

HOUSE AMENDMENTS TO RESOLVE CONFLICTS TO A-ENGROSSED SENATE BILL 170

By JOINT COMMITTEE ON WAYS AND MEANS

June 24

1 On page 1 of the printed A-engrossed bill, line 3, before “and” insert “repealing sections 75 and
2 77, chapter ___, Oregon Laws 2011 (Enrolled House Bill 2100);”.

3 On page 5, after line 32, insert:

4 **“SECTION 6. If House Bill 2100 becomes law and House Bill 2281 does not become law,
5 section 75, chapter ___, Oregon Laws 2011 (Enrolled House Bill 2100) (amending ORS 343.243),
6 is repealed.**

7 **“SECTION 7. If House Bill 2100 becomes law and House Bill 2281 does not become law,
8 section 77, chapter ___, Oregon Laws 2011 (Enrolled House Bill 2100) (amending ORS 343.961),
9 is repealed and ORS 343.961, as amended by section 1 of this 2011 Act, is amended to read:**

10 “343.961. (1) As used in this section:

11 “(a) ‘Day treatment program’ means a public or private program that provides treatment of
12 children with a mental illness, an emotional disturbance or another mental health issue.

13 “(b) ‘Eligible day treatment program’ means a day treatment program with which the Oregon
14 Health Authority contracts for long term care or treatment. ‘Eligible day treatment program’ does
15 not include residential treatment programs or programs that provide care or treatment to juveniles
16 who are in detention facilities.

17 “(c) ‘Eligible residential treatment program’ means a residential treatment program with which
18 the Oregon Health Authority, **the Department of Human Services** or the Oregon Youth Authority
19 contracts for long term care or treatment. ‘Eligible residential treatment program’ does not include
20 psychiatric day treatment programs or programs that provide care or treatment to juveniles who
21 are in detention facilities.

22 “(d) ‘Residential treatment program’ means a public or private residential program that provides
23 treatment of children with a mental illness, an emotional disturbance or another mental health issue.

24 “(e) ‘Student’ means a child who is placed in an eligible day treatment program or eligible res-
25 idential treatment program by a public or private entity or by the child’s parent.

26 “(2) The Department of Education shall be responsible for payment of the costs of education of
27 students in eligible day treatment programs and eligible residential treatment programs by con-
28 tracting with the school district in which the eligible day treatment program or eligible [*resident*]
29 **residential** treatment program is located. The costs of education do not include transportation, care,
30 treatment or medical expenses.

31 “(3)(a) The school district in which an eligible day treatment program or eligible residential
32 treatment program is located is responsible for providing the education of a student, including the
33 identification, location and evaluation of the student for the purpose of determining the student’s
34 eligibility to receive special education and related services.

35 “(b) A school district that is responsible for providing an education under this subsection may

1 provide the education:

2 “(A) Directly or through another school district or an education service district; and

3 “(B) In the facilities of an eligible day treatment program or eligible residential treatment pro-
4 gram, the facilities of a school district or the facilities of an education service district.

5 “(c) When a student is no longer in an eligible day treatment program or eligible residential
6 treatment program, the responsibilities imposed by this subsection terminate and become the re-
7 sponsibilities of the school district where the student is a resident, as determined under ORS 339.133
8 and 339.134.

9 “(4) A school district may request the Department of Education to combine several eligible day
10 treatment programs or eligible residential treatment programs into one contract with another school
11 district or an education service district.

12 “(5) The Oregon Health Authority, **the Department of Human Services** or the Oregon Youth
13 Authority shall give the school district providing the education at an eligible day treatment program
14 or an eligible residential treatment program 14 days’ notice, **to the extent practicable**, before a
15 student is dismissed from the program.

16 “(6) The Department of Education may make advances to school districts responsible for pro-
17 viding an education to students under this section from funds appropriated for that purpose based
18 on the estimated agreed cost of educating the students per school year. Advances equal to 25 per-
19 cent of the estimated cost may be made on September 1, December 1 and March 1 of the current
20 year. The balance may be paid whenever the full determination of cost is made.

21 “(7) School districts that provide the education described in this section on a year-round plan
22 may apply for 25 percent of the funds appropriated for that purpose on July 1, October 1, January
23 1, and 15 percent on April 1. The balance may be paid whenever the full determination of cost is
24 made.

25 “(8) In addition to the payment methods described in this section, the Department of Education
26 may:

27 “(a) Negotiate interagency agreements to pay for the cost of education in day treatment pro-
28 grams and residential treatment programs operated under the auspices of the State Board of Higher
29 Education; and

30 “(b) Negotiate intergovernmental agreements to pay for the cost of education in day treatment
31 programs and residential treatment programs operated under the auspices of the Oregon Health and
32 Science University Board of Directors.

33 “**SECTION 8. If both House Bill 2100 and House Bill 2281 become law, section 1 of this**
34 **2011 Act (amending ORS 343.961) is repealed and ORS 343.961, as amended by section 231,**
35 **chapter __, Oregon Laws 2011 (Enrolled House Bill 2100), is amended to read:**

36 “343.961. (1) As used in this section:

37 “(a) **‘Day treatment program’ means a public or private program that provides treatment**
38 **of children with a mental illness, an emotional disturbance or another mental health issue.**

39 “(b) **‘Eligible day treatment program’ means a day treatment program with which the**
40 **Oregon Health Authority contracts for long term care or treatment. ‘Eligible day treatment**
41 **program’ does not include residential treatment programs or programs that provide care or**
42 **treatment to juveniles who are in detention facilities.**

43 “[a] (c) **‘Eligible residential treatment program’ means a residential treatment program with**
44 **which the Oregon Health Authority, the Department of Human Services or the Oregon Youth Au-**
45 **thority contracts for long-term care or treatment. ‘Eligible residential treatment program’ does not**

1 include psychiatric day treatment programs or programs that provide care or treatment to juveniles
2 who are in detention facilities.

3 “[(b)] (d) ‘Residential treatment program’ means a public or private residential program that
4 provides treatment of children with a mental illness, an emotional disturbance or another mental
5 health issue.

6 “[c)] (e) ‘Student’ means a child who is placed in an **eligible day treatment program or eli-**
7 **gible residential treatment program** by a public or private entity or by the child’s parent.

8 “(2) The Department of Education shall be responsible for payment of the costs of education of
9 students in **eligible day treatment programs and** eligible residential treatment programs by con-
10 tracting with the school district in which the **eligible day treatment program or** eligible residen-
11 tial treatment program is located. The costs of education do not include transportation, care,
12 treatment or medical expenses.

13 “(3)(a) The school district in which an **eligible day treatment program or** eligible residential
14 treatment program is located is responsible for providing the education of a student, including the
15 identification, location and evaluation of the student for the purpose of determining the student’s
16 eligibility to receive special education and related services [*under ORS 343.035*].

17 “(b) A school district that is responsible for providing an education under this subsection may
18 provide the education:

19 “(A) Directly or through another school district or an education service district; and

20 “(B) In the facilities of an **eligible day treatment program or** eligible residential treatment
21 program, **the facilities of** a school district or **the facilities of** an education service district.

22 “(c) When a student is no longer in an **eligible day treatment program or** eligible residential
23 treatment program, the responsibilities imposed by this subsection terminate and become the re-
24 sponsibilities of the school district where the student is a resident, as determined under ORS 339.133
25 and 339.134.

26 “(4) A school district may request the Department of Education to combine several **eligible day**
27 **treatment programs or** eligible residential treatment programs into one contract with another
28 school district or an education service district.

29 “(5) The Oregon Health Authority, the Department of Human Services or the Oregon Youth
30 Authority shall give the school district providing the education at **an eligible day treatment pro-**
31 **gram or** an eligible residential treatment program 14 days’ notice, to the extent practicable, before
32 a student is dismissed from the program.

33 “(6) The Department of Education may make advances to school districts responsible for pro-
34 viding an education to students under this section from funds appropriated for that purpose based
35 on the estimated agreed cost of educating the students per school year. Advances equal to 25 per-
36 cent of the estimated cost may be made on September 1, December 1 and March 1 of the current
37 year. The balance may be paid whenever the full determination of cost is made.

38 “(7) School districts that provide the education described in this section on a year-round plan
39 may apply for 25 percent of the funds appropriated for that purpose on July 1, October 1, January
40 1, and 15 percent on April 1. The balance may be paid whenever the full determination of cost is
41 made.

42 “(8) In addition to the payment methods described in this section, the Department of Education
43 may:

44 “(a) Negotiate interagency agreements to pay for the cost of education in **day treatment pro-**
45 **grams and** residential treatment programs operated under the auspices of the State Board of Higher

1 Education; and

2 “(b) Negotiate intergovernmental agreements to pay for the cost of education in **day treatment**
3 **programs and** residential treatment programs operated under the auspices of the Oregon Health
4 and Science University Board of Directors.

5 “**SECTION 9.** If both House Bill 2100 and House Bill 2281 become law, section 2 of this 2011
6 Act is amended to read:

7 “**Sec. 2.** The amendments to ORS 343.961 by section [I] **8** of this 2011 Act first apply to the
8 2011-2012 school year.”.

9 In line 33, delete “6” and insert “10”.
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