

House Bill 3384

Sponsored by Representative KENNEMER; Representatives BOONE, HUFFMAN, PARRISH, WEIDNER (at the request of Oregon Alliance of Children's Programs)

SUMMARY

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

Requires Department of Education to pay costs of education of child in program for long-term care or treatment when child is eligible to receive education and to be enrolled in program.

Declares emergency, effective July 1, 2011.

A BILL FOR AN ACT

1
2 Relating to payment of education costs of children; creating new provisions; amending ORS 326.575
3 and 343.961; and declaring an emergency.

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

5 **SECTION 1.** ORS 343.961 is amended to read:

6 343.961. (1) The Department of Education shall be responsible for payment of the cost of the
7 education **of children** in programs [*with which the Oregon Health Authority or Oregon Youth Au-*
8 *thority contracts*] **that are** for long-term care or treatment **and that are administered by a public**
9 **or private agency**. [*Programs eligible for such education shall be in accordance with criteria adopted*
10 *by rule by the State Board of Education.*] **An agency is eligible to receive payment under this**
11 **section based on the eligibility of the child to receive the education and to be enrolled in the**
12 **program administered by the agency.**

13 (2) The Department of Education shall be responsible for payment of the costs of [*such*] educa-
14 tion by contract with the school district, excluding transportation, care, treatment and medical ex-
15 penses. The resident district shall provide transportation to [*pupils*] **children** enrolled in programs
16 under ORS 430.715 who live at home but require day treatment. The payments may be made to the
17 school district or, at the discretion of the school district, to the district providing the education, as
18 set forth in subsection (3) of this section, from the funds appropriated for the purpose.

19 (3) The school district in which the agency is located is responsible for providing the education
20 directly or through an adjacent school district or through the education service district in which
21 the [*program*] **agency** is located or one contiguous thereto. The instruction may be given in facilities
22 of such districts or in facilities provided by [*such*] **the** agency.

23 (4) The school district may request the Department of Education to combine several private
24 agency school programs into one contract with a school district, an adjacent school district or an
25 education service district.

26 (5) The Oregon Youth Authority shall give the school district providing the education at a
27 treatment program 14 days' notice before a student is dismissed from the treatment program.

28 (6) The Department of Education may make advances to such school district from funds appro-
29 priated therefor based on the estimated agreed cost of educating the [*pupils*] **children** per school
30 year. Advances equal to 25 percent of such estimated cost may be made on September 1, December

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 1 and March 1 of the current year. The balance may be paid whenever the full determination of cost
2 is made.

3 (7) School districts [*which*] **that** provide the education described in this section on a year-round
4 plan may apply for 25 percent of the funds appropriated therefor on July 1, October 1, January 1,
5 and 15 percent on April 1. The balance may be paid whenever the full determination of cost is made.

6 (8) In addition to the payment methods described in this section, the Department of Education
7 may:

8 (a) Negotiate interagency agreements to pay for the cost of education in treatment programs
9 operated under the auspices of the State Board of Higher Education; and

10 (b) Negotiate intergovernmental agreements to pay for the cost of education in treatment pro-
11 grams operated under the auspices of the Oregon Health and Science University Board of Directors.

12 **SECTION 2. The amendments to ORS 343.961 by section 1 of this 2011 Act first apply to**
13 **the 2011-2012 school year.**

14 **SECTION 3.** ORS 326.575 is amended to read:

15 326.575. (1) Within 10 days of a student's seeking initial enrollment in a public or private school
16 or when a student is placed in a state institution, other than an institution of post-secondary edu-
17 cation, or a private agency, detention facility or youth care center, the school, institution, agency,
18 facility or center shall notify the public or private school or the institution, agency, facility or
19 center in which the student was formerly enrolled and shall request the student's education records.

20 (2) Subject to ORS 339.260, any public or private school, state institution, private agency, de-
21 tention facility or youth care center receiving the request described in subsection (1) of this section
22 shall transfer all student education records relating to the particular student to the requesting
23 school, institution, agency, facility or center no later than 10 days after the receipt of the request.
24 The education records shall include any education records relating to the particular student re-
25 tained by an education service district.

26 (3) Notwithstanding subsections (1) and (2) of this section, for students who are in substitute
27 care programs:

28 (a) A school, institution, agency, facility or center shall notify the school, institution, agency,
29 facility or center in which the student was formerly enrolled and shall request the student's educa-
30 tion records within five days of the student seeking initial enrollment; and

31 (b) Any school, institution, agency, facility or center receiving a request for a student's educa-
32 tion records shall transfer all student education records relating to the particular student to the
33 requesting school, institution, agency, facility or center no later than five days after the receipt of
34 the request.

35 (4) Each educational institution that has custody of the student's education records shall annu-
36 ally notify parents and eligible students of their right to review and propose amendments to the
37 records. The State Board of Education shall specify by rule the procedure for reviewing and pro-
38 posing amendments to a student's education records. If a parent's or eligible student's proposed
39 amendments to a student's education records are rejected by the educational institution, the parent
40 or eligible student shall receive a hearing on the matter. The State Board of Education shall specify
41 by rule the procedure for the hearing.

42 (5) As used in this section:

43 (a) "Detention facility" has the meaning given that term in ORS 419A.004.

44 (b) "Educational institution" means a public or private school, education service district, state
45 institution, private agency or youth care center.

1 (c) "Private agency" means an agency [*with which the Department of Education contracts*] to
2 **which the Department of Education is responsible for paying the cost of education, as pro-**
3 **vided** under ORS 343.961.

4 (d) "Substitute care program" has the meaning given that term in ORS 339.133.

5 (e) "Youth care center" means a center as defined in ORS 420.855.

6 **SECTION 4. This 2011 Act being necessary for the immediate preservation of the public**
7 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
8 **July 1, 2011.**

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