Education shall administer the Oregon prekindergarten program
13 to assist eligible children with comprehensive services including educational, social, health and nu-
14 tritional development to enhance their chances for success in school and life. Eligible children, upon
15 request of parent or guardian, shall be admitted to approved Oregon prekindergartens to the extent
16 that the Legislative Assembly provides funds.

17 (2) Nonsectarian organizations including school districts and Head Start grantees are eligible
18 to compete for funds to establish an Oregon prekindergarten. Grant recipients shall serve children
19 eligible according to federal Head Start guidelines and other children who meet criteria of eligibility
20 adopted by rule by the State Board of Education. However, not more than 20 percent of the total
21 enrollment shall consist of children who do not meet Head Start guidelines. School districts may
22 contract with other governmental or nongovernmental nonsectarian organizations to conduct a
23 portion of the program. Funds appropriated for the program shall be used to establish and maintain
24 new or expanded Oregon prekindergartens and shall not be used to supplant federally supported
25 Head Start programs. Oregon prekindergartens also may accept gifts, grants and other funds for the
26 purposes of this section.

27 (3) Applicants shall identify how they will serve the target population and provide all compo-
28 nents as specified in the federal Head Start performance standards and guidelines, including staff
29 qualifications and training, facilities and equipment, transportation and fiscal management.

30 (4) Oregon prekindergartens shall coordinate with each other and with federal Head Start pro-
31 grams to ensure efficient delivery of services and prevent overlap. Oregon prekindergartens shall
32 also work with local organizations such as local education associations serving young children and
33 make the maximum use of local resources.

34 (5) Oregon prekindergartens shall:

35 (a) Participate in *[the]* a planning process *[under ORS 417.777]* to develop a voluntary local early
36 childhood system plan; and

37 (b) Coordinate services with other services that are coordinated through the plan. The coordi-
38 nation of services shall be consistent with federal and state law.

39 **SECTION 67.** ORS 329.195 is amended to read:

40 329.195. (1) The State Board of Education shall adopt rules for the establishment of the Oregon
41 prekindergarten program. Rules specifically shall require the Oregon prekindergarten program to
42 provide for parental involvement and performance standards at a level no less than that provided
43 under the federal Head Start program guidelines. Federal Head Start program guidelines shall be
44 considered as guidelines for the Oregon prekindergarten program.

45 (2) In developing rules for the Oregon prekindergarten program, the board shall consult with the

1 advisory committee established under ORS 329.190 and shall consider such factors as coordination
2 with existing programs, the preparation necessary for instructors, qualifications of instructors,
3 training of staff, adequate space and equipment and special transportation needs.

4 (3) The Department of Education shall review applications for the Oregon prekindergarten pro-
5 gram received and designate those programs as eligible to commence operation by July 1 of each
6 year. When approving grant applications, to the extent practicable, the board shall distribute funds
7 regionally based on percentages of unmet needs as identified in the voluntary local early childhood
8 system plans that are part of the local coordinated comprehensive plans developed [under ORS
9 417.775] for the county or region.

10 **SECTION 68.** ORS 343.475 is amended to read:

11 343.475. (1) In accordance with rules adopted by the State Board of Education, the Superinten-
12 dent of Public Instruction shall develop and administer a statewide, comprehensive, coordinated,
13 multidisciplinary, interagency program of early childhood special education and early intervention
14 services for preschool children with disabilities and may:

15 (a) Establish and designate service areas throughout the state for the delivery of early childhood
16 special education and early intervention services that shall meet state and federal guidelines and
17 be delivered to all eligible children.

18 (b) Designate in each service area a primary contractor that shall be responsible for the ad-
19 ministration and coordination of early childhood special education and early intervention services
20 to all eligible preschool children and their families residing in the service area.

21 (2) Early childhood special education and early intervention services shall:

22 (a) Participate in [the] a planning process [under ORS 417.777] to develop a voluntary local early
23 childhood system plan; and

24 (b) Coordinate services with other services that are coordinated through the plan. The coordi-
25 nation of services shall be consistent with federal and state law.

26 (3) Preschool children with disabilities shall be considered residents of the service area where
27 the children are currently living, including children living in public or private residential programs,
28 hospitals and similar facilities.

29 (4) In addition to any other remedy or sanction that may be available, the Superintendent of
30 Public Instruction may withhold funds and terminate the contract of any contractor that fails to
31 comply with any provisions of the contract.

32 **SECTION 69.** ORS 343.495 is amended to read:

33 343.495. (1) If no contractor is designated for a service area, and no qualified county agency is
34 available to manage the necessary services or to subcontract the services, the Department of Edu-
35 cation may provide early childhood special education and early intervention services in a local,
36 county or service area.

37 (2) Contractors designated under this section shall:

38 (a) Participate in [the] a planning process [under ORS 417.777] to develop a voluntary local early
39 childhood system plan; and

40 (b) Coordinate services with other services that are coordinated through the plan. The coordi-
41 nation of services shall be consistent with federal and state law.

42 (3) Programs operated by the Department of Education must comply with rules adopted by the
43 State Board of Education for early childhood special education and early intervention contractors.

44 **SECTION 70.** ORS 417.705, as amended by section 10 of this 2011 Act, is amended to read:

45 417.705. As used in ORS 417.705 to 417.801:

1 (1) 'Community mobilization' means government and private efforts to increase community
2 awareness and facilitate the active participation of citizens and organizations in projects and issues
3 that will have positive impact on the well-being of children, families and communities.

4 (2) 'Efficiency' means a measurable indicator of the amount of resources required to produce an
5 output.

6 (3) 'High-level outcome' means the Oregon benchmarks adopted by the Oregon Progress Board
7 and any other measurable indicators of societal well-being.

8 (4) 'Intermediate outcome' means a measurable indicator of the effort by an agency or other
9 entity toward achieving a high-level outcome target.

10 [(5) '*Local commission*' means a local commission on children and families established pursuant to
11 ORS 417.760.]

12 [(6)] (5) 'Local coordinated comprehensive plan' or 'local plan' means a local coordinated com-
13 prehensive plan for children and families that [*is developed pursuant to ORS 417.775 through a pro-*
14 *cess coordinated and led by a local commission and that*] consists of:

15 (a) A community plan that identifies the community's needs, strengths, goals, priorities and
16 strategies for:

17 (A) Creating positive outcomes for children and families;

18 (B) Community mobilization;

19 (C) Coordinating programs, strategies and services for children who are 0 through 18 years of
20 age and their families among community groups, government agencies, private providers and other
21 parties; and

22 (D) Addressing the needs of target populations; and

23 (b) The service plans [*listed in ORS 417.775 (6)*] that designate specific services for the target
24 populations identified in the community plan.

25 [(7)] (6) 'Outcome' means the measure of a desired result.

26 [(8)] (7) 'Output' means the amount or frequency of products or services delivered by an agency
27 or other entity.

28 [(9)] (8) 'Performance measure' includes outcomes, outputs and efficiencies that indicate how
29 well an agency or other entity is carrying out its mission and achieving its goals.

30 [(10)] (9) 'Services for children and families' does not include services provided by the Depart-
31 ment of Education or school districts that are related to curriculum or instructional programs.

32 [(11)] (10) "Target" means a specific level of achievement desired for a specific time, expressed
33 numerically.

34 **SECTION 71.** ORS 417.710, as amended by section 11 of this 2011 Act, is amended to read:

35 417.710. Subject to the availability of funds and the specific provisions of ORS 417.705 to 417.801
36 and 419A.170, it is the purpose of ORS 417.705 to 417.801 and 419A.170 to:

37 (1) Authorize the Early Learning Council to set statewide guidelines for the planning, coordi-
38 nation and delivery of services for children and families in conjunction with other state agencies
39 and other planning bodies;

40 (2) Vest in [*local commissions on children and families*] **the council** the authority to distribute
41 state and federal funds allocated to [*the local commissions to supervise services or to purchase*] **pro-**
42 **vide** services for children and families in the local area and to supervise the development of the
43 local coordinated comprehensive plan;

44 (3) Provide a process for comprehensive local planning for services for children and families to
45 provide local services that are consistent with statewide guidelines;

1 (4) Retain in the state the responsibility for funding of services for children and families through
2 a combination of local, state and federal funding, including the leveraging of public and private
3 funds available under ORS 417.705 to 417.801 and 419A.170; and

4 (5) Retain state supervision of child protection and other services that should be uniform
5 throughout the state and that are necessarily the state's responsibility.

6 **SECTION 72.** ORS 417.725 is amended to read:

7 417.725. (1) Key elements of the service system developed and implemented under ORS 417.705
8 to 417.801 and 419A.170 are:

9 (a) A two-to-seven-year incremental implementation process with measurable outcomes;

10 (b) An implementation process resulting in a voluntary system based on nurturing human de-
11 velopment; and

12 (c) A service continuum based on promoting wellness for the children of Oregon whose parents
13 have given their express written consent. Family resource centers and community learning centers
14 as defined in ORS 329.007 are a viable, but not the exclusive, structure for delivering a service
15 continuum.

16 (2) If a system of family resource centers and community learning centers is selected [*by a local*
17 *commission on children and families established pursuant to ORS 417.760*] to deliver services, the
18 centers:

19 (a) May serve as the prevention arm of the voluntary delivery system and may link and inte-
20 grate neighborhood-based services with the intent that services be available to all families who have
21 given their express written consent to promote their children's wellness;

22 (b) Shall involve parents in the care and education of their children;

23 (c) Shall involve the local community in developing and overseeing family resource center pro-
24 grams and community learning center programs;

25 (d) Shall be consistent with the local coordinated comprehensive plan; and

26 (e) Shall incorporate the requirements specified for community learning centers under ORS
27 329.156.

28 **SECTION 73.** ORS 417.727 is amended to read:

29 417.727. Based on the findings expressed in ORS 417.708, there is created the Oregon Early
30 Childhood System. The goals of the system are to:

31 (1) Prevent child abuse and neglect;

32 (2) Improve the health and development of young children;

33 (3) Promote bonding and attachment in the early years of a child's life;

34 (4) Support parents in providing the optimum environment for their young children;

35 (5) Link and integrate services and supports in the voluntary statewide early childhood system
36 pursuant to ORS 417.728;

37 (6) Link and integrate services and supports in the voluntary local early childhood system
38 [*pursuant to ORS 417.777*];

39 (7) Ensure that children are entering school ready to learn; and

40 (8) Ensure that children receive quality child care.

41 **SECTION 74.** ORS 417.747 is amended to read:

42 417.747. (1) The Department of Human Services[, *in consultation with local commissions on chil-*
43 *dren and families,*] may establish community-based foster care demonstration projects. The purposes
44 of the demonstration projects are to:

45 (a) Promote strategies that keep abused and neglected children in their familiar surroundings

1 and neighborhood schools;

2 (b) Recruit community volunteers to serve as foster parents for abused and neglected children
3 who live in the community;

4 (c) Identify barriers to recruiting community foster parents and recommend strategies to address
5 those identified barriers; and

6 (d) Create a community-based system of support for foster children and community foster par-
7 ents.

8 (2) A demonstration project shall be subject to federal requirements and the restrictions agreed
9 upon between the department and the county where the demonstration project is located.

10 **SECTION 75.** ORS 417.788, as amended by section 20 of this 2011 Act, is amended to read:

11 417.788. (1) The Early Learning Council shall support relief nurseries statewide [*through local*
12 *commissions on children and families*] as funding becomes available. [*Local commissions*] **The council**
13 may establish relief nurseries for young children who are at risk and their families. [*Local commis-*
14 *sions in*] Adjoining counties may choose to establish regional relief nurseries. The relief nurseries
15 shall:

16 (a) Be consistent with the voluntary early childhood system plan that is part of the local coor-
17 dinated comprehensive plan; and

18 (b) Involve the parents of children served by the relief nurseries.

19 (2) Programs at the relief nurseries shall include:

20 (a) Therapeutic early childhood education programs; and

21 (b) Parent education, training and support.

22 (3) Each relief nursery that receives state funding shall have financial support from the com-
23 munity that is at least equal to 25 percent of any state allocation.

24 **SECTION 76.** ORS 417.790, as amended by section 21 of this 2011 Act, is amended to read:

25 417.790. The Early Learning Council shall:

26 (1) Make grants to [*local commissions on children and families to*] fund research-based services
27 and initiatives to improve outcomes for children, youth or families. The council shall assist counties
28 in the implementation of community services that are efficient, accountable, coordinated and readily
29 available. Grants for services and initiatives to support children, youth or families shall be used at
30 the local level according to the county's local coordinated comprehensive plan. These services shall
31 be provided in accordance with ORS 417.715 and 417.720.

32 (2) Make Great Start grants to [*local commissions on children and families to*] fund community-
33 based programs for children who are newborn through eight years of age. A county or region shall
34 use Great Start grant funds to provide research-based early childhood programs in community set-
35 tings and to provide services that have proven to be successful and that meet the needs of the
36 community as described in the county's local coordinated comprehensive plan. These services shall
37 be provided in accordance with ORS 417.728.

38 **SECTION 77.** ORS 417.793, as amended by section 22 of this 2011 Act, is amended to read:

39 417.793. The Early Learning Council shall support parents-as-teachers programs statewide
40 [*through local commissions on children and families*] as funding becomes available. If a [*local com-*
41 *mission offers a*] program **is offered**, the program shall be part of a comprehensive, research-based
42 approach to parent education and support. The program shall be consistent with the voluntary early
43 childhood system plan that is part of the local coordinated comprehensive plan.

44 **SECTION 78.** ORS 417.795, as amended by section 23 of this 2011 Act, is amended to read:

45 417.795. (1) The Early Learning Council shall establish Healthy Start Family Support Services

1 programs [through contracts entered into by local commissions on children and families] in all counties
2 of this state as funding becomes available.

3 (2) These programs shall be nonstigmatizing, voluntary and designed to achieve the appropriate
4 early childhood benchmarks and shall:

5 (a) Ensure that express written consent is obtained from the family prior to any release of in-
6 formation that is protected by federal or state law and before the family receives any services;

7 (b) Ensure that services are voluntary and that, if a family chooses not to accept services or
8 ends services, there are no adverse consequences for those decisions;

9 (c) Offer a voluntary comprehensive screening and risk assessment of all newly born children
10 and their families;

11 (d) Ensure that the disclosure of information gathered in conjunction with the voluntary com-
12 prehensive screening and risk assessment of children and their families is limited under ORS 417.728

13 (6) to the following purposes:

14 (A) Providing services under the programs to children and families who give their express
15 written consent;

16 (B) Providing statistical data that are not personally identifiable;

17 (C) Accomplishing other purposes for which the family has given express written consent; and

18 (D) Meeting the requirements of mandatory state and federal disclosure laws;

19 (e) Ensure that risk factors used in the risk assessment are limited to those risk factors that
20 have been shown by research to be associated with poor outcomes for children and families;

21 (f) Identify, as early as possible, families that would benefit most from the programs;

22 (g) Provide parenting education and support services, including but not limited to community-
23 based home visiting services and primary health care services;

24 (h) Provide other supports, including but not limited to referral to and linking of community and
25 public services for children and families such as mental health services, alcohol and drug treatment
26 programs that meet the standards promulgated by the Oregon Health Authority under ORS 430.357,
27 child care, food, housing and transportation;

28 (i) Coordinate services for children consistent with the voluntary local early childhood system
29 plan [developed under ORS 417.777];

30 (j) Provide follow-up services and supports from birth through five years of age;

31 (k) Integrate data with any common data system for early childhood programs;

32 (L) Be included in a statewide independent evaluation to document:

33 (A) Level of screening and assessment;

34 (B) Incidence of child abuse and neglect;

35 (C) Change in parenting skills; and

36 (D) Rate of child development;

37 (m) Be included in a statewide training program in the dynamics of the skills needed to provide
38 early childhood services, such as assessment and home visiting; and

39 (n) Meet voluntary statewide and local early childhood system quality assurance and quality
40 improvement standards.

41 (3) The Healthy Start Family Support Services programs, local health departments and other
42 providers of prenatal and perinatal services in counties, as part of the voluntary local early child-
43 hood system, shall:

44 (a) Identify existing services and describe and prioritize additional services necessary for a
45 voluntary home visit system;

1 (b) Build on existing programs;

2 (c) Maximize the use of volunteers and other community resources that support all families;

3 (d) Target, at a minimum, all first birth families in the county; and

4 (e) Ensure that home visiting services provided by local health departments for children and
5 pregnant women support and are coordinated with local Healthy Start Family Support Services
6 programs.

7 (4) Through a Healthy Start Family Support Services program, a trained family support worker
8 or nurse shall be assigned to each family assessed as at risk that consents to receive services
9 through the worker or nurse. The worker or nurse shall conduct home visits and assist the family
10 in gaining access to needed services.

11 (5) The services required by this section shall be provided by hospitals, public or private entities
12 or organizations, or any combination thereof, capable of providing all or part of the family risk as-
13 sessment and the follow-up services. In granting a contract, *[a local commission may utilize]*
14 collaborative contracting or requests for proposals *[and shall take into consideration]* **may be uti-**
15 **lized and shall include** the most effective and consistent service delivery system.

16 (6) The family risk assessment and follow-up services for families at risk shall be provided by
17 trained family support workers or nurses organized in teams supervised by a manager and including
18 a family services coordinator who is available to consult.

19 (7) Each Healthy Start Family Support Services program shall adopt disciplinary procedures for
20 family support workers, nurses and other employees of the program. The procedures shall provide
21 appropriate disciplinary actions for family support workers, nurses and other employees who violate
22 federal or state law or the policies of the program.

23 **SECTION 79.** ORS 417.801, as amended by section 27 of this 2011 Act, is amended to read:

24 417.801. *[Local commissions on children and families shall consider]* The needs, resources and
25 support for runaway and homeless youth and their families **shall be considered** as part of the de-
26 velopment of local coordinated comprehensive plans. As part of this process, *[local commissions shall*
27 *provide information to]* the Early Learning Council *[on the]* **shall consider** barriers to local imple-
28 mentation of care and services to runaway and homeless youth and their families that result from
29 existing state level policies.

30 **SECTION 80.** ORS 417.845, as amended by section 28 of this 2011 Act, is amended to read:

31 417.845. (1) The Juvenile Crime Prevention Advisory Committee is created within the Early
32 Learning Council.

33 (2) The committee shall have the following members:

34 (a) The Director of the Oregon Youth Authority or a designee of the director;

35 (b) The director of the Early Learning Council or a designee of the director;

36 (c) The Director of the Oregon Health Authority or one or more designees of the director, one
37 of whom has expertise in treatment and prevention of substance abuse;

38 (d) The executive director of the Oregon Criminal Justice Commission or a designee of the
39 executive director;

40 (e) The Superintendent of Public Instruction or a designee of the superintendent;

41 (f) The Superintendent of State Police or a designee of the superintendent;

42 (g) The Director of the Department of Corrections or a designee of the director;

43 (h) One designee of the Governor;

44 (i) One member appointed by the President of the Senate, who shall be a member of the Senate
45 and who shall be a nonvoting, advisory member;

1 (j) One member appointed by the Speaker of the House of Representatives, who shall be a
2 member of the House of Representatives and who shall be a nonvoting, advisory member; and

3 (k) One designee of the Chief Justice of the Supreme Court from the Judicial Department who
4 serves as a nonvoting member to provide information and support the partnership role of the courts
5 in an effective comprehensive statewide approach to high-risk youth and their families.

6 (3) In addition to the members listed in subsection (2) of this section, the Governor shall appoint
7 the following members who shall be representative of the geographic and cultural diversity of the
8 state:

9 (a) To represent local public and private entities:

10 (A) A county commissioner;

11 (B) A local juvenile director;

12 [(C) A director of a local commission on children and families;]

13 [(D)] (C) Two law enforcement officials;

14 [(E)] (D) A county mental health director;

15 [(F)] (E) An alcohol and drug abuse professional;

16 [(G)] (F) A school superintendent;

17 [(H)] (G) A private youth service provider; and

18 [(I)] (H) An elected city official;

19 (b) A researcher;

20 (c) A citizen member; and

21 (d) Other members as determined by the Governor.

22 (4) Each member of the committee appointed by the Governor under subsection (3) of this sec-
23 tion shall serve a term of four years. Members appointed by the Governor shall serve at the pleasure
24 of the Governor. A vacancy in the office of any member appointed by the Governor under subsection
25 (3) of this section shall be filled by the Governor by appointment for the unexpired term.

26 (5) The Governor shall select one of the members of the committee as chairperson and one of
27 its members as vice chairperson.

28 (6) The committee shall meet at times, places and intervals deemed advisable by a majority of
29 the members.

30 (7) The Early Learning Council shall provide staff support to the committee.

31 **SECTION 81.** ORS 417.850 is amended to read:

32 417.850. The Juvenile Crime Prevention Advisory Committee shall:

33 (1) Review the budget and allocation formula for appropriations for the purpose of juvenile crime
34 prevention;

35 (2) Review the components of the local coordinated comprehensive plans for children and fami-
36 lies [created pursuant to ORS 417.775] that address local high-risk juvenile crime prevention plans
37 developed under ORS 417.855 and make recommendations to the Governor about the local plans;

38 (3) Ensure that high-risk juvenile crime prevention planning criteria are met by state and local
39 public and private entities;

40 (4) Recommend high-risk juvenile justice and juvenile crime prevention policies to the Governor
41 and the Legislative Assembly;

42 (5) Ensure initiation of contracts based on approved local high-risk juvenile crime prevention
43 plans and oversee contract changes;

44 (6) Review data and outcome information;

45 (7) Establish and publish review and assessment criteria for the local high-risk juvenile crime

1 prevention plans. The criteria shall include, but not be limited to, measuring changes in juvenile
2 crime and juvenile recidivism;

3 (8) Review and coordinate county youth diversion plans and basic services grants with the local
4 high-risk juvenile crime prevention plans. Basic services grants may be used for detention and other
5 juvenile department services including:

6 (a) Shelter care;

7 (b) Treatment services;

8 (c) Graduated sanctions; and

9 (d) Aftercare for youth offenders;

10 (9) Work to ensure broad-based citizen involvement in the planning and execution of high-risk
11 juvenile crime prevention plans at both the state and local levels;

12 (10) Develop a funding policy that provides incentives for flexible programming and promotes
13 strategies that stress reinvestment in youth;

14 (11) Periodically report to the Governor and the Legislative Assembly on the progress of the
15 committee;

16 (12) Oversee and approve funding and policy recommendations of the state advisory group as
17 required by the federal Juvenile Justice and Delinquency Prevention Act of 1974, 42 U.S.C. 5601 et
18 seq.; and

19 (13) Work with tribal governments to develop tribal high-risk juvenile crime prevention plans.

20 **SECTION 82.** ORS 417.855, as amended by section 29 of this 2011 Act, is amended to read:

21 417.855. (1) Each board of county commissioners shall designate an agency or organization to
22 serve as the lead planning organization to facilitate the creation of a partnership among state and
23 local public and private entities in each county. The partnership shall include, but is not limited to,
24 [*local commissions on children and families,*] education representatives, public health representatives,
25 local alcohol and drug planning committees, representatives of the court system, local mental health
26 planning committees, city or municipal representatives and local public safety coordinating councils.
27 The partnership shall develop a local high-risk juvenile crime prevention plan that shall be incor-
28 porated into the local coordinated comprehensive plans created under ORS 417.775.

29 (2) The local high-risk juvenile crime prevention plans shall use services and activities to meet
30 the needs of a targeted population of youths who:

31 (a) Have more than one of the following risk factors:

32 (A) Antisocial behavior;

33 (B) Poor family functioning or poor family support;

34 (C) Failure in school;

35 (D) Substance abuse problems; or

36 (E) Negative peer association; and

37 (b) Are clearly demonstrating at-risk behaviors that have come to the attention of government
38 or community agencies, schools or law enforcement and will lead to imminent or increased involve-
39 ment in the juvenile justice system.

40 (3)(a) The Early Learning Council shall allocate funds available to support the local high-risk
41 juvenile crime prevention plans to counties based on the youth population age 18 or younger in
42 those counties.

43 (b) The council shall award a minimum grant to small counties. The minimum grant level shall
44 be determined by the Juvenile Crime Prevention Advisory Committee through a public process and
45 reviewed by the committee biennially.

1 **SECTION 83.** ORS 417.857, as amended by section 30 of this 2011 Act, is amended to read:

2 417.857. (1) Deschutes County may place greater emphasis on early intervention and work with
3 younger children than required by the Juvenile Crime Prevention Advisory Committee if the county
4 has been granted a waiver under this section.

5 (2) The Juvenile Crime Prevention Advisory Committee shall develop an objective process, re-
6 view criteria and timetable for consideration of a waiver request. A waiver granted under this sec-
7 tion applies to the requirements for basic services grants described in ORS 417.850 (8) and high-risk
8 juvenile crime prevention resources managed by the Early Learning Council. The waiver shall be
9 consistent with the goals of ORS 417.705 to 417.801, 417.850 and 417.855.

10 (3) Any documentation required for a waiver under this section shall be obtained to the greatest
11 extent possible from material contained in the county's juvenile crime prevention plan and from
12 material as determined through biennial intergovernmental agreements. The Juvenile Crime Pre-
13 vention Advisory Committee may ask the county to submit additional information regarding how the
14 county intends to use crime prevention funds under the waiver.

15 (4) The Juvenile Crime Prevention Advisory Committee shall grant a waiver or continue a
16 waiver based on criteria that include:

17 (a) The rate of Oregon Youth Authority discretionary bed usage compared to other counties;

18 (b) The county's rates of first-time juvenile offenders, chronic juvenile offenders and juvenile
19 recidivism compared to other counties;

20 (c) The amount and allocation of expenditures from all funding sources for juvenile crime pre-
21 vention, including prevention and early intervention strategies, and how the requested waiver ad-
22 dresses the needs and priorities for the target population described in ORS 417.855 and for the
23 target population described in the waiver;

24 (d) Inclusion of prevention or early intervention strategies in the juvenile crime prevention plan;

25 (e) Investments in evidence-based crime prevention programs and practices;

26 (f) Support of the local public safety coordinating council[, *local commission on children and*
27 *families*] and **the** board of county commissioners;

28 (g) Local integration practices including citizens, victims, courts, law enforcement, business and
29 schools;

30 (h) Identification of the risk factors for the target population described in the waiver; and

31 (i) Changes in the risk factors for the target population described in the waiver.

32 (5) The committee shall review and act on any request for a waiver within 90 days after receipt
33 of the request.

34 (6) The duration of a waiver granted under this section is four years. Before the expiration of
35 a waiver granted under this section, the county may submit a request for another waiver.

36 **SECTION 84.** ORS 420.017 is amended to read:

37 420.017. (1) The Oregon Youth Authority shall develop annually a plan for diversion of delin-
38 quent youth from commitment to the youth correction facilities to alternative community services.

39 (2) [*In consultation with the local commissions on children and families established under ORS*
40 *417.760,*] The juvenile departments shall develop a plan for services needed to divert the commitment
41 of youth from the youth correction facilities, and how these services are to be administered if funds
42 are provided. [*Following review and comment by local commissions,*] The plan must be approved in
43 the form of a resolution by the governing body of the appropriate county and of a letter of concur-
44 rence from the presiding judge for the judicial district in which the juvenile court is located.

45 (3) The youth authority shall develop and implement a statewide diversion plan after taking the

1 local juvenile departments' plans into consideration and after consulting with affected service pro-
2 viders.

3 **SECTION 85.** ORS 423.565 is amended to read:

4 423.565. In addition to the duties assigned to it under ORS 423.560, the local public safety co-
5 ordinating council convened by the board of commissioners shall, at a minimum:

6 (1) Develop and recommend to the county board of commissioners the plan for use of state re-
7 sources to serve the local youth offender population.

8 (2) Coordinate local juvenile justice policy among affected juvenile justice entities.

9 (3) [*In consultation with the local commission on children and families,*] Develop and recommend
10 to the county board of commissioners a plan designed to prevent criminal involvement by youth. The
11 plan must provide for coordination of community-wide services involving treatment, education, em-
12 ployment and intervention strategies aimed at crime prevention.

13 (4) Create a facility advisory subcommittee when provided with the information described in
14 ORS 169.690. The subcommittee shall be composed of the following persons:

15 (a) The affected law enforcement officer described in ORS 423.560 (1)(a) or (b);

16 (b) A district attorney;

17 (c) A mental health director;

18 (d) A designee of the city council or county board of commissioners, whichever is affected;

19 (e) A representative of an organization that advocates on behalf of persons with mental illness;
20 and

21 (f) A consumer as defined in ORS 430.073.

22 (5) If a written plan of action has been provided to the council under ORS 165.127, annually
23 review the plan and, if appropriate, make written recommendations to the affected district attorney
24 for plan improvements.

25 **SECTION 86.** ORS 430.255 is amended to read:

26 430.255. (1)(a) There is created in the office of the Governor the Governor's Council on Alcohol
27 and Drug Abuse Programs. The council shall consist of not more than 11 members who are ap-
28 pointed by the Governor for terms of four years. Members are eligible for one reappointment.
29 Members must be without conflicting interests and as representative as possible of:

30 (A) Geographic regions of the state;

31 (B) At-risk populations, including among others, youth, the elderly, minorities and women;

32 (C) Knowledgeable professionals, such as pharmacists, physicians, attorneys and the like who
33 are not necessarily representatives of professional organizations, but who may be recovering;

34 (D) Knowledgeable nonprofessionals who may represent advocate groups and who may be re-
35 covering; and

36 (E) Local advisory groups.

37 (b) In addition to the members appointed to the council under paragraph (a) of this subsection,
38 the council shall include:

39 (A) One member appointed by the President of the Senate, who shall be a member of the Senate
40 and who shall be a nonvoting, advisory member; and

41 (B) One member appointed by the Speaker of the House of Representatives, who shall be a
42 member of the House of Representatives and who shall be a nonvoting, advisory member.

43 (2) The duties of the Governor's Council on Alcohol and Drug Abuse Programs are to:

44 (a) Assess the economic and social impact of alcohol and drug abuse on the State of Oregon and
45 report the findings and recommendations to the Governor by January 1 of each even-numbered year.

1 (b) Review and make recommendations to the Governor on the goals, financing, priorities and
2 a state plan for prevention, intervention and treatment of alcohol and drug abuse problems, which
3 encompasses all appropriate state agencies and is consistent with ORS 430.258, by January 1 of each
4 even-numbered year.

5 (c) Review alcohol and drug abuse programs and make recommendations to the Governor on the
6 effectiveness and priorities for improvements of all such prevention and treatment programs for al-
7cohol and drug problems engaged in or financed through state agencies by January 1 of each even-
8 numbered year.

9 (d) Review and approve the components of the local coordinated comprehensive plan [*created*
10 *pursuant to ORS 417.775*] that address alcohol and other drug prevention and treatment plans de-
11 veloped under ORS 430.258.

12 (e) Work to ensure broad-based citizen involvement in the planning and execution of the alcohol
13 and drug prevention and treatment plans at both the state and local level.

14 (3) Members of the council are entitled to compensation and expenses as provided under ORS
15 292.495.

16 (4) The Governor may remove any member for misconduct, incapacity or neglect of duty.

17 (5) The Director of the Oregon Health Authority shall provide the technical and financial sup-
18 port as is required and authorized by the Legislative Assembly and as is necessary to carry out this
19 section and ORS 430.250, 430.257, 430.258, 430.259, 430.270, 430.290, 430.359, 430.368, 430.535 and
20 430.630.

21 **SECTION 87.** ORS 430.258 is amended to read:

22 430.258. The Governor's Council on Alcohol and Drug Abuse Programs shall prepare criteria and
23 policies for a statewide plan of services for alcohol and other drug prevention and treatment for
24 children and families to guide local alcohol and drug councils. [*Local commissions on children and*
25 *families shall incorporate*] Alcohol and other drug prevention and treatment plans developed pursu-
26 ant to this section **shall be incorporated** into the local coordinated comprehensive plan [*created*
27 *under ORS 417.775*]. The criteria and policies prepared for the statewide plan of services shall:

28 (1) Describe the need for prevention and treatment services and strategies, and the method by
29 which state and federal resources shall be prioritized in order to meet the needs, including pre-
30 vention and treatment for families with young children and adolescents;

31 (2) Set forth principles guiding the purchase of prevention and treatment services and strategies
32 from local community providers;

33 (3) Identify outcomes for the provision of prevention and treatment services and strategies and
34 a method for monitoring those outcomes;

35 (4) Identify consistent standards for measuring prevention and treatment provision and success;

36 (5) Outline a process for providing training and technical assistance to state and local commu-
37 nity providers, including prevention and treatment for special needs populations; and

38 (6) Identify how prevention and treatment services and strategies will link to other services and
39 supports for children and families.

40 **SECTION 88.** ORS 430.420 is amended to read:

41 430.420. (1) In collaboration with local seizing agencies, the district attorney, the local public
42 safety coordinating council and the local mental health advisory committee, a local alcoholism
43 planning committee appointed or designated pursuant to ORS 430.342 shall develop a plan to inte-
44 grate drug treatment services into the criminal justice system for offenders who commit nonviolent
45 felony drug possession offenses. The plan may also include property offenders as provided for under

1 ORS 475.245. The plan developed under this subsection must be incorporated into the local coordi-
2 nated comprehensive plan [required by ORS 417.775].

3 (2)(a) A plan may include, but need not be limited to, programs that occur before adjudication,
4 after adjudication as part of a sentence of probation or as part of a conditional discharge.

5 (b) A plan must include, but need not be limited to:

6 (A) A description of local criminal justice and treatment coordination efforts;

7 (B) A description of the method by which local, state and federal treatment resources are pri-
8 oritized and allocated to meet the needs of the drug abusing offender population;

9 (C) The principles that guide criminal justice strategies for supervision and treatment of drug
10 abusing offenders and the purchase of treatment services from local community providers;

11 (D) The desired outcomes for criminal justice strategies for supervision and treatment of drug
12 abusing offenders and the provision of treatment services and identification of a method for moni-
13 toring and reporting the outcomes; and

14 (E) Consistent standards for measuring the success of criminal justice strategies for supervision
15 and treatment of drug abusing offenders and the provision of treatment.

16 (3) A program must include, but need not be limited to:

17 (a) Ongoing oversight of the participant;

18 (b) Frequent monitoring to determine whether a participant is using controlled substances un-
19 lawfully; and

20 (c) A coordinated strategy governing responses to a participant's compliance or noncompliance
21 with the program.

22 (4) The local alcoholism planning committee shall submit the plan to the Oregon Health Au-
23 thority and shall provide the county board of commissioners with a copy of the plan.

24 **SECTION 89.** ORS 430.630 is amended to read:

25 430.630. (1) In addition to any other requirements that may be established by rule by the Oregon
26 Health Authority, each community mental health program and community developmental disabilities
27 program, subject to the availability of funds, shall provide the following basic services to persons
28 with mental retardation, developmental disabilities, alcoholism or drug dependence, and persons who
29 are alcohol or drug abusers:

30 (a) Outpatient services;

31 (b) Aftercare for persons released from hospitals and training centers;

32 (c) Training, case and program consultation and education for community agencies, related
33 professions and the public;

34 (d) Guidance and assistance to other human service agencies for joint development of prevention
35 programs and activities to reduce factors causing mental retardation, developmental disabilities, al-
36 cohool abuse, alcoholism, drug abuse and drug dependence; and

37 (e) Age-appropriate treatment options for older adults.

38 (2) As alternatives to state hospitalization, it is the responsibility of the community mental
39 health or community developmental disabilities program to ensure that, subject to the availability
40 of funds, the following services for persons with mental retardation, developmental disabilities,
41 alcoholism or drug dependence, and persons who are alcohol or drug abusers, are available when
42 needed and approved by the Oregon Health Authority:

43 (a) Emergency services on a 24-hour basis, such as telephone consultation, crisis intervention
44 and prehospital screening examination;

45 (b) Care and treatment for a portion of the day or night, which may include day treatment

1 centers, work activity centers and preschool programs;

2 (c) Residential care and treatment in facilities such as halfway houses, detoxification centers
3 and other community living facilities;

4 (d) Continuity of care, such as that provided by service coordinators, community case develop-
5 ment specialists and core staff of federally assisted community mental health centers;

6 (e) Inpatient treatment in community hospitals; and

7 (f) Other alternative services to state hospitalization as defined by the Department of Human
8 Services or the Oregon Health Authority.

9 (3) In addition to any other requirements that may be established by rule of the Oregon Health
10 Authority, each community mental health program, subject to the availability of funds, shall provide
11 or ensure the provision of the following services to persons with mental or emotional disturbances:

12 (a) Screening and evaluation to determine the client's service needs;

13 (b) Crisis stabilization to meet the needs of persons with acute mental or emotional disturbances,
14 including the costs of investigations and prehearing detention in community hospitals or other fa-
15 cilities approved by the authority for persons involved in involuntary commitment procedures;

16 (c) Vocational and social services that are appropriate for the client's age, designed to improve
17 the client's vocational, social, educational and recreational functioning;

18 (d) Continuity of care to link the client to housing and appropriate and available health and
19 social service needs;

20 (e) Psychiatric care in state and community hospitals, subject to the provisions of subsection (4)
21 of this section;

22 (f) Residential services;

23 (g) Medication monitoring;

24 (h) Individual, family and group counseling and therapy;

25 (i) Public education and information;

26 (j) Prevention of mental or emotional disturbances and promotion of mental health;

27 (k) Consultation with other community agencies;

28 (L) Preventive mental health services for children and adolescents, including primary prevention
29 efforts, early identification and early intervention services. Preventive services should be patterned
30 after service models that have demonstrated effectiveness in reducing the incidence of emotional,
31 behavioral and cognitive disorders in children. As used in this paragraph:

32 (A) "Early identification" means detecting emotional disturbance in its initial developmental
33 stage;

34 (B) "Early intervention services" for children at risk of later development of emotional disturb-
35 ances means programs and activities for children and their families that promote conditions, oppor-
36 tunities and experiences that encourage and develop emotional stability, self-sufficiency and
37 increased personal competence; and

38 (C) "Primary prevention efforts" means efforts that prevent emotional problems from occurring
39 by addressing issues early so that disturbances do not have an opportunity to develop; and

40 (m) Preventive mental health services for older adults, including primary prevention efforts,
41 early identification and early intervention services. Preventive services should be patterned after
42 service models that have demonstrated effectiveness in reducing the incidence of emotional and be-
43 havioral disorders and suicide attempts in older adults. As used in this paragraph:

44 (A) "Early identification" means detecting emotional disturbance in its initial developmental
45 stage;

1 (B) "Early intervention services" for older adults at risk of development of emotional disturb-
2 ances means programs and activities for older adults and their families that promote conditions,
3 opportunities and experiences that encourage and maintain emotional stability, self-sufficiency and
4 increased personal competence and that deter suicide; and

5 (C) "Primary prevention efforts" means efforts that prevent emotional problems from occurring
6 by addressing issues early so that disturbances do not have an opportunity to develop.

7 (4) A community mental health program shall assume responsibility for psychiatric care in state
8 and community hospitals, as provided in subsection (3)(e) of this section, in the following circum-
9 stances:

10 (a) The person receiving care is a resident of the county served by the program. For purposes
11 of this paragraph, "resident" means the resident of a county in which the person maintains a current
12 mailing address or, if the person does not maintain a current mailing address within the state, the
13 county in which the person is found, or the county in which a court-committed person with a mental
14 illness has been conditionally released.

15 (b) The person has been hospitalized involuntarily or voluntarily, pursuant to ORS 426.130 or
16 426.220, except for persons confined to the Secure Child and Adolescent Treatment Unit at Oregon
17 State Hospital, or has been hospitalized as the result of a revocation of conditional release.

18 (c) Payment is made for the first 60 consecutive days of hospitalization.

19 (d) The hospital has collected all available patient payments and third-party reimbursements.

20 (e) In the case of a community hospital, the authority has approved the hospital for the care of
21 persons with mental or emotional disturbances, the community mental health program has a con-
22 tract with the hospital for the psychiatric care of residents and a representative of the program
23 approves voluntary or involuntary admissions to the hospital prior to admission.

24 (5) Subject to the review and approval of the Department of Human Services, a developmental
25 disabilities program may initiate additional services after the services defined in this section are
26 provided.

27 (6) Subject to the review and approval of the Oregon Health Authority, a mental health program
28 may initiate additional services after the services defined in this section are provided.

29 (7) Each community mental health program and community developmental disabilities program
30 and the state hospital serving the program's geographic area shall enter into a written agreement
31 concerning the policies and procedures to be followed by the program and the hospital when a pa-
32 tient is admitted to, and discharged from, the hospital and during the period of hospitalization.

33 (8) Each community mental health program shall have a mental health advisory committee, ap-
34 pointed by the board of county commissioners or the county court or, if two or more counties have
35 combined to provide mental health services, the boards or courts of the participating counties or,
36 in the case of a Native American reservation, the tribal council.

37 (9) A community mental health program may request and the authority may grant a waiver re-
38 garding provision of one or more of the services described in subsection (3) of this section upon a
39 showing by the county and a determination by the authority that persons with mental or emotional
40 disturbances in that county would be better served and unnecessary institutionalization avoided.

41 (10) Each community mental health program shall cooperate fully with the Alcohol and Drug
42 Policy Commission in the performance of its duties.

43 (11)(a) As used in this subsection, "local mental health authority" means one of the following
44 entities:

45 (A) The board of county commissioners of one or more counties that establishes or operates a

1 community mental health program;

2 (B) The tribal council, in the case of a federally recognized tribe of Native Americans that elects
3 to enter into an agreement to provide mental health services; or

4 (C) A regional local mental health authority comprised of two or more boards of county com-
5 missioners.

6 (b) Each local mental health authority that provides mental health services shall determine the
7 need for local mental health services and adopt a comprehensive local plan for the delivery of
8 mental health services for children, families, adults and older adults that describes the methods by
9 which the local mental health authority shall provide those services. The local mental health au-
10 thority shall review and revise the local plan biennially. The purpose of the local plan is to create
11 a blueprint to provide mental health services that are directed by and responsive to the mental
12 health needs of individuals in the community served by the local plan.

13 (c) The local plan shall identify ways to:

14 (A) Coordinate and ensure accountability for all levels of care described in paragraph (e) of this
15 subsection;

16 (B) Maximize resources for consumers and minimize administrative expenses;

17 (C) Provide supported employment and other vocational opportunities for consumers;

18 (D) Determine the most appropriate service provider among a range of qualified providers;

19 (E) Ensure that appropriate mental health referrals are made;

20 (F) Address local housing needs for persons with mental health disorders;

21 (G) Develop a process for discharge from state and local psychiatric hospitals and transition
22 planning between levels of care or components of the system of care;

23 (H) Provide peer support services, including but not limited to drop-in centers and paid peer
24 support;

25 (I) Provide transportation supports; and

26 (J) Coordinate services among the criminal and juvenile justice systems, adult and juvenile
27 corrections systems and local mental health programs to ensure that persons with mental illness
28 who come into contact with the justice and corrections systems receive needed care and to ensure
29 continuity of services for adults and juveniles leaving the corrections system.

30 (d) When developing a local plan, a local mental health authority shall:

31 (A) Coordinate with the budgetary cycles of state and local governments that provide the local
32 mental health authority with funding for mental health services;

33 (B) Involve consumers, advocates, families, service providers, schools and other interested par-
34 ties in the planning process;

35 (C) Coordinate with the local public safety coordinating council to address the services de-
36 scribed in paragraph (c)(J) of this subsection;

37 (D) Conduct a population based needs assessment to determine the types of services needed lo-
38 cally;

39 (E) Determine the ethnic, age-specific, cultural and diversity needs of the population served by
40 the local plan;

41 (F) Describe the anticipated outcomes of services and the actions to be achieved in the local
42 plan;

43 (G) Ensure that the local plan coordinates planning, funding and services with:

44 (i) The educational needs of children, adults and older adults;

45 (ii) Providers of social supports, including but not limited to housing, employment, transportation

- 1 and education; and
- 2 (iii) Providers of physical health and medical services;
- 3 (H) Describe how funds, other than state resources, may be used to support and implement the
- 4 local plan;
- 5 (I) Demonstrate ways to integrate local services and administrative functions in order to support
- 6 integrated service delivery in the local plan; and
- 7 (J) Involve the local mental health advisory committees described in subsection (8) of this sec-
- 8 tion.
- 9 (e) The local plan must describe how the local mental health authority will ensure the delivery
- 10 of and be accountable for clinically appropriate services in a continuum of care based on consumer
- 11 needs. The local plan shall include, but not be limited to, services providing the following levels of
- 12 care:
- 13 (A) Twenty-four-hour crisis services;
- 14 (B) Secure and nonsecure extended psychiatric care;
- 15 (C) Secure and nonsecure acute psychiatric care;
- 16 (D) Twenty-four-hour supervised structured treatment;
- 17 (E) Psychiatric day treatment;
- 18 (F) Treatments that maximize client independence;
- 19 (G) Family and peer support and self-help services;
- 20 (H) Support services;
- 21 (I) Prevention and early intervention services;
- 22 (J) Transition assistance between levels of care;
- 23 (K) Dual diagnosis services;
- 24 (L) Access to placement in state-funded psychiatric hospital beds;
- 25 (M) Precommitment and civil commitment in accordance with ORS chapter 426; and
- 26 (N) Outreach to older adults at locations appropriate for making contact with older adults, in-
- 27 cluding senior centers, long term care facilities and personal residences.
- 28 (f) In developing the part of the local plan referred to in paragraph (c)(J) of this subsection, the
- 29 local mental health authority shall collaborate with the local public safety coordinating council to
- 30 address the following:
- 31 (A) Training for all law enforcement officers on ways to recognize and interact with persons
- 32 with mental illness, for the purpose of diverting them from the criminal and juvenile justice systems;
- 33 (B) Developing voluntary locked facilities for crisis treatment and follow-up as an alternative
- 34 to custodial arrests;
- 35 (C) Developing a plan for sharing a daily jail and juvenile detention center custody roster and
- 36 the identity of persons of concern and offering mental health services to those in custody;
- 37 (D) Developing a voluntary diversion program to provide an alternative for persons with mental
- 38 illness in the criminal and juvenile justice systems; and
- 39 (E) Developing mental health services, including housing, for persons with mental illness prior
- 40 to and upon release from custody.
- 41 (g) Services described in the local plan shall:
- 42 (A) Address the vision, values and guiding principles described in the Report to the Governor
- 43 from the Mental Health Alignment Workgroup, January 2001;
- 44 (B) Be provided to children, older adults and families as close to their homes as possible;
- 45 (C) Be culturally appropriate and competent;

1 (D) Be, for children, older adults and adults with mental health needs, from providers appropri-
2 ate to deliver those services;

3 (E) Be delivered in an integrated service delivery system with integrated service sites or pro-
4 cesses, and with the use of integrated service teams;

5 (F) Ensure consumer choice among a range of qualified providers in the community;

6 (G) Be distributed geographically;

7 (H) Involve consumers, families, clinicians, children and schools in treatment as appropriate;

8 (I) Maximize early identification and early intervention;

9 (J) Ensure appropriate transition planning between providers and service delivery systems, with
10 an emphasis on transition between children and adult mental health services;

11 (K) Be based on the ability of a client to pay;

12 (L) Be delivered collaboratively;

13 (M) Use age-appropriate, research-based quality indicators;

14 (N) Use best-practice innovations; and

15 (O) Be delivered using a community-based, multisystem approach.

16 (h) A local mental health authority shall submit to the Oregon Health Authority a copy of the
17 local plan and biennial revisions adopted under paragraph (b) of this subsection at time intervals
18 established by the authority.

19 (i) *[Each local commission on children and families shall reference]* The local plan for the delivery
20 of mental health services **must be referenced** in the local coordinated comprehensive plan *[created*
21 *pursuant to ORS 417.775]*.

22 **SECTION 90.** ORS 430.630, as amended by section 23, chapter 856, Oregon Laws 2009, is
23 amended to read:

24 430.630. (1) In addition to any other requirements that may be established by rule by the Oregon
25 Health Authority, each community mental health program and community developmental disabilities
26 program, subject to the availability of funds, shall provide the following basic services to persons
27 with mental retardation, developmental disabilities, alcoholism or drug dependence, and persons who
28 are alcohol or drug abusers:

29 (a) Outpatient services;

30 (b) Aftercare for persons released from hospitals and training centers;

31 (c) Training, case and program consultation and education for community agencies, related
32 professions and the public;

33 (d) Guidance and assistance to other human service agencies for joint development of prevention
34 programs and activities to reduce factors causing mental retardation, developmental disabilities, al-
35cohol abuse, alcoholism, drug abuse and drug dependence; and

36 (e) Age-appropriate treatment options for older adults.

37 (2) As alternatives to state hospitalization, it is the responsibility of the community mental
38 health or community developmental disabilities program to ensure that, subject to the availability
39 of funds, the following services for persons with mental retardation, developmental disabilities,
40 alcoholism or drug dependence, and persons who are alcohol or drug abusers, are available when
41 needed and approved by the Oregon Health Authority:

42 (a) Emergency services on a 24-hour basis, such as telephone consultation, crisis intervention
43 and prehospital screening examination;

44 (b) Care and treatment for a portion of the day or night, which may include day treatment
45 centers, work activity centers and preschool programs;

1 (c) Residential care and treatment in facilities such as halfway houses, detoxification centers
2 and other community living facilities;

3 (d) Continuity of care, such as that provided by service coordinators, community case develop-
4 ment specialists and core staff of federally assisted community mental health centers;

5 (e) Inpatient treatment in community hospitals; and

6 (f) Other alternative services to state hospitalization as defined by the Department of Human
7 Services or the Oregon Health Authority.

8 (3) In addition to any other requirements that may be established by rule of the Oregon Health
9 Authority, each community mental health program, subject to the availability of funds, shall provide
10 or ensure the provision of the following services to persons with mental or emotional disturbances:

11 (a) Screening and evaluation to determine the client's service needs;

12 (b) Crisis stabilization to meet the needs of persons with acute mental or emotional disturbances,
13 including the costs of investigations and prehearing detention in community hospitals or other fa-
14 cilities approved by the authority for persons involved in involuntary commitment procedures;

15 (c) Vocational and social services that are appropriate for the client's age, designed to improve
16 the client's vocational, social, educational and recreational functioning;

17 (d) Continuity of care to link the client to housing and appropriate and available health and
18 social service needs;

19 (e) Psychiatric care in state and community hospitals, subject to the provisions of subsection (4)
20 of this section;

21 (f) Residential services;

22 (g) Medication monitoring;

23 (h) Individual, family and group counseling and therapy;

24 (i) Public education and information;

25 (j) Prevention of mental or emotional disturbances and promotion of mental health;

26 (k) Consultation with other community agencies;

27 (L) Preventive mental health services for children and adolescents, including primary prevention
28 efforts, early identification and early intervention services. Preventive services should be patterned
29 after service models that have demonstrated effectiveness in reducing the incidence of emotional,
30 behavioral and cognitive disorders in children. As used in this paragraph:

31 (A) "Early identification" means detecting emotional disturbance in its initial developmental
32 stage;

33 (B) "Early intervention services" for children at risk of later development of emotional disturb-
34 ances means programs and activities for children and their families that promote conditions, oppor-
35 tunities and experiences that encourage and develop emotional stability, self-sufficiency and
36 increased personal competence; and

37 (C) "Primary prevention efforts" means efforts that prevent emotional problems from occurring
38 by addressing issues early so that disturbances do not have an opportunity to develop; and

39 (m) Preventive mental health services for older adults, including primary prevention efforts,
40 early identification and early intervention services. Preventive services should be patterned after
41 service models that have demonstrated effectiveness in reducing the incidence of emotional and be-
42 havioral disorders and suicide attempts in older adults. As used in this paragraph:

43 (A) "Early identification" means detecting emotional disturbance in its initial developmental
44 stage;

45 (B) "Early intervention services" for older adults at risk of development of emotional disturb-

1 ances means programs and activities for older adults and their families that promote conditions,
2 opportunities and experiences that encourage and maintain emotional stability, self-sufficiency and
3 increased personal competence and that deter suicide; and

4 (C) "Primary prevention efforts" means efforts that prevent emotional problems from occurring
5 by addressing issues early so that disturbances do not have an opportunity to develop.

6 (4) A community mental health program shall assume responsibility for psychiatric care in state
7 and community hospitals, as provided in subsection (3)(e) of this section, in the following circum-
8 stances:

9 (a) The person receiving care is a resident of the county served by the program. For purposes
10 of this paragraph, "resident" means the resident of a county in which the person maintains a current
11 mailing address or, if the person does not maintain a current mailing address within the state, the
12 county in which the person is found, or the county in which a court-committed person with a mental
13 illness has been conditionally released.

14 (b) The person has been hospitalized involuntarily or voluntarily, pursuant to ORS 426.130 or
15 426.220, except for persons confined to the Secure Child and Adolescent Treatment Unit at Oregon
16 State Hospital, or has been hospitalized as the result of a revocation of conditional release.

17 (c) Payment is made for the first 60 consecutive days of hospitalization.

18 (d) The hospital has collected all available patient payments and third-party reimbursements.

19 (e) In the case of a community hospital, the authority has approved the hospital for the care of
20 persons with mental or emotional disturbances, the community mental health program has a con-
21 tract with the hospital for the psychiatric care of residents and a representative of the program
22 approves voluntary or involuntary admissions to the hospital prior to admission.

23 (5) Subject to the review and approval of the Department of Human Services, a developmental
24 disabilities program may initiate additional services after the services defined in this section are
25 provided.

26 (6) Subject to the review and approval of the Oregon Health Authority, a mental health program
27 may initiate additional services after the services defined in this section are provided.

28 (7) Each community mental health program and community developmental disabilities program
29 and the state hospital serving the program's geographic area shall enter into a written agreement
30 concerning the policies and procedures to be followed by the program and the hospital when a pa-
31 tient is admitted to, and discharged from, the hospital and during the period of hospitalization.

32 (8) Each community mental health program shall have a mental health advisory committee, ap-
33 pointed by the board of county commissioners or the county court or, if two or more counties have
34 combined to provide mental health services, the boards or courts of the participating counties or,
35 in the case of a Native American reservation, the tribal council.

36 (9) A community mental health program may request and the authority may grant a waiver re-
37 garding provision of one or more of the services described in subsection (3) of this section upon a
38 showing by the county and a determination by the authority that persons with mental or emotional
39 disturbances in that county would be better served and unnecessary institutionalization avoided.

40 (10)(a) As used in this subsection, "local mental health authority" means one of the following
41 entities:

42 (A) The board of county commissioners of one or more counties that establishes or operates a
43 community mental health program;

44 (B) The tribal council, in the case of a federally recognized tribe of Native Americans that elects
45 to enter into an agreement to provide mental health services; or

1 (C) A regional local mental health authority comprised of two or more boards of county com-
2 missioners.

3 (b) Each local mental health authority that provides mental health services shall determine the
4 need for local mental health services and adopt a comprehensive local plan for the delivery of
5 mental health services for children, families, adults and older adults that describes the methods by
6 which the local mental health authority shall provide those services. The local mental health au-
7 thority shall review and revise the local plan biennially. The purpose of the local plan is to create
8 a blueprint to provide mental health services that are directed by and responsive to the mental
9 health needs of individuals in the community served by the local plan.

10 (c) The local plan shall identify ways to:

11 (A) Coordinate and ensure accountability for all levels of care described in paragraph (e) of this
12 subsection;

13 (B) Maximize resources for consumers and minimize administrative expenses;

14 (C) Provide supported employment and other vocational opportunities for consumers;

15 (D) Determine the most appropriate service provider among a range of qualified providers;

16 (E) Ensure that appropriate mental health referrals are made;

17 (F) Address local housing needs for persons with mental health disorders;

18 (G) Develop a process for discharge from state and local psychiatric hospitals and transition
19 planning between levels of care or components of the system of care;

20 (H) Provide peer support services, including but not limited to drop-in centers and paid peer
21 support;

22 (I) Provide transportation supports; and

23 (J) Coordinate services among the criminal and juvenile justice systems, adult and juvenile
24 corrections systems and local mental health programs to ensure that persons with mental illness
25 who come into contact with the justice and corrections systems receive needed care and to ensure
26 continuity of services for adults and juveniles leaving the corrections system.

27 (d) When developing a local plan, a local mental health authority shall:

28 (A) Coordinate with the budgetary cycles of state and local governments that provide the local
29 mental health authority with funding for mental health services;

30 (B) Involve consumers, advocates, families, service providers, schools and other interested par-
31 ties in the planning process;

32 (C) Coordinate with the local public safety coordinating council to address the services de-
33 scribed in paragraph (c)(J) of this subsection;

34 (D) Conduct a population based needs assessment to determine the types of services needed lo-
35 cally;

36 (E) Determine the ethnic, age-specific, cultural and diversity needs of the population served by
37 the local plan;

38 (F) Describe the anticipated outcomes of services and the actions to be achieved in the local
39 plan;

40 (G) Ensure that the local plan coordinates planning, funding and services with:

41 (i) The educational needs of children, adults and older adults;

42 (ii) Providers of social supports, including but not limited to housing, employment, transportation
43 and education; and

44 (iii) Providers of physical health and medical services;

45 (H) Describe how funds, other than state resources, may be used to support and implement the

1 local plan;

2 (I) Demonstrate ways to integrate local services and administrative functions in order to support
3 integrated service delivery in the local plan; and

4 (J) Involve the local mental health advisory committees described in subsection (8) of this sec-
5 tion.

6 (e) The local plan must describe how the local mental health authority will ensure the delivery
7 of and be accountable for clinically appropriate services in a continuum of care based on consumer
8 needs. The local plan shall include, but not be limited to, services providing the following levels of
9 care:

10 (A) Twenty-four-hour crisis services;

11 (B) Secure and nonsecure extended psychiatric care;

12 (C) Secure and nonsecure acute psychiatric care;

13 (D) Twenty-four-hour supervised structured treatment;

14 (E) Psychiatric day treatment;

15 (F) Treatments that maximize client independence;

16 (G) Family and peer support and self-help services;

17 (H) Support services;

18 (I) Prevention and early intervention services;

19 (J) Transition assistance between levels of care;

20 (K) Dual diagnosis services;

21 (L) Access to placement in state-funded psychiatric hospital beds;

22 (M) Precommitment and civil commitment in accordance with ORS chapter 426; and

23 (N) Outreach to older adults at locations appropriate for making contact with older adults, in-
24 cluding senior centers, long term care facilities and personal residences.

25 (f) In developing the part of the local plan referred to in paragraph (c)(J) of this subsection, the
26 local mental health authority shall collaborate with the local public safety coordinating council to
27 address the following:

28 (A) Training for all law enforcement officers on ways to recognize and interact with persons
29 with mental illness, for the purpose of diverting them from the criminal and juvenile justice systems;

30 (B) Developing voluntary locked facilities for crisis treatment and follow-up as an alternative
31 to custodial arrests;

32 (C) Developing a plan for sharing a daily jail and juvenile detention center custody roster and
33 the identity of persons of concern and offering mental health services to those in custody;

34 (D) Developing a voluntary diversion program to provide an alternative for persons with mental
35 illness in the criminal and juvenile justice systems; and

36 (E) Developing mental health services, including housing, for persons with mental illness prior
37 to and upon release from custody.

38 (g) Services described in the local plan shall:

39 (A) Address the vision, values and guiding principles described in the Report to the Governor
40 from the Mental Health Alignment Workgroup, January 2001;

41 (B) Be provided to children, older adults and families as close to their homes as possible;

42 (C) Be culturally appropriate and competent;

43 (D) Be, for children, older adults and adults with mental health needs, from providers appropri-
44 ate to deliver those services;

45 (E) Be delivered in an integrated service delivery system with integrated service sites or pro-

1 cesses, and with the use of integrated service teams;

2 (F) Ensure consumer choice among a range of qualified providers in the community;

3 (G) Be distributed geographically;

4 (H) Involve consumers, families, clinicians, children and schools in treatment as appropriate;

5 (I) Maximize early identification and early intervention;

6 (J) Ensure appropriate transition planning between providers and service delivery systems, with
7 an emphasis on transition between children and adult mental health services;

8 (K) Be based on the ability of a client to pay;

9 (L) Be delivered collaboratively;

10 (M) Use age-appropriate, research-based quality indicators;

11 (N) Use best-practice innovations; and

12 (O) Be delivered using a community-based, multisystem approach.

13 (h) A local mental health authority shall submit to the Oregon Health Authority a copy of the
14 local plan and biennial revisions adopted under paragraph (b) of this subsection at time intervals
15 established by the authority.

16 (i) *[Each local commission on children and families shall reference]* The local plan for the delivery
17 of mental health services **must be referenced** in the local coordinated comprehensive plan *[created*
18 *pursuant to ORS 417.775]*.

19 **SECTION 91.** ORS 431.385 is amended to read:

20 431.385. (1) The local public health authority shall submit an annual plan to the Oregon Health
21 Authority for performing services pursuant to ORS 431.375 to 431.385 and 431.416. The annual plan
22 shall be submitted no later than May 1 of each year or on a date mutually agreeable to the au-
23 thority and the local public health authority.

24 (2) If the local public health authority decides not to submit an annual plan under the provisions
25 of ORS 431.375 to 431.385 and 431.416, the authority shall become the local public health authority
26 for that county or health district.

27 (3) The authority shall review and approve or disapprove each plan. Variances to the local
28 public health plan must be approved by the authority. In consultation with the Conference of Local
29 Health Officials, the authority shall establish the elements of a plan and an appeals process whereby
30 a local health authority may obtain a hearing if its plan is disapproved.

31 (4) *[Each local commission on children and families shall reference]* The local public health plan
32 **must be referenced** in the local coordinated comprehensive plan *[created pursuant to ORS*
33 *417.775]*.

34 **SECTION 92. The amendments to statutes by sections 62 to 91 of this 2011 Act become**
35 **operative on June 30, 2012.**

36
37 **UNIT CAPTIONS**

38
39 **SECTION 93. The unit captions used in this 2011 Act are provided only for the conven-**
40 **ience of the reader and do not become part of the statutory law of this state or express any**
41 **legislative intent in the enactment of this 2011 Act.**

42
43 **EMERGENCY CLAUSE**

44
45 **SECTION 94. This 2011 Act being necessary for the immediate preservation of the public**

1 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
2 **on its passage.**

3
