

House Bill 4165

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber for Early Learning Council, Oregon Education Investment Board)

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**.

Removes sunset on Early Learning Council. Establishes Early Learning Council Fund. Expands oversight of Early Learning Council. Establishes goals and timelines for Early Learning Council to complete specified projects. Changes name of Early Childhood System Director to Early Learning System Director.

Establishes Youth Development Council to oversee unified system that provides services to children and youth in manner that supports academic success and reduces criminal involvement. Establishes goals and timelines for Youth Development Council to complete specified projects.

Abolishes Juvenile Crime Prevention Advisory Committee. Transfers functions of committee to Youth Development Council.

Abolishes State Commission on Children and Families. Transfers functions of commission to Early Learning Council and Youth Development Council.

Abolishes local commissions on children and families.

Abolishes Commission for Child Care. Transfers functions to Early Learning Council.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to children; creating new provisions; amending ORS 131A.360, 131A.365, 169.090, 181.715,
3 181.725, 182.515, 315.259, 329.145, 329.150, 329.155, 329.156, 329.175, 329.190, 329.195, 343.475,
4 343.495, 343.499, 343.507, 417.705, 417.710, 417.725, 417.727, 417.728, 417.788, 417.790, 417.793,
5 417.795, 417.799, 417.850, 417.855, 417.857, 418.751, 418.975, 419A.170, 419B.005, 419C.453, 420.017,
6 423.565, 430.241, 430.242, 430.420, 430.630, 431.385, 458.525, 609.652, 657A.010, 657A.180, 657A.310,
7 657A.490, 657A.700, 657A.992 and 805.205 and section 16, chapter 418, Oregon Laws 2011, and
8 sections 4, 10 and 11, chapter 519, Oregon Laws 2011; repealing ORS 417.730, 417.733, 417.735,
9 417.740, 417.745, 417.747, 417.750, 417.760, 417.765, 417.770, 417.775, 417.777, 417.780, 417.785,
10 417.787, 417.797, 417.830, 417.833, 417.836, 417.839, 417.842, 417.845, 419A.047, 657A.600, 657A.610,
11 657A.620, 657A.630 and 657A.640; appropriating money; and declaring an emergency.

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

EARLY LEARNING COUNCIL

13
14
15
16 **SECTION 1.** Section 10, chapter 519, Oregon Laws 2011, is amended to read:

17 **Sec. 10.** [*Sections 1 to 7 of this 2011 Act*] **Sections 1, 2, 3, 5, 6 and 7, chapter 519, Oregon**
18 **Laws 2011,** are repealed on March 15, 2016.

19 **SECTION 2.** Section 11, chapter 519, Oregon Laws 2011, is amended to read:

20 **Sec. 11.** (1) On March 15, 2016, the Chief Education Officer of the Oregon Education Investment
21 Board shall deliver to the Chancellor of the Oregon University System all records and property
22 within the jurisdiction of the Chief Education Officer that relate to the duties, functions and powers
23 of the Oregon Education Investment Board. The Chancellor of the Oregon University System shall
24 take possession of the records and property.

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 (2) On March 15, 2016, the [*Early Childhood System Director*] **Chief Education Officer** shall
 2 deliver to the [*Superintendent of Public Instruction*] **Early Learning System Director** all records
 3 and property within the jurisdiction of the [*Early Childhood System Director*] **Chief Education Of-**
 4 **ficer** that relate to the duties, functions and powers of the Early Learning Council. The [*Super-*
 5 *intendent of Public Instruction*] **Early Learning System Director** shall take possession of the
 6 records and property.

7 (3) The Governor shall resolve any dispute between the Chief Education Officer and the
 8 Chancellor of the Oregon University System, or the **Chief Education Officer and the Early**
 9 **[Childhood] Learning System Director** [*and the Superintendent of Public Instruction*], relating to
 10 transfers of records and property under this section, and the Governor's decision is final.

11 **SECTION 3.** Section 4, chapter 519, Oregon Laws 2011, is amended to read:

12 **Sec. 4.** (1) The Early Learning Council is established. The council shall function under the di-
 13 rection and control of the Oregon Education Investment Board established by section 1 [*of this 2011*
 14 *Act*], **chapter 519, Oregon Laws 2011.**

15 (2) The council is established [*for the purpose of assisting*] **to assist** the board in overseeing a
 16 unified system of early [*childhood services, including the funding and administration of those*
 17 *services*] **learning services for the purpose of ensuring that children enter school ready to**
 18 **learn. The Early Learning Council shall ensure that children enter school ready to learn by:**

19 (a) **Serving as the state advisory council for purposes of the federal Head Start program,**
 20 **as provided by section 7 of this 2012 Act.**

21 (b) **Implementing and overseeing a system that coordinates the delivery of early learning**
 22 **services, as described in section 10 of this 2012 Act.**

23 (c) **Overseeing the Oregon Early Learning System created by ORS 417.727.**

24 (3)(a) The council consists of nine **voting** members who are appointed by the Governor **for a**
 25 **term of four years** and serve at the pleasure of the Governor. **A person appointed under this**
 26 **subsection may not be appointed to serve more than two consecutive full terms as a council**
 27 **member.**

28 (b) When determining [*who*] **whom** to appoint to the council **under this subsection**, the Gov-
 29 ernor shall:

30 (A) Ensure that at least one of the members is an appointed member of the Oregon Education
 31 Investment Board;

32 (B) Ensure that each congressional district of this state is represented by at least one member
 33 of the council;

34 (C) For a member who is not an appointed member of the Oregon Education Investment Board,
 35 ensure that the member meets the following qualifications:

36 (i) Demonstrates leadership skills in civics or the member's profession;

37 (ii) To the greatest extent practicable, contributes to the council's representation of the ge-
 38 ographic, ethnic, gender, racial and economic diversity of this state; [*and*]

39 (iii) Contributes to the council's expertise, knowledge and experience in early childhood devel-
 40 opment, early childhood care, early childhood education, family financial stability, populations dis-
 41 proportionately burdened by poor education outcomes and outcome-based best practices; and

42 (iv) **Is not a state officer or employee; and**

43 (D) Solicit recommendations from the Speaker of the House of Representatives for at least two
 44 members and from the President of the Senate for at least two members.

45 (4) **In addition to the members appointed under subsection (3) of this section, the Gov-**

1 **ernor shall appoint nonvoting, ex officio members who represent the state agencies or other**
 2 **entities that are required to be represented on a state advisory council for purposes of the**
 3 **federal Head Start program.**

4 [(4)] (5) The activities of the council shall be directed and supervised by the Early [Childhood]
 5 Learning System Director, who is appointed by the Governor and serves at the pleasure of the
 6 Governor.

7 (6) **In accordance with applicable provisions of ORS chapter 183, the council may adopt**
 8 **rules necessary for the administration of the laws that the council is charged with adminis-**
 9 **tering.**

10 **SECTION 4. Notwithstanding section 4 (3), chapter 519, Oregon Laws 2011, the members**
 11 **servng on the Early Learning Council on the effective date of this 2012 Act shall determine**
 12 **by lot the length of their terms such that:**

13 (1) **Four shall serve a term expiring on July 1, 2013; and**

14 (2) **Five shall serve a term expiring on July 1, 2015.**

15 **SECTION 5.** Section 4, chapter 519, Oregon Laws 2011, as amended by section 3 of this 2012
 16 Act, is amended to read:

17 **Sec. 4.** (1) The Early Learning Council is established. [*The council shall function under the di-*
 18 *rection and control of the Oregon Education Investment Board established by section 1, chapter 519,*
 19 *Oregon Laws 2011.*]

20 (2) The council is established to [*assist the board in overseeing*] **oversee** a unified system of early
 21 learning services for the purpose of ensuring that children enter school ready to learn. The Early
 22 Learning Council shall ensure that children enter school ready to learn by:

23 (a) Serving as the state advisory council for purposes of the federal Head Start program, as
 24 provided by section 7 of this 2012 Act.

25 (b) Implementing and overseeing a system that coordinates the delivery of early learning ser-
 26 vices, as described in section 10 of this 2012 Act.

27 (c) Overseeing the Oregon Early Learning System created by ORS 417.727.

28 (3)(a) The council consists of nine voting members who are appointed by the Governor for a term
 29 of four years and serve at the pleasure of the Governor. A person appointed under this subsection
 30 may not be appointed to serve more than two consecutive full terms as a council member.

31 (b) When determining whom to appoint to the council under this subsection, the Governor shall:

32 [(A) *Ensure that at least one of the members is an appointed member of the Oregon Education*
 33 *Investment Board;*]

34 [(B)] (A) **Ensure that each congressional district of this state is represented by at least one**
 35 **member of the council;**

36 [(C)] (B) [*For a member who is not an appointed member of the Oregon Education Investment*
 37 *Board,*] **Ensure that [the] each member meets the following qualifications:**

38 (i) **Demonstrates leadership skills in civics or the member's profession;**

39 (ii) **To the greatest extent practicable, contributes to the council's representation of the ge-**
 40 **ographic, ethnic, gender, racial and economic diversity of this state;**

41 (iii) **Contributes to the council's expertise, knowledge and experience in early childhood devel-**
 42 **opment, early childhood care, early childhood education, family financial stability, populations dis-**
 43 **proportionately burdened by poor education outcomes and outcome-based best practices; and**

44 (iv) **Is not a state officer or employee; and**

45 [(D)] (C) **Solicit recommendations from the Speaker of the House of Representatives for at least**

1 two members and from the President of the Senate for at least two members.

2 (4) In addition to the members appointed under subsection (3) of this section, the Governor shall
3 appoint nonvoting, ex officio members who represent the state agencies or other entities that are
4 required to be represented on a state advisory council for purposes of the federal Head Start pro-
5 gram.

6 (5) The activities of the council shall be directed and supervised by the Early Learning System
7 Director, who is appointed by the Governor and serves at the pleasure of the Governor.

8 (6) In accordance with applicable provisions of ORS chapter 183, the council may adopt rules
9 necessary for the administration of the laws that the council is charged with administering.

10 **SECTION 6. The amendments to section 4, chapter 519, Oregon Laws 2011, by section 5**
11 **of this 2012 Act become operative on March 15, 2016.**

12 **SECTION 7. (1) As the state advisory council for purposes of the federal Head Start**
13 **program, the Early Learning Council shall:**

14 (a) **Conduct a periodic statewide needs assessment concerning the quality and availability**
15 **of early childhood education and development programs and services for children from birth**
16 **to school entry, including an assessment of the availability of high-quality prekindergarten**
17 **services for low-income children in this state.**

18 (b) **Identify opportunities for, and barriers to, collaboration and coordination among**
19 **federally-funded and state-funded child care and early childhood education and development**
20 **programs and services, including collaboration and coordination among state agencies re-**
21 **sponsible for administering those programs and services.**

22 (c) **Develop recommendations for increasing the overall participation of children in ex-**
23 **isting federal, state and local early childhood education and development programs and ser-**
24 **vices, including outreach to underrepresented and special populations.**

25 (d) **Develop recommendations for establishing a unified data collection system for public**
26 **early childhood education and development programs and services throughout this state.**

27 (e) **Develop recommendations regarding statewide professional development and career**
28 **advancement plans for providers of early childhood education and development programs and**
29 **services in this state.**

30 (f) **Assess the capacity and effectiveness of two-year and four-year public and private**
31 **institutions of higher education in this state in supporting the development of early child-**
32 **hood educators, including the extent to which the institutions have articulation agreements,**
33 **professional development and career advancement plans, and internships or other training**
34 **opportunities that allow students to spend time with students enrolled in the federal Head**
35 **Start program or another prekindergarten program. The assessment conducted under this**
36 **paragraph shall be conducted in coordination with appropriate higher education governance**
37 **bodies, as determined by the Oregon Education Investment Board.**

38 (g) **Make recommendations for improvements in state early learning standards and**
39 **undertake efforts to develop high-quality comprehensive early learning standards when ap-**
40 **propriate.**

41 (2) **The council shall hold public hearings and provide an opportunity for public comment**
42 **in relation to the actions described in subsection (1) of this section.**

43 (3) **The council shall submit an annual statewide strategic report addressing the activities**
44 **described in subsection (1) of this section to the director of state operations of the federal**
45 **Head Start program, the Oregon Education Investment Board, the Legislative Assembly and**

1 **the Governor.**

2 **SECTION 8.** Section 7 of this 2012 Act is amended to read:

3 **Sec. 7.** (1) As the state advisory council for purposes of the federal Head Start program, the
4 Early Learning Council shall:

5 (a) Conduct a periodic statewide needs assessment concerning the quality and availability of
6 early childhood education and development programs and services for children from birth to school
7 entry, including an assessment of the availability of high-quality prekindergarten services for low-
8 income children in this state.

9 (b) Identify opportunities for, and barriers to, collaboration and coordination among federally-
10 funded and state-funded child care and early childhood education and development programs and
11 services, including collaboration and coordination among state agencies responsible for administer-
12 ing those programs and services.

13 (c) Develop recommendations for increasing the overall participation of children in existing
14 federal, state and local early childhood education and development programs and services, including
15 outreach to underrepresented and special populations.

16 (d) Develop recommendations for establishing a unified data collection system for public early
17 childhood education and development programs and services throughout this state.

18 (e) Develop recommendations regarding statewide professional development and career ad-
19 vancement plans for providers of early childhood education and development programs and services
20 in this state.

21 (f) Assess the capacity and effectiveness of two-year and four-year public and private institutions
22 of higher education in this state in supporting the development of early childhood educators, in-
23 cluding the extent to which the institutions have articulation agreements, professional development
24 and career advancement plans, and internships or other training opportunities that allow students
25 to spend time with students enrolled in the federal Head Start program or another prekindergarten
26 program. The assessment conducted under this paragraph shall be conducted in coordination with
27 appropriate higher education governance bodies[, *as determined by the Oregon Education Investment*
28 *Board*].

29 (g) Make recommendations for improvements in state early learning standards and undertake
30 efforts to develop high-quality comprehensive early learning standards when appropriate.

31 (2) The council shall hold public hearings and provide an opportunity for public comment in
32 relation to the actions described in subsection (1) of this section.

33 (3) The council shall submit an annual statewide strategic report addressing the activities de-
34 scribed in subsection (1) of this section to the director of state operations of the federal Head Start
35 program, [*the Oregon Education Investment Board*,] the Legislative Assembly and the Governor.

36 **SECTION 9.** The amendments to section 7 of this 2012 Act by section 8 of this 2012 Act
37 become operative March 15, 2016.

38 **SECTION 10.** (1) As used in this section, “community-based coordinator of early learning
39 services” means counties, cities, school districts, education service districts, community
40 colleges, public universities, private educational institutions, faith-based organizations,
41 nonprofit service providers, for-profit service providers, labor organizations and any other
42 entity that meets the minimum criteria to be a community-based coordinator of early
43 learning services, as determined by the Early Learning Council.

44 (2) The Early Learning Council shall implement and oversee a system that coordinates
45 the delivery of early learning services to the communities of this state through the use of

1 **community-based coordinators of early learning services.**

2 **(3) The system implemented and overseen by the council must ensure that:**

3 **(a) Providers of early learning services are accountable;**

4 **(b) Services are provided in a cost efficient manner; and**

5 **(c) The services provided, and the means by which those services are provided, are fo-**
6 **cused on the outcomes of the services.**

7 **(4) An entity may become a community-based coordinator of early learning services by**
8 **submitting to the council an application that demonstrates the following:**

9 **(a) The entity is able to coordinate the provision of early learning services to the com-**
10 **munity that will be served by the entity.**

11 **(b) The services coordinated by the entity will be in alignment with the services provided**
12 **by the public schools of the community that will be served by the entity.**

13 **(c) The services coordinated by the entity will be in alignment with the services provided**
14 **by the county or counties in which the community that will be served by the entity is lo-**
15 **cated.**

16 **(d) The entity will be able to form partnerships with the county or counties in which the**
17 **community that will be served by the entity is located.**

18 **(e) The entity has a governing body or an advisory body that:**

19 **(A) Has the authority to initiate audits, recommend the terms of a contract and provide**
20 **reports to the public and to the Early Learning Council on the outcomes of the provision of**
21 **early learning services to the community served by the entity.**

22 **(B) Has members selected through a transparent process.**

23 **(C) Has members who would not have any monetary incentive or other inappropriate**
24 **conflict of interest related to the provision of early learning services coordinated by the en-**
25 **tity.**

26 **(f) The entity will collaborate on documentation related to coordinated services with**
27 **public and private entities that are identified by the Early Learning Council as providers of**
28 **services that advance the early learning of children.**

29 **(g) The entity will serve a community that is based on the population and service needs**
30 **of the community.**

31 **(h) The entity is able to raise significant funds from public and private sources to support**
32 **services coordinated by the entity.**

33 **(i) The entity meets any other qualifications established by the Early Learning Council.**

34 **(5) When determining whether to designate an entity as a community-based coordinator**
35 **of early learning services, the Early Learning Council shall balance the following factors:**

36 **(a) The entity's ability to engage the community and be involved in the community.**

37 **(b) The entity's ability to produce outcomes that benefit children.**

38 **(c) The entity's resourcefulness.**

39 **(d) The entity's use, or proposed use, of evidence-based practices.**

40 **(6) The Early Learning Council may alter the lines of the territory served by a**
41 **community-based coordinator of early learning services only to ensure that all children of**
42 **this state are served by a community-based coordinator of early learning services.**

43 **(7) An entity designated as a community-based coordinator of early learning services may**
44 **not use more than 15 percent of the moneys received by the entity from the Early Learning**
45 **Council to pay administrative costs of the entity.**

1 **SECTION 11.** The Early Learning Council shall establish a process for designating enti-
 2 ties as community-based coordinators of early learning services that allows the entities to
 3 begin functioning as community-based coordinators of early learning services no later than
 4 July 1, 2012.

5 **SECTION 12.** ORS 417.705 is amended to read:

6 417.705. As used in ORS 417.705 to 417.800:

7 [(1) “Community mobilization” means government and private efforts to increase community
 8 awareness and facilitate the active participation of citizens and organizations in projects and issues
 9 that will have positive impact on the well-being of children, families and communities.]

10 [(2) “Efficiency” means a measurable indicator of the amount of resources required to produce an
 11 output.]

12 [(3) “High-level outcome” means the Oregon benchmarks adopted by the Oregon Progress Board
 13 and any other measurable indicators of societal well-being.]

14 [(4) “Intermediate outcome” means a measurable indicator of the effort by an agency or other entity
 15 toward achieving a high-level outcome target.]

16 [(5) “Local commission” means a local commission on children and families established pursuant
 17 to ORS 417.760.]

18 [(6) “Local coordinated comprehensive plan” or “local plan” means a local coordinated compre-
 19 hensive plan for children and families that is developed pursuant to ORS 417.775 through a process
 20 coordinated and led by a local commission and that consists of:]

21 [(a) A community plan that identifies the community’s needs, strengths, goals, priorities and strat-
 22 egies for:]

23 [(A) Creating positive outcomes for children and families;]

24 [(B) Community mobilization;]

25 [(C) Coordinating programs, strategies and services for children who are 0 through 18 years of age
 26 and their families among community groups, government agencies, private providers and other parties;
 27 and]

28 [(D) Addressing the needs of target populations; and]

29 [(b) The service plans listed in ORS 417.775 (6) that designate specific services for the target pop-
 30 ulations identified in the community plan.]

31 **(1) “Community-based coordinator of early learning services” means an entity designated**
 32 **under section 10 of this 2012 Act.**

33 [(7)] **(2) “Outcome”** means the measure of a desired result.

34 [(8) “Output” means the amount or frequency of products or services delivered by an agency or
 35 other entity.]

36 [(9) “Performance measure” includes outcomes, outputs and efficiencies that indicate how well an
 37 agency or other entity is carrying out its mission and achieving its goals.]

38 [(10)] **(3) “Services for children and families”** does not include services provided by the Depart-
 39 ment of Education or school districts that are related to curriculum or instructional programs.

40 [(11) “State commission” means the State Commission on Children and Families established under
 41 ORS 417.730.]

42 [(12)] **(4) “Target”** means a specific level of achievement desired for a specific time, expressed
 43 numerically.

44 **SECTION 13.** ORS 417.710 is amended to read:

45 417.710. Subject to the availability of funds therefor and the specific provisions of ORS 417.705

1 to 417.800 and 419A.170, it is the purpose of ORS 417.705 to 417.800 and 419A.170 to:

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

5 (2) Vest in [*local commissions on children and families*] **community-based coordinators of**
 6 **early learning services** the authority to distribute state and federal funds allocated to the [*local*
 7 *commissions to supervise services or to purchase*] **community-based coordinators for the purpose**
 8 **of coordinating the delivery of** services for children and families in the local area [*and to supervise*
 9 *the development of the local coordinated comprehensive plan*];

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

12 (4) Retain in the state the responsibility for funding of services for children and families through
 13 a combination of local, state and federal funding, including the leveraging of public and private
 14 funds available under ORS 417.705 to 417.800 and 419A.170; and

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

17 **SECTION 14.** ORS 417.725 is amended to read:

18 417.725. (1) Key elements of the service system developed and implemented under ORS 417.705
 19 to 417.800 and 419A.170 are:

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

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

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

27 (2) If a system of family resource centers and community learning centers is selected by a [*local*
 28 *commission on children and families established pursuant to ORS 417.760*] **community-based coor-**
 29 **dinator of early learning services** to deliver services, the centers:

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

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

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

36 [*(d) Shall be consistent with the local coordinated comprehensive plan; and*]

37 [*(e)*] **(d)** Shall incorporate the requirements specified for community learning centers under ORS
 38 329.156.

39 **SECTION 15.** ORS 417.727 is amended to read:

40 417.727. Based on the findings expressed in ORS 417.708, there is created the Oregon Early
 41 [*Childhood*] **Learning System**. The goals of the system are to:

42 (1) Prevent child abuse and neglect;

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

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

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

1 (5) Link and integrate services and supports in the voluntary statewide early [childhood]
 2 **learning** system pursuant to ORS 417.728;

3 [(6) Link and integrate services and supports in the voluntary local early childhood system pursu-
 4 ant to ORS 417.777;]

5 [(7)] (6) Ensure that children are entering school ready to learn; and

6 [(8)] (7) Ensure that children receive quality child care.

7 **SECTION 16.** ORS 417.728 is amended to read:

8 417.728. (1) [The State Commission on Children and Families, the Department of Education, the
 9 Employment Department, the Department of Human Services and the Oregon Health Authority] **The**
 10 **Early Learning Council** shall lead a joint effort with other state and local early childhood partners
 11 to establish the policies necessary for a voluntary statewide early [childhood] **learning** system [that
 12 shall be incorporated into the local coordinated comprehensive plan].

13 (2) The voluntary statewide early [childhood] **learning** system shall be designed to achieve:

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

18 (b) Any other early childhood benchmark or [intermediate outcome jointly identified by the State
 19 Commission on Children and Families, the Department of Education, the Employment Department, the
 20 Department of Human Services and the Oregon Health Authority,] **outcome that demonstrates**
 21 **progress toward meeting a target and that is identified by the Early Learning Council** with
 22 input from early childhood partners[, as an appropriate benchmark or outcome].

23 (3) The voluntary statewide early [childhood] **learning** system shall include the following com-
 24 ponents:

25 (a) A process to identify as early as possible children and families who would benefit from early
 26 [childhood] **learning** services;

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

29 (c) Services to support children who are zero through [eight] **five** years of age and their families
 30 who give their express written consent, including:

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

32 (B) Specialized or targeted home visiting services;

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

35 (D) High quality child care, as defined by the [Commission for Child Care] **Early Learning**
 36 **Council**;

37 (E) Preschool and other early education services;

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

39 (G) Mental health services;

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

42 (I) Developmental disability services; and

43 (J) Other state and local services.

44 [(4) The State Commission on Children and Families, the Department of Education, the Employ-
 45 ment Department, the Department of Human Services and the Oregon Health Authority shall jointly:]

(4) The Early Learning Council shall:

(a) Consolidate administrative functions relating to the voluntary statewide early *[childhood]* **learning** system, to the extent practicable, including but not limited to training and technical assistance, planning and budgeting. This paragraph does not apply to the administrative functions of the Department of Education relating to education programs[;].

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

(c) Identify research-based age-appropriate and culturally and gender appropriate screening and assessment tools that would be used as appropriate in programs and services of the voluntary statewide early *[childhood]* **learning** system[;].

(d) Develop a plan for the implementation of a common data system for voluntary early childhood programs as provided in section 7, chapter 831, Oregon Laws 2001[;].

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

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

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

(h) Identify how the voluntary statewide early *[childhood]* **learning** system for children who are zero through *[eight]* **five** years of age will link with systems of support for older children and their families[;].

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

*[(j) (i) During January of each odd-numbered year, report to the Governor and the Legislative Assembly on the voluntary statewide early *[childhood]* **learning** system. *[The report shall include the evaluation described in paragraph (i) of this subsection.]**

(5) *[The State Commission on Children and Families,]* The State Board of Education, the Employment Department, the Department of Human Services and the Oregon Health Authority when adopting rules to administer voluntary early childhood programs under their individual authority shall adopt rules that are consistent with the requirements of the voluntary statewide early *[childhood]* **learning** system created under this section **and with the direction of the Early Learning Council.**

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

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

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

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

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

SECTION 17. (1) The Early Learning Council Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Early Learning Council Fund shall be credited to the fund.

1 (2) Moneys in the Early Learning Council Fund consist of:

2 (a) Amounts donated to the fund;

3 (b) Moneys transferred to the fund from the federal government, state agencies or local
4 governments;

5 (c) Amounts appropriated or otherwise transferred to the fund by the Legislative As-
6 sembly;

7 (d) Investment earnings received on moneys in the fund; and

8 (e) Other amounts deposited in the fund from any source.

9 (3) Moneys in the fund are continuously appropriated to the Early Learning Council es-
10 tablished in section 4, chapter 519, Oregon Laws 2011, for the purpose of fulfilling the
11 council's duties, functions and powers.

12 (4) The council may establish accounts and subaccounts within the fund when the council
13 determines that accounts or subaccounts are necessary or desirable and may credit any in-
14 terest or income derived from moneys in the fund to any account or subaccount in the fund.

15 SECTION 18. By September 30, 2012, the Early Learning Council established by section
16 4, chapter 519, Oregon Laws 2011, and the State Interagency Coordinating Council created
17 by ORS 343.499 shall jointly submit a report to the Oregon Education Investment Board. The
18 report shall describe the unique complexities of providing early childhood special education
19 and early intervention programs and shall make recommendations for possible ways to better
20 coordinate and improve the delivery of those services.

21 SECTION 19. (1) By September 30, 2012, the Early Learning Council established by section
22 4, chapter 519, Oregon Laws 2011, shall submit a report to the Oregon Education Investment
23 Board that describes a financial model that provides a global budget for funding early
24 learning services and that may be used to design a budget for early learning services for the
25 2013-2015 biennium.

26 (2) As used in this section:

27 (a) "Early learning services" means programs and services for children zero through five
28 years of age that address language and literacy development, cognition and general knowl-
29 edge, learning approaches, physical health and well-being, motor development and social and
30 emotional development.

31 (b) "Global budget" means a budget for the total amount identified by the Early Learning
32 Council as being necessary to deliver, manage and coordinate quality early learning services
33 for children to ensure that children enter school ready to learn.

34 SECTION 20. By September 30, 2012, the Early Learning Council established by section
35 4, chapter 519, Oregon Laws 2011, shall submit a report to the Oregon Education Investment
36 Board that describes the availability, resources and functions of persons who act as family
37 support managers, as described in section 5 (3)(b), chapter 519, Oregon Laws 2011.

38 SECTION 21. By September 30, 2012, the Early Learning Council established by section
39 4, chapter 519, Oregon Laws 2011, shall submit a report to the Oregon Education Investment
40 Board that describes a process for aligning the policies and outcomes of statewide support,
41 including subsidies and support that may be limited in quantity, to assist at-risk children in
42 accessing quality care and education services.

43 SECTION 22. By December 15, 2012, the Early Learning Council established by section
44 4, chapter 519, Oregon Laws 2011, shall submit a report to the Oregon Education Investment
45 Board and to the interim legislative committees on education, human services and ways and

1 means. The report shall:

2 (1) Make any necessary updates to the information provided to the Oregon Education
3 Investment Board and the interim legislative committees on education under sections 5 and
4 6, chapter 519, Oregon Laws 2011.

5 (2) Make recommendations involving the programs listed in section 5 (2), chapter 519,
6 Oregon Laws 2011, including identifying which programs may be integrated with other pro-
7 grams.

8 **SECTION 23.** (1) The Early Learning Council and the Department of Education shall
9 jointly develop a process that allows for an assessment of children to determine their read-
10 iness for kindergarten.

11 (2) By November 1, 2012, the process described in subsection (1) of this section must be
12 made available to school districts that have been selected to be part of a pilot program for
13 the implementation of the process. The council and department shall select the participating
14 school districts from school districts that volunteer to be part of the pilot program and in
15 a manner that achieves the greatest possible diversity of school districts across this state.

16 (3) By November 1, 2013, the process described in subsection (1) of this section must be
17 made available to all school districts for implementation.

18 **SECTION 24.** By June 30, 2013, the Early Learning Council established by section 4,
19 chapter 519, Oregon Laws 2011, shall work with the Department of Education and other state
20 agencies to:

21 (1) Adopt a Head Start Child Development Early Learning Framework for children three
22 through five years of age; and

23 (2) Revise the early childhood foundation standards for children zero through three years
24 of age to align the standards with the framework described in subsection (1) of this section.

25 **SECTION 25.** (1) By June 30, 2013, the Department of Education shall align Common Core
26 State Standards with Oregon Early Learning System outcomes and the Head Start Child
27 Development Early Learning Framework adopted under section 24 of this 2012 Act.

28 (2) Beginning April 1, 2012, the department shall report quarterly to the Early Learning
29 Council and the Oregon Education Investment Board on the state's progress toward meeting
30 the goal identified in subsection (1) of this section.

31 **SECTION 26.** ORS 329.195 is amended to read:

32 329.195. (1) The State Board of Education shall adopt rules for the establishment of the Oregon
33 prekindergarten program. Rules specifically shall require [*the Oregon prekindergarten program to*
34 *provide for parental involvement and*] performance standards **and operating standards that are** at
35 a level no less than [*that provided*] **the level required** under the federal Head Start program
36 guidelines. Federal Head Start program guidelines shall be considered as guidelines for the Oregon
37 prekindergarten program.

38 (2) In developing rules for the Oregon prekindergarten program, the board shall consult with the
39 advisory committee established under ORS 329.190 and shall consider such factors as coordination
40 with existing programs, the preparation necessary for instructors, qualifications of instructors,
41 training of staff, adequate space and equipment and special transportation needs.

42 (3) The Department of Education shall review applications for the Oregon prekindergarten pro-
43 gram received and designate those programs as eligible to commence operation by July 1 of each
44 year. When approving grant applications, to the extent practicable, the board shall distribute funds
45 regionally based on percentages of unmet needs as identified in the voluntary local early childhood

1 system plans that are part of the local coordinated comprehensive plans developed under ORS
 2 417.775 for the county or region.

3
 4 **YOUTH DEVELOPMENT COUNCIL**

5
 6 **SECTION 27. (1) The Youth Development Council is established. The council shall func-**
 7 **tion under the direction and control of the Oregon Education Investment Board established**
 8 **by section 1, chapter 519, Oregon Laws 2011.**

9 (2) The council is established for the purpose of assisting the board in overseeing a uni-
 10 fied system that provides services to children and youth 6 through 20 years of age in a
 11 manner that supports academic success, reduces criminal involvement and is integrated,
 12 measurable and accountable.

13 (3) The council consists of no fewer than 15 members who are appointed by the Governor.
 14 The Governor shall ensure that membership of the council satisfies any federal requirements
 15 for membership of a state advisory committee on juvenile justice.

16 (4) The council shall:

17 (a) Prioritize funding for prevention and intervention services related to gang violence
 18 and gang involvement.

19 (b) Determine the means by which services to children and youth may be provided ef-
 20 fectively and efficiently across multiple programs to improve the academic and social out-
 21 comes of children and youth.

22 (c) Assess state programs and services related to youth development and training, and
 23 identify methods by which programs and services may be coordinated or consolidated.

24 (d) Establish common academic and social indicators to support attainment of goals es-
 25 tablished by the Oregon Education Investment Board.

26 (e) Establish common program outcome measurements and coordinate data collection
 27 across multiple programs and services.

28 (f) Ensure implementation of best practices that:

29 (A) Are evidence based;

30 (B) Are culturally, gender and age appropriate;

31 (C) Address individual risk factors; and

32 (D) Build upon factors that increase the health and well-being of youth.

33 (5) The Governor may designate one member of the council to serve as the chairperson
 34 or, if the Governor chooses not to designate a chairperson, the council may elect one of its
 35 members to serve as chairperson.

36 **SECTION 28. Sections 17 and 27 of this 2012 Act and the amendments to ORS 417.705,**
 37 **417.710, 417.725, 417.727 and 417.728 by sections 12 to 16 of this 2012 Act become operative on**
 38 **July 1, 2012.**

39 **SECTION 29.** Section 27 of this 2012 Act is amended to read:

40 **Sec. 27.** (1) The Youth Development Council is established. *[The council shall function under the*
 41 *direction and control of the Oregon Education Investment Board established by section 1, chapter 519,*
 42 *Oregon Laws 2011.]*

43 (2) The council is established for the purpose of *[assisting the board in]* overseeing a unified
 44 system that provides services to children and youth 6 through 20 years of age in a manner that
 45 supports academic success, reduces criminal involvement and is integrated, measurable and ac-

1 countable.

2 (3) The council consists of no fewer than 15 members who are appointed by the Governor. The
3 Governor shall ensure that membership of the council satisfies any federal requirements for mem-
4 bership of a state advisory committee on juvenile justice.

5 (4) The council shall:

6 (a) Prioritize funding for prevention and intervention services related to gang violence and gang
7 involvement.

8 (b) Determine the means by which services to children and youth may be provided effectively
9 and efficiently across multiple programs to improve the academic and social outcomes of children
10 and youth.

11 (c) Assess state programs and services related to youth development and training, and identify
12 methods by which programs and services may be coordinated or consolidated.

13 (d) Establish common academic and social indicators to support attainment of goals established
14 by the [*Oregon Education Investment Board*] **council**.

15 (e) Establish common program outcome measurements and coordinate data collection across
16 multiple programs and services.

17 (f) Ensure implementation of best practices that:

18 (A) Are evidence based;

19 (B) Are culturally, gender and age appropriate;

20 (C) Address individual risk factors; and

21 (D) Build upon factors that increase the health and well-being of youth.

22 (5) **In accordance with applicable provisions of ORS chapter 183, the council may adopt**
23 **rules necessary for the administration of the laws that the council is charged with adminis-**
24 **tering.**

25 **SECTION 30. The amendments to section 27 of this 2012 Act by section 29 of this 2012**
26 **Act become operative on March 15, 2016.**

27 **SECTION 31. By September 30, 2012, the Youth Development Council established by sec-**
28 **tion 27 of this 2012 Act shall submit a report to the Oregon Education Investment Board that**
29 **summarizes existing social services and existing juvenile justice programs and services pro-**
30 **vided by state government that reduce criminal involvement and support academic success**
31 **for children and youth 6 through 20 years of age. The summary shall include the costs, goals,**
32 **outcomes and locations of the programs and services.**

33 **SECTION 32. By April 1, 2013, the Youth Development Council shall submit a report to**
34 **the Oregon Education Investment Board that establishes funding priorities for gang violence**
35 **intervention efforts and programs that assist gang-affected youth.**

36
37 **ABOLISHMENT OF**
38 **JUVENILE CRIME PREVENTION ADVISORY COMMITTEE**
39

40 **SECTION 33. (1) The Juvenile Crime Prevention Advisory Committee is abolished. On the**
41 **operative date of this section, the tenure of office of the members of the Juvenile Crime**
42 **Prevention Advisory Committee ceases.**

43 **(2) All the duties, functions and powers of the Juvenile Crime Prevention Advisory**
44 **Committee are imposed upon, transferred to and vested in the Youth Development Council**
45 **established by section 27 of this 2012 Act.**

1 **SECTION 34.** (1) The chairperson of the Juvenile Crime Prevention Advisory Committee
 2 shall deliver to the chairperson of the Youth Development Council all records and property
 3 within the jurisdiction of the chairperson that relate to the duties, functions and powers
 4 transferred by section 33 of this 2012 Act.

5 (2) The chairperson of the Youth Development Council shall take possession of the re-
 6 cords and property transferred by the provisions of this section.

7 (3) The Governor shall resolve any dispute between the Juvenile Crime Prevention Advi-
 8 sory Committee and the Youth Development Council relating to transfers of records and
 9 property under this section and the Governor’s decision is final.

10 **SECTION 35.** (1) Section 27 of this 2012 Act and the repeal of ORS 417.845 by section 41
 11 of this 2012 Act are intended to change the name of the “Juvenile Crime Prevention Advisory
 12 Committee” to the “Youth Development Council.”

13 (2) For the purpose of harmonizing and clarifying statutory law, the Legislative Counsel
 14 may substitute for words designating the “Juvenile Crime Prevention Advisory Committee”
 15 or its officers, wherever they occur in statutory law, words designating the “Youth Devel-
 16 opment Council” or its officers.

17 **SECTION 36.** ORS 169.090 is amended to read:

18 169.090. (1) The Director of the Department of Corrections shall publish and distribute a manual
 19 of recommended guidelines for the operation of local correctional facilities and lockups as developed
 20 by a jail standards committee appointed by the director. This manual shall be revised when appro-
 21 priate with consultation and advice of the Oregon State Sheriffs’ Association, the Oregon Associ-
 22 ation Chiefs of Police, Association of Oregon Counties, the League of Oregon Cities and other
 23 appropriate groups and agencies and will be redistributed upon the approval of the Governor.

24 (2) The [*Juvenile Crime Prevention Advisory Committee*] **Youth Development Council estab-**
 25 **lished by section 27 of this 2012 Act** and the Department of Corrections shall develop guidelines
 26 pertaining to the operation of juvenile detention facilities, as defined in ORS 169.005. Guidelines
 27 shall be revised by the [*Juvenile Crime Prevention Advisory Committee*] **Youth Development**
 28 **Council** and the Department of Corrections, whenever appropriate. The guidelines shall be included
 29 in the manual published and distributed under subsection (1) of this section. However, the [*Juvenile*
 30 *Crime Prevention Advisory Committee*] **Youth Development Council** may choose to publish and
 31 distribute the guidelines independently.

32 **SECTION 37.** ORS 417.799 is amended to read:

33 417.799. (1) The Department of Human Services is responsible for coordinating statewide plan-
 34 ning for delivery of services to runaway and homeless youth and their families.

35 (2) The department shall recommend policies that integrate a system of services and support for
 36 runaway and homeless youth into the state’s continuum of care for children who are 0 through 18
 37 years of age.

38 (3) The department may work with the [*Juvenile Crime Prevention Advisory Committee*] **Youth**
 39 **Development Council**, the Employment Department, the Housing and Community Services Depart-
 40 ment, the Department of Community Colleges and Workforce Development, the Department of Edu-
 41 cation and the Oregon Youth Authority to develop a comprehensive and coordinated approach for
 42 services and support for runaway and homeless youth and their families.

43 (4) In addition to the [*state agencies*] **entities** listed in subsection (3) of this section, the de-
 44 partment shall include representatives of youth, nonprofit organizations and statewide coalitions
 45 related to runaway and homeless youth services and supports in the joint process described in sub-

1 section (3) of this section.

2 (5) The department may enter into and renew contracts with providers for the provision of ser-
 3 vices to runaway and homeless youth and their families.

4 **SECTION 38.** ORS 417.850 is amended to read:

5 417.850. The [*Juvenile Crime Prevention Advisory Committee*] **Youth Development Council es-**
 6 **tablished by section 27 of this 2012 Act** shall:

7 (1) Review the budget and allocation formula for appropriations for the purpose of juvenile crime
 8 prevention;

9 (2) Review the components of [*the local coordinated comprehensive plans for children and families*
 10 *created pursuant to ORS 417.775 that address*] local high-risk juvenile crime prevention plans devel-
 11 oped under ORS 417.855 and make recommendations to the Governor about the local plans;

12 (3) Ensure that high-risk juvenile crime prevention planning criteria are met by state and local
 13 public and private entities;

14 (4) Recommend high-risk juvenile justice and juvenile crime prevention policies to the Governor
 15 and the Legislative Assembly;

16 (5) Ensure initiation of contracts based on approved local high-risk juvenile crime prevention
 17 plans and oversee contract changes;

18 (6) Review data and outcome information;

19 (7) Establish and publish review and assessment criteria for the local high-risk juvenile crime
 20 prevention plans. The criteria shall include, but not be limited to, measuring changes in juvenile
 21 crime and juvenile recidivism;

22 (8) Review and coordinate county youth diversion plans and basic services grants with the local
 23 high-risk juvenile crime prevention plans. Basic services grants may be used for detention and other
 24 juvenile department services including:

25 (a) Shelter care;

26 (b) Treatment services;

27 (c) Graduated sanctions; and

28 (d) Aftercare for youth offenders;

29 (9) Work to ensure broad-based citizen involvement in the planning and execution of high-risk
 30 juvenile crime prevention plans at both the state and local levels;

31 (10) Develop a funding policy that provides incentives for flexible programming and promotes
 32 strategies that stress reinvestment in youth;

33 (11) Periodically report to the Governor and the Legislative Assembly on the progress of the
 34 [*committee*] **council**;

35 (12) Oversee and approve funding and policy recommendations of the state advisory group as
 36 required by the federal Juvenile Justice and Delinquency Prevention Act of 1974, 42 U.S.C. 5601 et
 37 seq.; and

38 (13) Work with tribal governments to develop tribal high-risk juvenile crime prevention plans.

39 **SECTION 39.** ORS 417.855 is amended to read:

40 417.855. (1) Each board of county commissioners shall designate an agency or organization to
 41 serve as the lead planning organization to facilitate the creation of a partnership among state and
 42 local public and private entities in each county. The partnership shall include, but is not limited to,
 43 [*local commissions on children and families,*] education representatives, public health representatives,
 44 local alcohol and drug planning committees, representatives of the court system, local mental health
 45 planning committees, city or municipal representatives and local public safety coordinating councils.

1 The partnership shall develop a local high-risk juvenile crime prevention plan *[that shall be incor-*
2 *porated into the local coordinated comprehensive plans created pursuant to ORS 417.775].*

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

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

6 (A) Antisocial behavior;

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

8 (C) Failure in school;

9 (D) Substance abuse problems; or

10 (E) Negative peer association; and

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

14 (3)(a) The *[State Commission on Children and Families]* **Youth Development Council created**
15 **under section 27 of this 2012 Act** shall allocate funds available to support the local high-risk ju-
16 venile crime prevention plans to counties based on the youth population age 18 or younger in those
17 counties.

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

21 **SECTION 40.** ORS 417.857 is amended to read:

22 417.857. (1) Deschutes County may place greater emphasis on early intervention and work with
23 younger children than required by the *[Juvenile Crime Prevention Advisory Committee]* **Youth De-**
24 **velopment Council** if the county has been granted a waiver pursuant to this section.

25 (2) The *[Juvenile Crime Prevention Advisory Committee]* **Youth Development Council** shall de-
26 velop an objective process, review criteria and timetable for consideration of a waiver request. A
27 waiver granted under this section applies to the requirements for basic services grants described in
28 ORS 417.850 (8) and high-risk juvenile crime prevention resources *[managed by the State Commission*
29 *on Children and Families]*. The waiver shall be consistent with the goals of ORS 417.705 to 417.800,
30 417.850 and 417.855.

31 (3) Any documentation required for a waiver under this section shall be obtained to the greatest
32 extent possible from material contained in the county's juvenile crime prevention plan and from
33 material as determined through biennial intergovernmental agreements. The *[Juvenile Crime Pre-*
34 *vention Advisory Committee]* **Youth Development Council** may ask the county to submit additional
35 information regarding how the county intends to use crime prevention funds under the waiver.

36 (4) The *[Juvenile Crime Prevention Advisory Committee]* **Youth Development Council** shall
37 grant a waiver or continue a waiver based on criteria that include:

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

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

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

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

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

2 (f) Support of the local public safety coordinating council[, *local commission on children and*
3 *families*] and **the** board of county commissioners;

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

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

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

8 (5) The [*committee*] **Youth Development Council** shall review and act on any request for a
9 waiver within 90 days after receipt of the request.

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

12 **SECTION 41. ORS 417.845 is repealed.**

13 **SECTION 42. (1) Sections 33 to 35 of this 2012 Act, the amendments to ORS 169.090,**
14 **417.799, 417.850, 417.855 and 417.857 by sections 36 to 40 of this 2012 Act and the repeal of ORS**
15 **417.845 by section 41 of this 2012 Act become operative on April 1, 2012.**

16 **(2) The chairperson of the Youth Development Council may take any action before the**
17 **operative date specified in subsection (1) of this section that is necessary to enable to the**
18 **chairperson to exercise, on and after the operative date specified in subsection (1) of this**
19 **section, the duties, functions and powers of the chairperson under the provisions of section**
20 **34 of this 2012 Act.**

21
22 **ABOLISHMENT OF**
23 **STATE COMMISSION ON CHILDREN AND FAMILIES**
24 **AND LOCAL COMMISSIONS ON CHILDREN AND FAMILIES**
25

26 **SECTION 43. (1) The State Commission on Children and Families is abolished. On the**
27 **operative date of this section, all duties, functions and powers of the State Commission on**
28 **Children and Families are imposed upon, transferred to and vested in:**

29 **(a) The Early Learning Council established in section 4, chapter 519, Oregon Laws 2011,**
30 **for duties, functions and powers related to children zero through five years of age; and**

31 **(b) The Youth Development Council for duties, functions and powers related to children**
32 **and youth 6 through 20 years of age.**

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

34 **(a) Deliver to the Early Learning System Director or the chairperson of the Youth De-**
35 **velopment Council all records and property within the jurisdiction of the staff director and**
36 **the state commission that relate to the duties, functions and powers transferred to and as-**
37 **sumed by the council under the provisions of this section.**

38 **(b) Transfer to the Early Learning Council or the Youth Development Council those**
39 **employees engaged primarily in the exercise of the duties, functions and powers transferred**
40 **to and assumed by the council under the provisions of this section.**

41 **(3) The Early Learning System Director or the chairperson of the Youth Development**
42 **Council shall take possession of the records and property, and shall take charge of the em-**
43 **ployees and employ them in the exercise of the duties, functions and powers transferred by**
44 **the provisions of this section, without reduction of compensation but subject to change or**
45 **termination of employment or compensation as provided by law.**

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

5 **SECTION 44.** The State Commission on Children and Families Account is abolished. Any
 6 moneys remaining in the account on the operative date of this section that are unexpended,
 7 unobligated and not subject to any conditions shall be transferred to the Early Learning
 8 Council Fund established under section 17 of this 2012 Act.

9 **SECTION 45.** (1) The unexpended balances of amounts authorized to be expended by the
 10 State Commission on Children and Families for the biennium beginning July 1, 2011, from
 11 revenues dedicated, continuously appropriated, appropriated or otherwise made available for
 12 the purpose of administering and enforcing the duties, functions and powers transferred by
 13 the provisions of section 43 of this 2012 Act are transferred to and are available for expend-
 14 iture by the Early Learning Council or the Youth Development Council for the biennium
 15 beginning July 1, 2011, for the purpose of administering and enforcing the duties, functions
 16 and powers transferred by the provisions of section 43 of this 2012 Act.

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

20 **SECTION 46.** The transfer of duties, functions and powers to the Early Learning Council
 21 and the Youth Development Council by the provisions of section 43 of this 2012 Act does not
 22 affect any action, proceeding or prosecution involving or with respect to such duties, func-
 23 tions and powers begun before and pending at the time of the transfer, except that the Early
 24 Learning Council or the Youth Development Council is substituted for the State Commission
 25 on Children and Families in the action, proceeding or prosecution.

26 **SECTION 47.** ORS 417.788 is amended to read:

27 417.788. (1) The [*State Commission on Children and Families*] **Early Learning Council** shall
 28 support relief nurseries statewide [*through local commissions on children and families*] as funding
 29 becomes available. [*Local commissions may*] **The council may encourage communities to** establish
 30 relief nurseries for young children who are at risk and their families. [*Local commissions in*] Ad-
 31 joining counties may choose to establish regional relief nurseries. The relief nurseries shall:

32 (a) Be consistent with the voluntary early [*childhood*] **learning** system [*plan that is part of the*
 33 *local coordinated comprehensive plan*] **overseen by the Early Learning Council**; and

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

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

36 (a) Therapeutic early childhood education programs; and

37 (b) Parent education, training and support.

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

40 **SECTION 48.** ORS 417.790 is amended to read:

41 417.790. The [*State Commission on Children and Families*] **Early Learning Council** shall:

42 (1) Make grants to [*local commissions on children and families to*] fund research-based services
 43 and initiatives to improve outcomes for children, youth or families. The [*state commission*] **council**
 44 **and community-based coordinators of early learning services** shall assist counties in the im-
 45 plementation of community services that are efficient, accountable, coordinated and readily avail-

1 able. *[Grants for services and initiatives to support children, youth or families shall be used at the local*
 2 *level according to the county's local coordinated comprehensive plan.]* These services shall be provided
 3 in accordance with ORS 417.715 and 417.720.

4 (2) Make Great Start grants to *[local commissions on children and families to]* fund community-
 5 based programs for children *[who are newborn]* **zero** through *[eight]* **five** years of age. A county or
 6 region shall use Great Start grant funds to provide research-based early childhood programs in
 7 community settings and to provide services that have proven to be successful and that meet the
 8 needs of the community *[as described in the county's local coordinated comprehensive plan]*. These
 9 services shall be provided in accordance with ORS 417.728.

10 **SECTION 49.** ORS 417.793 is amended to read:

11 417.793. The *[State Commission on Children and Families]* **Early Learning Council** shall support
 12 parents-as-teachers programs statewide *[through local commissions on children and families]* as
 13 funding becomes available. If a *[local commission offers a]* program **is offered**, the program shall be
 14 part of a comprehensive, research-based approach to parent education and support. The program
 15 shall be consistent with the voluntary early *[childhood]* **learning** system plan *[that is part of the local*
 16 *coordinated comprehensive plan]* **overseen by the Early Learning Council**.

17 **SECTION 50.** ORS 417.795 is amended to read:

18 417.795. (1) The *[State Commission on Children and Families established under ORS 417.730]*
 19 **Early Learning Council** shall establish Healthy Start Family Support Services programs *[through*
 20 *contracts entered into by local commissions on children and families]* in all counties of this state as
 21 funding becomes available.

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

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

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

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

30 (d) Ensure that the disclosure of information gathered in conjunction with the voluntary com-
 31 prehensive screening and risk assessment of children and their families is limited pursuant to ORS
 32 417.728 (6) to the following purposes:

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

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

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

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

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

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

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

43 (h) Provide other supports, including but not limited to referral to and linking of community and
 44 public services for children and families such as mental health services, alcohol and drug treatment
 45 programs that meet the standards promulgated by the Oregon Health Authority *[pursuant to]* **under**

1 ORS 430.357, child care, food, housing and transportation;

2 (i) Coordinate services for children consistent with [*the voluntary local early childhood system*
 3 *plan developed pursuant to ORS 417.777*] **other services provided through the Oregon Early**
 4 **Learning System;**

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

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

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

9 (A) Level of screening and assessment;

10 (B) Incidence of child abuse and neglect;

11 (C) Change in parenting skills; and

12 (D) Rate of child development;

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

15 (n) Meet [*voluntary statewide and local early childhood system*] **statewide** quality assurance and
 16 quality improvement standards.

17 (3) The Healthy Start Family Support Services programs, local health departments and other
 18 providers of prenatal and perinatal services in counties[, *as part of the voluntary local early child-*
 19 *hood system,*] shall:

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

22 (b) Build on existing programs;

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

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

25 (e) Ensure that home visiting services provided by local health departments for children and
 26 pregnant women support and are coordinated with local Healthy Start Family Support Services
 27 programs.

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

32 (5) The services required by this section shall be provided by hospitals, public or private entities
 33 or organizations, or any combination thereof, capable of providing all or part of the family risk as-
 34 sessment and the follow-up services. In granting a contract, [*a local commission may utilize*]
 35 collaborative contracting or requests for proposals [*and shall take into consideration*] **may be used**
 36 **and must include** the most effective and consistent service delivery system.

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

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

44 **SECTION 51.** ORS 131A.360 is amended to read:

45 131A.360. (1) The provisions of this section apply only to a forfeiting agency other than the

1 state, and apply only to forfeiture proceeds arising out of prohibited conduct as defined by ORS
 2 131A.005 (12)(a).

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

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

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

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

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

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

22 (d) Deduct an amount equal to 10 percent of the forfeiture proceeds and deposit that amount in
 23 the *[State Commission on Children and Families Account established by ORS 417.733]* **Early Learn-**
 24 **ing Council Fund established in section 17 of this 2012 Act** for disbursement to relief nurseries
 25 as described in ORS 417.788.

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

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

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

36 (b) Currency for undercover law enforcement operations;

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

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

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

44 (f) Drug treatment and programs that support drug treatment; and

45 (g) A Court Appointed Special Advocate Volunteer Program.

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 52.** 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 17 of this 2012 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 the terms of an intergovernmental agreement, including paying for
 34 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 53.** 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;

32 (k) The Oregon Youth Authority;

33 (L) *[The State Commission on Children and Families]* **The Youth Development Council**; and

34 (m) A university that has established a police department under ORS 352.383.

35 **SECTION 54.** ORS 181.725 is amended to read:

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

40 (a) The State Court Administrator or the administrator’s designee;

41 (b) The Director of the Department of Corrections or the director’s designee;

42 (c) The Superintendent of State Police or the superintendent’s designee;

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

45 (e) The Director of Transportation or the director’s designee;

1 (f) The chairperson of the State Board of Parole and Post-Prison Supervision or the
2 chairperson's designee;

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

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

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

7 (j) A jail manager designated by the Oregon Sheriff's Jail Command Council;

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

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

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

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

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

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

17 (q) The administrator of the Oregon Liquor Control Commission or the administrator's designee;
18 and

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

21 **(r) The chairperson of the Youth Development Council.**

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

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

25 **SECTION 55.** ORS 182.515 is amended to read:

26 182.515. As used in this section and ORS 182.525:

27 (1) "Agency" means:

28 (a) The Department of Corrections;

29 (b) The Oregon Youth Authority;

30 (c) *[The State Commission on Children and Families]* **The Youth Development Council**; and

31 (d) That part of the Oregon Health Authority that deals with mental health and addiction issues.

32 (2) "Cost effective" means that cost savings realized over a reasonable period of time are
33 greater than costs.

34 (3) "Evidence-based program" means a program that:

35 (a) Incorporates significant and relevant practices based on scientifically based research; and

36 (b) Is cost effective.

37 (4)(a) "Program" means a treatment or intervention program or service that is intended to:

38 (A) Reduce the propensity of a person to commit crimes;

39 (B) Improve the mental health of a person with the result of reducing the likelihood that the
40 person will commit a crime or need emergency mental health services; or

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

43 (b) "Program" does not include:

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

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

2 (5) “Scientifically based research” means research that obtains reliable and valid knowledge by:

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

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

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

9 **SECTION 56.** ORS 315.259 is amended to read:

10 315.259. (1) The tax credits provided under this section may be referred to as the First Break
11 Program.

12 (2) As used in this section:

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

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

20 (c) “Employer” means an employer subject to taxation under ORS chapter 316, 317 or 318.

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

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

27 (f) “Sustained employment” means employment:

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

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

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

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

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

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

41 (a) \$1,000;

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

44 (c) 50 percent of the wages paid to the qualified youth employee during the 12-month period
45 following the qualified youth employee’s hiring date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 **SECTION 57.** ORS 329.145 is amended to read:

21 329.145. As used in ORS 329.150 and 329.155:

22 (1) "Families" means a group of individuals related by blood, marriage or adoption, or individ-
23 uals whose functional relationships are similar to those found in such associations. The family's
24 purpose is the security, support, nurturance, love, transmission of values and facilitation of each
25 member's growth and development, and is the primary social unit affecting a child's well-being.

26 (2) "Services" means education and all other programs and services addressing one or more of
27 a child's six basic needs as follows: stimulus, nutrition, health, safety, nurturance and shelter.

28 (3) "Young children" means children zero through [*eight*] **five** years of age.

29 **SECTION 58.** ORS 329.150 is amended to read:

30 329.150. A school district may provide services for children and families at the school site, which
31 may include a community learning center. If the district chooses to provide services, the design of
32 educational and other services to children and their families shall be the responsibility of the school
33 district. School districts may coordinate services with programs provided through [*the local com-*
34 *missions on children and families to provide*] **and overseen by the Early Learning Council for the**
35 **purpose of providing** services to families. To ensure that all educational and other services for
36 young children and their families offer the maximum opportunity possible for the personal success
37 of the child and family members, it is the policy of this state that the following principles for serving
38 children should be observed to the maximum extent possible in all of its educational and other
39 programs serving young children and their families, including those programs delivered at commu-
40 nity learning centers:

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

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

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

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

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

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

9 **SECTION 59.** ORS 329.155 is amended to read:

10 329.155. (1) State agencies that administer education programs and other programs that provide
 11 services for children and families shall:

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

15 (b) Articulate ways in which the program is:

16 (A) An effective component of agency and state priorities, goals and strategies[, *such as those*
 17 *developed by the Oregon Progress Board, or to*] **that have been established by the Early Learning**
 18 **Council; and**

19 (B) Relevant **to** research and professional standards;

20 (c) Establish plans, interagency partnerships[,] **and** implementation practices [*and interactions*
 21 *with local coordinated comprehensive plans*];

22 (d) [*Utilize*] **Use** the information generated by applicable state advisory groups **and governing**
 23 **boards** [*and by the local planning process administered by the State Commission on Children and*
 24 *Families*] in the program assessment of needs and decisions as to service delivery in a given com-
 25 munity; and

26 (e) Identify barriers to improving program capability to serve the needs of young children and
 27 **make** related recommendations, if any, **to the Early Learning Council.**

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

35 **SECTION 60.** ORS 329.156 is amended to read:

36 329.156. (1) The Department of Education[,] **and** the Department of Human Services [*and the*
 37 *State Commission on Children and Families*] shall support the development and implementation of a
 38 network of community learning centers across the state.

39 (2) Within available funding, the [*state commission*] **Early Learning Council**, in conjunction with
 40 [*local commissions on children and families or*] other organizations that provide training and techni-
 41 cal assistance to schools or community programs, shall provide training and technical assistance to
 42 promote the development and implementation of community learning centers. To the extent possible,
 43 the [*state commission*] **council** shall use voluntary organizations to provide the training and techni-
 44 cal assistance.

45 [*(3) If a community learning center is created by a school district, the school district shall coordi-*

1 *nate with the local commission on children and families to ensure that the community learning center*
 2 *is referenced in the local coordinated comprehensive plan, implemented pursuant to ORS 417.775.]*

3 [(4)] (3) Community learning centers created pursuant to this section shall:

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

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

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

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

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

14 (f) Conduct an assessment of strengths, needs and assets within the community to be served by
 15 the community learning center that identifies services being delivered in the community, defines and
 16 clarifies services that are missing or overlapping and builds on any existing community
 17 assessments.[: *and*]

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

19 [(5)] (4) The Department of Human Services and the Department of Education shall provide
 20 technical assistance to community learning centers to develop policies ensuring that confidential
 21 information is disclosed only in accordance with state and federal laws.

22 **SECTION 61.** ORS 329.175 is amended to read:

23 329.175. (1) The Department of Education shall administer the Oregon prekindergarten program
 24 to assist eligible children with comprehensive services including educational, social, health and nu-
 25 tritional development to enhance their chances for success in school and life. Eligible children, upon
 26 request of parent or guardian, shall be admitted to approved Oregon prekindergartens to the extent
 27 that the Legislative Assembly provides funds.

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

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

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

45 (5) Oregon prekindergartens shall[:]

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

3 *[(b)] coordinate services with other services [that are coordinated through the plan] **provided***
 4 **through the Oregon Early Learning System.** The coordination of services shall be consistent with
 5 federal and state law.

6 **SECTION 62.** ORS 329.190 is amended to read:

7 329.190. The Department of Education shall establish an advisory committee composed of inter-
 8 ested parents and representatives from the [*State Commission on Children and Families,*] health care
 9 profession, early childhood education and development staff preparation programs, Oregon Head
 10 Start Association, school districts, community colleges, Early Intervention Council, child care and
 11 other organizations. The purpose of the advisory committee is to provide advice to the department
 12 **and the Early Learning Council** on matters related to the Oregon prekindergarten program.

13 **SECTION 63.** ORS 329.195, as amended by section 26 of this 2012 Act, is amended to read:

14 329.195. (1) The State Board of Education shall adopt rules for the establishment of the Oregon
 15 prekindergarten program. Rules specifically shall require performance standards and operating
 16 standards that are at a level no less than the level required under the federal Head Start program
 17 guidelines. Federal Head Start program guidelines shall be considered as guidelines for the Oregon
 18 prekindergarten program.

19 (2) In developing rules for the Oregon prekindergarten program, the board shall consult with the
 20 advisory committee established under ORS 329.190 and shall consider such factors as coordination
 21 with existing programs, the preparation necessary for instructors, qualifications of instructors,
 22 training of staff, adequate space and equipment and special transportation needs.

23 (3) The Department of Education shall review applications for the Oregon prekindergarten pro-
 24 gram received and designate those programs as eligible to commence operation by July 1 of each
 25 year. When approving grant applications, to the extent practicable, the board shall distribute funds
 26 regionally based on percentages of unmet needs [*as identified in the voluntary local early childhood*
 27 *system plans that are part of the local coordinated comprehensive plans developed under ORS*
 28 *417.775]* for the county or region.

29 **SECTION 64.** ORS 343.475 is amended to read:

30 343.475. (1) In accordance with rules adopted by the State Board of Education, the Superinten-
 31 dent of Public Instruction shall develop and administer a statewide, comprehensive, coordinated,
 32 multidisciplinary, interagency program of early childhood special education and early intervention
 33 services for preschool children with disabilities and may:

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

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

40 (2) Early childhood special education and early intervention services shall[:]

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

43 *[(b)] coordinate services with other services [that are coordinated through the plan] **provided***
 44 **through the Oregon Early Learning System.** The coordination of services shall be consistent with
 45 federal and state law.

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

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

7 **SECTION 65.** ORS 343.495 is amended to read:

8 343.495. (1) If no contractor is designated for a service area, and no qualified county agency is
 9 available to manage the necessary services or to subcontract the services, the Department of Edu-
 10 cation may provide early childhood special education and early intervention services in a local,
 11 county or service area.

12 (2) Contractors designated under this section shall[:]

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

15 [*(b) coordinate services with other services [that are coordinated through the plan]* **provided**
 16 **through the Oregon Early Learning System.** The coordination of services shall be consistent with
 17 federal and state law.

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

20 **SECTION 66.** ORS 343.499 is amended to read:

21 343.499. (1)(a) There is created the State Interagency Coordinating Council.

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

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

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

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

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

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

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

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

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

41 (g) At least one council member shall represent the Child Care Division of the Employment
 42 Department.

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

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

1 (j) At least one council member shall represent the [*State Commission on Children and*
2 *Families*] **Early Learning Council**.

3 (k) At least one council member shall represent the Child Development and Rehabilitation Cen-
4 ter of the Oregon Health and Science University.

5 (L) At least one council member shall be a member of the State Advisory Council for Special
6 Education created under ORS 343.287.

7 (m) At least one council member shall be a representative designated by the state coordinator
8 for homeless education.

9 (n) At least one council member shall represent the state child welfare agency responsible for
10 foster care.

11 (o) At least one council member shall represent the state agency responsible for children's
12 mental health.

13 (p) At least one council member shall be from the Oregon Health Authority.

14 (q) The council may include other members appointed by the Governor, including but not limited
15 to one representative from the United States Bureau of Indian Affairs or, where there is no school
16 operated or funded by the bureau, from the Indian Health Service or the tribe or tribal council.

17 (3) An individual appointed to represent a state agency that is involved in the provision of or
18 payment for services for preschool children with disabilities under subsection (2)(e) and (h) to (k)
19 of this section shall have sufficient authority to engage in making and implementing policy on behalf
20 of the agency.

21 (4) The State Interagency Coordinating Council shall:

22 (a) Advise the Superintendent of Public Instruction, [*and*] the State Board of Education **and the**
23 **Early Learning Council** on unmet needs in the early childhood special education and early inter-
24 vention programs for preschool children with disabilities, review and comment publicly on any rules
25 proposed by the State Board of Education and the distribution of funds for the programs and assist
26 the state in developing and reporting data on and evaluations of the programs and services.

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

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

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

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

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

40 (e) Advise and assist the Department of Education in identifying the sources of fiscal and other
41 support for preschool services, assigning financial responsibility to the appropriate agencies and
42 ensuring that the provisions of interagency agreements under ORS 343.511 are carried out.

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

1 sources.

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

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

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

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

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

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

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

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

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

18 (a) Conduct hearings and forums;

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

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

24 (d) Hire staff; and

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

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

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

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

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

37 **SECTION 67.** ORS 343.507 is amended to read:

38 343.507. (1) Each contractor for early childhood special education and early intervention ser-
39 vices shall assist in the development of a local early intervention interagency advisory council in
40 every county within the contractor's service area.

41 (2) Each local early intervention interagency advisory council shall include as members at least
42 20 percent parents of preschool children with disabilities, 20 percent providers of early childhood
43 special education and early intervention services or other services to preschool children with
44 disabilities[, *a representative of the State Commission on Children and Families*] and representatives
45 from public and private agencies that serve young children and their families, including but not

1 limited to Head Start and Oregon prekindergartens, community child care, the Child Care Division
 2 of the Employment Department, local school districts, education service districts, Department of
 3 Education regional special education programs, community mental health programs, community de-
 4 velopmental disabilities programs, Department of Human Services health programs, child welfare
 5 programs and public assistance programs, Indian education agencies, migrant programs serving
 6 young children and community colleges.

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

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

12 **SECTION 68.** ORS 418.751 is amended to read:

13 418.751. (1) The Department of Human Services, as provided in ORS 418.702, and the Department
 14 of Justice shall ensure that training and education are provided for persons, other than law
 15 enforcement officers, who are required to investigate allegations of child abuse. [*The Department of*
 16 *Human Services and the Department of Justice shall consult with the State Commission on Children*
 17 *and Families in assessing the grant funding that might be distributed to enhance and support training*
 18 *and continuing education for the county multidisciplinary child abuse teams.*]

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

23 **SECTION 69.** ORS 418.975 is amended to read:

24 418.975. As used in ORS 418.975 to 418.985:

25 (1) "Cultural competence" means accepting and respecting diversity and differences in a con-
 26 tinuous process of self-assessment and reflection on one's personal and organizational perceptions
 27 of the dynamics of culture.

28 (2) "Family" includes, with respect to a youth:

- 29 (a) A biological or legal parent;
- 30 (b) A sibling;
- 31 (c) An individual related by blood, marriage or adoption;
- 32 (d) A foster parent;
- 33 (e) A legal guardian;
- 34 (f) A caregiver;
- 35 (g) An individual with a significant social relationship with the youth; and
- 36 (h) Any person who provides natural, formal or informal support to the youth that the youth
 37 identifies as important.

38 (3) "Family-run organization" means a private nonprofit entity organized for the purpose of
 39 serving families with a youth who has a serious emotional disorder. The entity must:

- 40 (a) Have a governing board in which a majority of the members are family members of a youth
 41 with a serious emotional disorder; and
- 42 (b) Give a preference to family members in hiring decisions for the entity.

43 (4) "Identified population" means youth who have or are at risk of developing emotional, be-
 44 havioral or substance use related needs, and who are involved with two or more systems of care.

45 (5) "Partner agency" includes the Department of Education, Oregon Youth Authority, Depart-

1 ment of Human Services, [*State Commission on Children and Families*] **Early Learning Council,**
 2 **Youth Development Council,** Oregon Health Authority and other appropriate agencies involved in
 3 the system of care.

4 (6) “Services and supports” means public, private and community resources that assist youth in
 5 the achievement of positive outcomes.

6 (7) “System of care” means a coordinated network of services including education, child welfare,
 7 public health, primary care, pediatric care, juvenile justice, mental health treatment, substance use
 8 treatment, developmental disability services and any other services and supports to the identified
 9 population that integrates care planning and management across multiple levels, that is culturally
 10 and linguistically competent, that is designed to build meaningful partnerships with families and
 11 youth in the delivery and management of services and the development of policy and that has a
 12 supportive policy and management infrastructure.

13 (8) “Wraparound” means a definable, team-based planning process involving a youth and the
 14 youth’s family that results in a unique set of community services and services and supports indi-
 15 vidualized for that youth and family to achieve a set of positive outcomes.

16 (9) “Youth” means an individual 18 years of age or younger.

17 **SECTION 70.** ORS 419A.170 is amended to read:

18 419A.170. (1) In every case under ORS chapter 419B, the court shall appoint a court appointed
 19 special advocate. The court appointed special advocate is deemed a party in these proceedings, and
 20 in the furtherance thereof, may be represented by counsel, file pleadings and request hearings and
 21 may subpoena, examine and cross-examine witnesses. If the court appointed special advocate is re-
 22 presented by counsel, counsel shall be paid from funds available to the Court Appointed Special
 23 Advocate Volunteer Program. No funds from the Public Defense Services Account or Judicial De-
 24 partment operating funds may be used for this purpose.

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

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

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

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

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

34 (3) If a juvenile court does not have available to it a CASA Volunteer Program, or a sufficient
 35 number of qualified CASA volunteers, the court may, in fulfillment of the requirements of this sec-
 36 tion, appoint a juvenile department employee or other suitable person to represent the child or
 37 ward’s interest in court [*pursuant to*] **under** ORS 419A.012 or 419B.195.

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

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

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

6 (7) Upon presentation of the order of appointment by the court appointed special advocate, any
 7 agency, hospital, school organization, division, office or department of the state, doctor, nurse or
 8 other health care provider, psychologist, psychiatrist, police department or mental health clinic shall
 9 permit the court appointed special advocate to inspect and copy, and may consult with the court
 10 appointed special advocate regarding, any records relating to the child or ward involved in the case,
 11 without the consent of the child, ward or parents.

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

14 (9) For the purposes of a Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.)
 15 grant to this state under Public Law No. 93-247, or any related state or federal legislation, a court
 16 appointed special advocate or other person appointed [*pursuant to*] **under** subsections (1) to (3) of
 17 this section is deemed a guardian ad litem to represent the interests of the child or ward in pro-
 18 ceedings before the court.

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

25 (11) The [*state commission*] **Early Learning Council** may expend moneys from the Court Ap-
 26 pointed Special Advocate Fund directly or indirectly through contracts or grants for the creation,
 27 supervision and operation of CASA Volunteer Programs statewide. The [*commission*] **council** may
 28 also expend moneys from the Court Appointed Special Advocate Fund to pay the reasonable costs
 29 of its administration of the Court Appointed Special Advocate Fund. The [*commission*] **council** shall
 30 adopt rules for carrying out its responsibilities under this section.

31 **SECTION 71.** ORS 419B.005 is amended to read:

32 419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

33 (1)(a) "Abuse" means:

34 (A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child
 35 which has been caused by other than accidental means, including any injury which appears to be
 36 at variance with the explanation given of the injury.

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

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

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

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

44 (i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any
 45 other conduct which allows, employs, authorizes, permits, induces or encourages a child to engage

1 in the performing for people to observe or the photographing, filming, tape recording or other ex-
 2 hibition which, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or
 3 described in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not in-
 4 cluding any conduct which is part of any investigation conducted pursuant to ORS 419B.020 or
 5 which is designed to serve educational or other legitimate purposes; and

6 (ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution or to patronize
 7 a prostitute, as defined in ORS chapter 167.

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

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

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

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

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

18 (b) "Abuse" does not include reasonable discipline unless the discipline results in one of the
 19 conditions described in paragraph (a) of this subsection.

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

21 (3) "Law enforcement agency" means:

22 (a) A city or municipal police department.

23 (b) A county sheriff's office.

24 (c) The Oregon State Police.

25 (d) A police department established by a university under ORS 352.383.

26 (e) A county juvenile department.

27 (4) "Public or private official" means:

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

30 (b) Dentist.

31 (c) School employee.

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

34 (e) Employee of the Department of Human Services, Oregon Health Authority, [*State Commission*
 35 *on Children and Families*] **Early Learning Council, Youth Development Council**, Child Care Di-
 36 vision of the Employment Department, the Oregon Youth Authority, a county health department, a
 37 community mental health program, a community developmental disabilities program, a county juve-
 38 nile department, a licensed child-caring agency or an alcohol and drug treatment program.

39 (f) Peace officer.

40 (g) Psychologist.

41 (h) Member of the clergy.

42 (i) Regulated social worker.

43 (j) Optometrist.

44 (k) Chiropractor.

45 (L) Certified provider of foster care, or an employee thereof.

- 1 (m) Attorney.
- 2 (n) Licensed professional counselor.
- 3 (o) Licensed marriage and family therapist.
- 4 (p) Firefighter or emergency medical services provider.
- 5 (q) A court appointed special advocate, as defined in ORS 419A.004.
- 6 (r) A child care provider registered or certified under ORS 657A.030 and 657A.250 to 657A.450.
- 7 (s) Member of the Legislative Assembly.
- 8 (t) Physical, speech or occupational therapist.
- 9 (u) Audiologist.
- 10 (v) Speech-language pathologist.
- 11 (w) Employee of the Teacher Standards and Practices Commission directly involved in investi-
12 gations or discipline by the commission.
- 13 (x) Pharmacist.
- 14 (y) An operator of a preschool recorded program under ORS 657A.255.
- 15 (z) An operator of a school-age recorded program under ORS 657A.257.
- 16 (aa) Employee of a private agency or organization facilitating the provision of respite services,
17 as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS
18 109.056.

19 **SECTION 72.** ORS 419C.453 is amended to read:

20 419C.453. (1) Pursuant to a hearing, the juvenile court may order a youth offender placed in a
21 detention facility for a specific period of time not to exceed eight days, in addition to time already
22 spent in the facility, unless a program plan that is in conformance with standards established by the
23 [*State Commission on Children and Families*] **Youth Development Council** has been filed with and
24 approved by the [*commission*] **council**, in which case the youth offender may be held in detention for
25 a maximum of 30 days in addition to time already spent in the facility, when:

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

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

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

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

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

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

41 (4) As used in this section, “adult” does not include a person who is 18 years of age or older
42 and is alleged to be, or has been found to be, within the jurisdiction of the juvenile court under ORS
43 419C.005.

44 **SECTION 73.** ORS 420.017 is amended to read:

45 420.017. (1) The Oregon Youth Authority shall develop annually a plan for diversion of delin-

1 quent youth from commitment to the youth correction facilities to alternative community services.

2 (2) *[In consultation with the local commissions on children and families established under ORS*
 3 *417.760,]* The juvenile departments shall develop a plan for services needed to divert the commitment
 4 of youth from the youth correction facilities, and how these services are to be administered if funds
 5 are provided. *[Following review and comment by local commissions,]* The plan must be approved in
 6 the form of a resolution by the governing body of the appropriate county and of a letter of concur-
 7 rence from the presiding judge for the judicial district in which the juvenile court is located.

8 (3) The youth authority shall develop and implement a statewide diversion plan after taking the
 9 local juvenile departments’ plans into consideration and after consulting with affected service pro-
 10 viders.

11 **SECTION 74.** ORS 423.565 is amended to read:

12 423.565. In addition to the duties assigned to it under ORS 423.560, the local public safety co-
 13 ordinating council convened by the board of commissioners shall, at a minimum:

14 (1) Develop and recommend to the county board of commissioners the plan for use of state re-
 15 sources to serve the local youth offender population.

16 (2) Coordinate local juvenile justice policy among affected juvenile justice entities.

17 (3) *[In consultation with the local commission on children and families,]* Develop and recommend
 18 to the county board of commissioners a plan designed to prevent criminal involvement by youth. The
 19 plan must provide for coordination of community-wide services involving treatment, education, em-
 20 ployment and intervention strategies aimed at crime prevention.

21 (4) Create a facility advisory subcommittee when provided with the information described in
 22 ORS 169.690. The subcommittee shall be composed of the following persons:

- 23 (a) The affected law enforcement officer described in ORS 423.560 (1)(a) or (b);
- 24 (b) A district attorney;
- 25 (c) A mental health director;
- 26 (d) A designee of the city council or county board of commissioners, whichever is affected;
- 27 (e) A representative of an organization that advocates on behalf of persons with mental illness;

28 and

29 (f) A consumer as defined in ORS 430.073.

30 (5) If a written plan of action has been provided to the council under ORS 165.127, annually
 31 review the plan and, if appropriate, make written recommendations to the affected district attorney
 32 for plan improvements.

33 **SECTION 75.** ORS 430.241 is amended to read:

34 430.241. (1) As used in this section and ORS 430.242:

35 (a) “Local government” means a local government as defined in ORS 174.116 that receives state
 36 or federal funding for programs that provide alcohol or drug prevention or treatment services.

37 (b) “Participating state agency” means the *[State Commission on Children and Families]* **Youth**
 38 **Development Council**, the Department of Corrections, the Department of Human Services, the
 39 Oregon Health Authority, the Department of Education, the Oregon Criminal Justice Commission,
 40 the Oregon State Police, the Oregon Youth Authority or any other state agency that is approved
 41 by the Alcohol and Drug Policy Commission to license, contract for, provide or coordinate alcohol
 42 or drug prevention or treatment services.

43 (c) “Provider” means any person that is licensed by the Oregon Health Authority to provide
 44 alcohol or drug prevention or treatment services.

45 (2) There is created the Alcohol and Drug Policy Commission, which is charged with planning,

1 evaluating and coordinating policies for the funding and effective delivery of alcohol and drug pre-
 2 vention and treatment services.

3 (3) The membership of the commission consists of:

4 (a) Sixteen members appointed by the Governor, subject to confirmation by the Senate in the
 5 manner prescribed in ORS 171.562 and 171.565, including:

6 (A) An elected district attorney;

7 (B) An elected county sheriff;

8 (C) A county commissioner;

9 (D) A representative of an Indian tribe;

10 (E) A provider;

11 (F) A chief of police;

12 (G) An alcohol or drug treatment researcher or epidemiologist;

13 (H) A criminal defense attorney;

14 (I) A representative of the health insurance industry;

15 (J) A representative of hospitals;

16 (K) An alcohol or treatment professional who is highly experienced in the treatment of persons
 17 with a dual diagnosis of mental illness and substance abuse;

18 (L) An alcohol or drug abuse prevention representative;

19 (M) A consumer of alcohol or drug treatment who is in recovery;

20 (N) A representative of the business community;

21 (O) An alcohol or drug prevention representative who specializes in youth; and

22 (P) A person with expertise in and experience working with information technology systems used
 23 in complex intergovernmental or corporate settings.

24 (b) Two members of the Legislative Assembly appointed to the commission as nonvoting mem-
 25 bers of the commission, acting in an advisory capacity only and including:

26 (A) One member from among members of the Senate appointed by the President of the Senate;
 27 and

28 (B) One member from among members of the House of Representatives appointed by the Speaker
 29 of the House of Representatives.

30 (c) The following voting ex officio members:

31 (A) The Governor or the Governor's designee;

32 (B) The Attorney General;

33 (C) The Director of the Oregon Health Authority;

34 (D) The Director of the Department of Corrections;

35 (E) The Deputy Superintendent of Public Instruction or the deputy superintendent's designee;

36 (F) The Director of Human Services;

37 (G) The Director of the Oregon Youth Authority;

38 (H) The chairperson of the [*State Commission on Children and Families*] **Youth Development**
 39 **Council**; and

40 (I) The administrator of the Oregon Liquor Control Commission.

41 (d) A judge of a circuit court appointed to the commission as a nonvoting member by the Chief
 42 Justice of the Supreme Court.

43 (4) The Alcohol and Drug Policy Commission shall select one of its members as chairperson and
 44 another as vice chairperson, for such terms and with duties and powers necessary for the perform-
 45 ance of the functions of such offices as the commission determines.

1 (5) A majority of the voting members of the commission constitutes a quorum for the transaction
2 of business.

3 (6) Official action of the commission requires the approval of a majority of a quorum.

4 (7) The commission may establish a steering committee and subcommittees. These committees
5 may be continuing or temporary.

6 (8) The term of office of each commission member appointed by the Governor is four years, but
7 a member serves at the pleasure of the Governor. If there is a vacancy for any cause, the Governor
8 shall make an appointment to become immediately effective.

9 (9) The Oregon Health Authority shall provide staff support to the commission. Subject to
10 available funding, the commission may contract with a public or private entity to provide staff sup-
11 port.

12 (10) Members of the commission who are not members of the Legislative Assembly are entitled
13 to compensation and expenses incurred by them in the performance of their official duties in the
14 manner and amounts provided for in ORS 292.495. Claims for compensation and expenses shall be
15 paid out of funds appropriated to the Oregon Health Authority or funds appropriated to the com-
16 mission for purposes of the commission.

17 (11) The commission shall establish a budget advisory committee composed of the individuals
18 listed in subsection (3)(a)(C), (c)(B) to (I) and (d) of this section. The individual described in sub-
19 section (3)(d) of this section is a nonvoting member of the committee. The committee shall recom-
20 mend budget policy priorities to the commission:

21 (a) Regarding the allocation of funding for alcohol and drug prevention and treatment services
22 across state agencies and throughout this state;

23 (b) That identify additional funding from federal and private sources for alcohol and drug pre-
24 vention and treatment services; and

25 (c) For authorizing a suspension of the payment of state funds, or funds administered by this
26 state, to programs that do not comply with the commission's rules or the budget priority policy or
27 that do not provide effective prevention or treatment services.

28 (12)(a) The Governor shall appoint a Director of the Alcohol and Drug Policy Commission who
29 shall serve at the pleasure of the Governor and be responsible for the dissemination and implemen-
30 tation of the commission's policies and the performance of the duties, functions and powers of the
31 commission that are delegated to the director by the commission.

32 (b) The director shall be paid a salary as provided by law or, if not so provided, as prescribed
33 by the Governor.

34 **SECTION 76.** ORS 430.242 is amended to read:

35 430.242. (1) The Alcohol and Drug Policy Commission established under ORS 430.241 shall:

36 (a) Establish priorities and policies for alcohol and drug prevention and treatment services as
37 part of a long-term strategic prevention and treatment plan for this state.

38 (b) In consultation with the budget advisory committee described in ORS 430.241, adopt budget
39 policy priorities including recommendations for state agency budget allocations, in the Governor's
40 proposed budget, for alcohol and drug prevention and treatment services.

41 (c) For alcohol and drug prevention and treatment services that use state funds or that use
42 private or federal funds administered by this state, establish, as the commission deems appropriate,
43 minimum standards for licensing, contracting for, providing and coordinating the services.

44 (2) To promote the effective and efficient use of resources and to reduce unnecessary adminis-
45 trative requirements, the commission, in consultation with participating state agencies, the Judicial

1 Department, local governments, providers and the Oregon Department of Administrative Services,
 2 shall develop and implement a plan for structuring Oregon's data collection and reporting systems
 3 for alcohol and drug prevention and treatment programs to enable participating state agencies, the
 4 Judicial Department, local governments and providers to share data to:

- 5 (a) Improve client care;
- 6 (b) Improve and ensure the fidelity of evidence-based treatment practices;
- 7 (c) Improve alcohol and drug prevention and treatment programs;
- 8 (d) Ensure the accountability of publicly funded programs;
- 9 (e) Establish high-level, statewide performance measures for Oregon's alcohol and drug pre-
 10 vention and treatment programs; and
- 11 (f) Advance the science of alcohol and drug prevention and treatment.

12 (3) The plan established under subsection (2) of this section must:

13 (a) Include protocols and procedures to improve data collection, sharing and analysis and the
 14 interoperability of data and information systems;

15 (b) Include safeguards for protecting the confidentiality of information consistent with state and
 16 federal privacy and security requirements;

17 (c) Include safeguards for protecting trade secret information of providers;

18 (d) Include a review of the data collection, sharing and analysis functions of participating state
 19 agencies with respect to alcohol and drug prevention and treatment programs to identify duplicative,
 20 inefficient, wasteful or unnecessary functions and include recommendations for improvements to the
 21 functions described in this paragraph; and

22 (e) Be published no later than six months after the appointment, under ORS 430.241, of the first
 23 Director of the Alcohol and Drug Policy Commission and shall be revised as frequently as the
 24 commission determines is appropriate.

25 (4) Consistent with the plan established under subsection (2) of this section, the commission may:

26 (a) Designate a statewide data repository for data related to alcohol and drug prevention and
 27 treatment services and require participating state agencies, local governments and providers to
 28 furnish data to the designated statewide data repository in the form and manner prescribed by the
 29 commission.

30 (b) Direct participating state agencies, local governments and providers to furnish other data,
 31 information and reports that the commission considers necessary to perform its duties.

32 (c) Furnish data to participating state agencies, local governments, providers and the Judicial
 33 Department.

34 (d) Direct the unit within the Oregon Health Authority that conducts analyses and evaluations
 35 of alcohol and drug prevention and treatment programs to:

36 (A) Modify systems and business processes to conform to the plan established under subsection
 37 (2) of this section; and

38 (B) Change or stop data collection, data sharing or data analysis functions that are duplicative,
 39 inefficient, wasteful or unnecessary.

40 (5) All participating state agencies shall:

41 (a) Provide staff support and financial resources to assist the commission in the performance of
 42 its duties, which may include making reasonable modifications to the information systems of the
 43 state agencies to conform the systems to the plan established under subsection (2) of this section.

44 (b) Furnish such information, assistance and advice as the commission considers necessary to
 45 perform its duties.

1 (c) Coordinate grant applications that seek funding for alcohol or drug prevention or treatment
2 programs.

3 (d) Coordinate with research entities to obtain current information about issues related to al-
4cohol and drug use and to encourage research to evaluate and refine prevention and treatment ef-
5forts.

6 (e) Educate the general public about issues related to alcohol and drug use and the effectiveness
7 of evidence-based prevention and treatment services, to increase public awareness and the allocation
8 of resources.

9 (f) Promote a treatment delivery infrastructure that will meet anticipated increases in demand
10 for services, ensure a skilled addictions treatment workforce and provide effective treatment as-
11sessment mechanisms.

12 (g) Assess funding priorities and explore opportunities for additional federal resources for alco-
13hol and drug prevention and treatment services.

14 (h) Solicit from agencies, associations, individuals and all political subdivisions of this state
15 program proposals that address identified priorities.

16 (i) Evaluate and report to the commission, in the manner and at intervals prescribed by the
17 commission, on the cost and effectiveness of the state agency's treatment programs.

18 (6) The commission may:

19 (a) Establish up to 10 pilot programs, located in diverse Oregon communities including at least
20 one tribe, to:

21 (A) Phase in the long-term strategic prevention and treatment plan developed under subsection
22 (1)(a) of this section; and

23 (B) Implement prevention programs developed under subsection (7) of this section.

24 (b) Delegate to the Director of the Alcohol and Drug Policy Commission the authority to carry
25 out the provisions of this section.

26 (c) Apply for and receive gifts and grants from any public or private source. All moneys received
27 by the commission under this paragraph are continuously appropriated to the commission for the
28 purposes of carrying out the duties, functions and powers of the commission.

29 (d) Award grants from funds appropriated to the commission by the Legislative Assembly, or
30 from funds otherwise available from any other source, for the purpose of carrying out the duties of
31 the commission.

32 (7) No later than six months after the appointment of the first Director of the Alcohol and Drug
33 Policy Commission, the director shall develop a science-based model alcohol and drug prevention
34 program for use in conjunction with the pilot programs, if any, established under subsection (6) of
35 this section and as otherwise directed by the commission. The director shall develop the model
36 program in consultation with:

37 (a) The Oregon Health Authority;

38 (b) The Department of Human Services;

39 (c) The Department of Education;

40 (d) The Oregon Liquor Control Commission;

41 *[(e) The State Commission on Children and Families;]*

42 **(e) The Youth Development Council;**

43 (f) Organizations that represent or advocate on behalf of consumers of alcohol and drug pre-
44vention and treatment programs; and

45 (g) Behavioral scientists.

1 (8) The commission and participating state agencies shall enter into interagency agreements to:

2 (a) Provide staff and financial resources to assist the commission in carrying out its duties;

3 (b) Share computer systems and technologies between participating state agencies' staff;

4 (c) Collect and analyze data related to the performance of alcohol and drug prevention and
5 treatment programs; and

6 (d) Investigate the impacts of drug and alcohol abuse on Oregonians.

7 (9) The commission may adopt rules to carry out its duties under this section.

8 **SECTION 77.** ORS 430.420 is amended to read:

9 430.420. (1) In collaboration with local seizing agencies, the district attorney, the local public
10 safety coordinating council and the local mental health advisory committee, a local planning com-
11 mittee appointed or designated pursuant to ORS 430.342 shall develop a plan to integrate drug
12 treatment services, meeting minimum standards established pursuant to ORS 430.357, into the crim-
13 inal justice system for offenders who commit nonviolent felony drug possession offenses. The plan
14 may also include property offenders as provided for under ORS 475.245. [*The plan developed under*
15 *this subsection must be incorporated into the local coordinated comprehensive plan required by ORS*
16 *417.775.*]

17 (2)(a) A plan may include, but need not be limited to, programs that occur before adjudication,
18 after adjudication as part of a sentence of probation or as part of a conditional discharge.

19 (b) A plan must include, but need not be limited to:

20 (A) A description of local criminal justice and treatment coordination efforts;

21 (B) A description of the method by which local, state and federal treatment resources are pri-
22 oritized and allocated to meet the needs of the drug abusing offender population;

23 (C) The principles that guide criminal justice strategies for supervision and treatment of drug
24 abusing offenders and the purchase of treatment services from local community providers;

25 (D) The desired outcomes for criminal justice strategies for supervision and treatment of drug
26 abusing offenders and the provision of treatment services and identification of a method for moni-
27 toring and reporting the outcomes; and

28 (E) Consistent standards for measuring the success of criminal justice strategies for supervision
29 and treatment of drug abusing offenders and the provision of treatment.

30 (3) A program must include, but need not be limited to:

31 (a) Ongoing oversight of the participant;

32 (b) Frequent monitoring to determine whether a participant is using controlled substances un-
33 lawfully; and

34 (c) A coordinated strategy governing responses to a participant's compliance or noncompliance
35 with the program.

36 (4) The local planning committee shall submit the plan to the Oregon Health Authority and shall
37 provide the county board of commissioners with a copy of the plan.

38 **SECTION 78.** ORS 430.630 is amended to read:

39 430.630. (1) In addition to any other requirements that may be established by rule by the Oregon
40 Health Authority, each community mental health program, subject to the availability of funds, shall
41 provide the following basic services to persons with alcoholism or drug dependence, and persons
42 who are alcohol or drug abusers:

43 (a) Outpatient services;

44 (b) Aftercare for persons released from hospitals;

45 (c) Training, case and program consultation and education for community agencies, related

1 professions and the public;

2 (d) Guidance and assistance to other human service agencies for joint development of prevention
3 programs and activities to reduce factors causing alcohol abuse, alcoholism, drug abuse and drug
4 dependence; and

5 (e) Age-appropriate treatment options for older adults.

6 (2) As alternatives to state hospitalization, it is the responsibility of the community mental
7 health program to ensure that, subject to the availability of funds, the following services for persons
8 with alcoholism or drug dependence, and persons who are alcohol or drug abusers, are available
9 when needed and approved by the Oregon Health Authority:

10 (a) Emergency services on a 24-hour basis, such as telephone consultation, crisis intervention
11 and prehospital screening examination;

12 (b) Care and treatment for a portion of the day or night, which may include day treatment
13 centers, work activity centers and after-school programs;

14 (c) Residential care and treatment in facilities such as halfway houses, detoxification centers
15 and other community living facilities;

16 (d) Continuity of care, such as that provided by service coordinators, community case develop-
17 ment specialists and core staff of federally assisted community mental health centers;

18 (e) Inpatient treatment in community hospitals; and

19 (f) Other alternative services to state hospitalization as defined by the Oregon Health Authority.

20 (3) In addition to any other requirements that may be established by rule of the Oregon Health
21 Authority, each community mental health program, subject to the availability of funds, shall provide
22 or ensure the provision of the following services to persons with mental or emotional disturbances:

23 (a) Screening and evaluation to determine the client's service needs;

24 (b) Crisis stabilization to meet the needs of persons with acute mental or emotional disturbances,
25 including the costs of investigations and prehearing detention in community hospitals or other fa-
26 cilities approved by the authority for persons involved in involuntary commitment procedures;

27 (c) Vocational and social services that are appropriate for the client's age, designed to improve
28 the client's vocational, social, educational and recreational functioning;

29 (d) Continuity of care to link the client to housing and appropriate and available health and
30 social service needs;

31 (e) Psychiatric care in state and community hospitals, subject to the provisions of subsection (4)
32 of this section;

33 (f) Residential services;

34 (g) Medication monitoring;

35 (h) Individual, family and group counseling and therapy;

36 (i) Public education and information;

37 (j) Prevention of mental or emotional disturbances and promotion of mental health;

38 (k) Consultation with other community agencies;

39 (L) Preventive mental health services for children and adolescents, including primary prevention
40 efforts, early identification and early intervention services. Preventive services should be patterned
41 after service models that have demonstrated effectiveness in reducing the incidence of emotional,
42 behavioral and cognitive disorders in children. 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 children at risk of later development of emotional disturb-

1 ances means programs and activities for children and their families that promote conditions, oppor-
2 tunities and experiences that encourage and develop emotional stability, self-sufficiency and
3 increased personal competence; 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; and

6 (m) Preventive mental health services for older adults, including primary prevention efforts,
7 early identification and early intervention services. Preventive services should be patterned after
8 service models that have demonstrated effectiveness in reducing the incidence of emotional and be-
9 havioral disorders and suicide attempts in older adults. As used in this paragraph:

10 (A) "Early identification" means detecting emotional disturbance in its initial developmental
11 stage;

12 (B) "Early intervention services" for older adults at risk of development of emotional disturb-
13 ances means programs and activities for older adults and their families that promote conditions,
14 opportunities and experiences that encourage and maintain emotional stability, self-sufficiency and
15 increased personal competence and that deter suicide; and

16 (C) "Primary prevention efforts" means efforts that prevent emotional problems from occurring
17 by addressing issues early so that disturbances do not have an opportunity to develop.

18 (4) A community mental health program shall assume responsibility for psychiatric care in state
19 and community hospitals, as provided in subsection (3)(e) of this section, in the following circum-
20 stances:

21 (a) The person receiving care is a resident of the county served by the program. For purposes
22 of this paragraph, "resident" means the resident of a county in which the person maintains a current
23 mailing address or, if the person does not maintain a current mailing address within the state, the
24 county in which the person is found, or the county in which a court-committed person with a mental
25 illness has been conditionally released.

26 (b) The person has been hospitalized involuntarily or voluntarily, pursuant to ORS 426.130 or
27 426.220, except for persons confined to the Secure Child and Adolescent Treatment Unit at Oregon
28 State Hospital, or has been hospitalized as the result of a revocation of conditional release.

29 (c) Payment is made for the first 60 consecutive days of hospitalization.

30 (d) The hospital has collected all available patient payments and third-party reimbursements.

31 (e) In the case of a community hospital, the authority has approved the hospital for the care of
32 persons with mental or emotional disturbances, the community mental health program has a con-
33 tract with the hospital for the psychiatric care of residents and a representative of the program
34 approves voluntary or involuntary admissions to the hospital prior to admission.

35 (5) Subject to the review and approval of the Oregon Health Authority, a mental health program
36 may initiate additional services after the services defined in this section are provided.

37 (6) Each community mental health program and the state hospital serving the program's ge-
38 ographic area shall enter into a written agreement concerning the policies and procedures to be
39 followed by the program and the hospital when a patient is admitted to, and discharged from, the
40 hospital and during the period of hospitalization.

41 (7) Each community mental health program shall have a mental health advisory committee, ap-
42 pointed by the board of county commissioners or the county court or, if two or more counties have
43 combined to provide mental health services, the boards or courts of the participating counties or,
44 in the case of a Native American reservation, the tribal council.

45 (8) A community mental health program may request and the authority may grant a waiver re-

1 guarding provision of one or more of the services described in subsection (3) of this section upon a
 2 showing by the county and a determination by the authority that persons with mental or emotional
 3 disturbances in that county would be better served and unnecessary institutionalization avoided.

4 (9)(a) As used in this subsection, “local mental health authority” means one of the following
 5 entities:

6 (A) The board of county commissioners of one or more counties that establishes or operates a
 7 community mental health program;

8 (B) The tribal council, in the case of a federally recognized tribe of Native Americans that elects
 9 to enter into an agreement to provide mental health services; or

10 (C) A regional local mental health authority comprising two or more boards of county commis-
 11 sioners.

12 (b) Each local mental health authority that provides mental health services shall determine the
 13 need for local mental health services and adopt a comprehensive local plan for the delivery of
 14 mental health services for children, families, adults and older adults that describes the methods by
 15 which the local mental health authority shall provide those services. The local mental health au-
 16 thority shall review and revise the local plan biennially. The purpose of the local plan is to create
 17 a blueprint to provide mental health services that are directed by and responsive to the mental
 18 health needs of individuals in the community served by the local plan.

19 (c) The local plan shall identify ways to:

20 (A) Coordinate and ensure accountability for all levels of care described in paragraph (e) of this
 21 subsection;

22 (B) Maximize resources for consumers and minimize administrative expenses;

23 (C) Provide supported employment and other vocational opportunities for consumers;

24 (D) Determine the most appropriate service provider among a range of qualified providers;

25 (E) Ensure that appropriate mental health referrals are made;

26 (F) Address local housing needs for persons with mental health disorders;

27 (G) Develop a process for discharge from state and local psychiatric hospitals and transition
 28 planning between levels of care or components of the system of care;

29 (H) Provide peer support services, including but not limited to drop-in centers and paid peer
 30 support;

31 (I) Provide transportation supports; and

32 (J) Coordinate services among the criminal and juvenile justice systems, adult and juvenile
 33 corrections systems and local mental health programs to ensure that persons with mental illness
 34 who come into contact with the justice and corrections systems receive needed care and to ensure
 35 continuity of services for adults and juveniles leaving the corrections system.

36 (d) When developing a local plan, a local mental health authority shall:

37 (A) Coordinate with the budgetary cycles of state and local governments that provide the local
 38 mental health authority with funding for mental health services;

39 (B) Involve consumers, advocates, families, service providers, schools and other interested par-
 40 ties in the planning process;

41 (C) Coordinate with the local public safety coordinating council to address the services de-
 42 scribed in paragraph (c)(J) of this subsection;

43 (D) Conduct a population based needs assessment to determine the types of services needed lo-
 44 cally;

45 (E) Determine the ethnic, age-specific, cultural and diversity needs of the population served by

- 1 the local plan;
- 2 (F) Describe the anticipated outcomes of services and the actions to be achieved in the local
3 plan;
- 4 (G) Ensure that the local plan coordinates planning, funding and services with:
- 5 (i) The educational needs of children, adults and older adults;
- 6 (ii) Providers of social supports, including but not limited to housing, employment, transportation
7 and education; and
- 8 (iii) Providers of physical health and medical services;
- 9 (H) Describe how funds, other than state resources, may be used to support and implement the
10 local plan;
- 11 (I) Demonstrate ways to integrate local services and administrative functions in order to support
12 integrated service delivery in the local plan; and
- 13 (J) Involve the local mental health advisory committees described in subsection (7) of this sec-
14 tion.
- 15 (e) The local plan must describe how the local mental health authority will ensure the delivery
16 of and be accountable for clinically appropriate services in a continuum of care based on consumer
17 needs. The local plan shall include, but not be limited to, services providing the following levels of
18 care:
- 19 (A) Twenty-four-hour crisis services;
- 20 (B) Secure and nonsecure extended psychiatric care;
- 21 (C) Secure and nonsecure acute psychiatric care;
- 22 (D) Twenty-four-hour supervised structured treatment;
- 23 (E) Psychiatric day treatment;
- 24 (F) Treatments that maximize client independence;
- 25 (G) Family and peer support and self-help services;
- 26 (H) Support services;
- 27 (I) Prevention and early intervention services;
- 28 (J) Transition assistance between levels of care;
- 29 (K) Dual diagnosis services;
- 30 (L) Access to placement in state-funded psychiatric hospital beds;
- 31 (M) Precommitment and civil commitment in accordance with ORS chapter 426; and
- 32 (N) Outreach to older adults at locations appropriate for making contact with older adults, in-
33 cluding senior centers, long term care facilities and personal residences.
- 34 (f) In developing the part of the local plan referred to in paragraph (c)(J) of this subsection, the
35 local mental health authority shall collaborate with the local public safety coordinating council to
36 address the following:
- 37 (A) Training for all law enforcement officers on ways to recognize and interact with persons
38 with mental illness, for the purpose of diverting them from the criminal and juvenile justice systems;
- 39 (B) Developing voluntary locked facilities for crisis treatment and follow-up as an alternative
40 to custodial arrests;
- 41 (C) Developing a plan for sharing a daily jail and juvenile detention center custody roster and
42 the identity of persons of concern and offering mental health services to those in custody;
- 43 (D) Developing a voluntary diversion program to provide an alternative for persons with mental
44 illness in the criminal and juvenile justice systems; and
- 45 (E) Developing mental health services, including housing, for persons with mental illness prior

1 to and upon release from custody.

2 (g) Services described in the local plan shall:

3 (A) Address the vision, values and guiding principles described in the Report to the Governor
4 from the Mental Health Alignment Workgroup, January 2001;

5 (B) Be provided to children, older adults and families as close to their homes as possible;

6 (C) Be culturally appropriate and competent;

7 (D) Be, for children, older adults and adults with mental health needs, from providers appropri-
8 ate to deliver those services;

9 (E) Be delivered in an integrated service delivery system with integrated service sites or pro-
10 cesses, and with the use of integrated service teams;

11 (F) Ensure consumer choice among a range of qualified providers in the community;

12 (G) Be distributed geographically;

13 (H) Involve consumers, families, clinicians, children and schools in treatment as appropriate;

14 (I) Maximize early identification and early intervention;

15 (J) Ensure appropriate transition planning between providers and service delivery systems, with
16 an emphasis on transition between children and adult mental health services;

17 (K) Be based on the ability of a client to pay;

18 (L) Be delivered collaboratively;

19 (M) Use age-appropriate, research-based quality indicators;

20 (N) Use best-practice innovations; and

21 (O) Be delivered using a community-based, multisystem approach.

22 (h) A local mental health authority shall submit to the Oregon Health Authority a copy of the
23 local plan and biennial revisions adopted under paragraph (b) of this subsection at time intervals
24 established by the authority.

25 *[(i) Each local commission on children and families shall reference the local plan for the delivery*
26 *of mental health services in the local coordinated comprehensive plan created pursuant to ORS*
27 *417.775.]*

28 **SECTION 79.** ORS 431.385 is amended to read:

29 431.385. (1) The local public health authority shall submit an annual plan to the Oregon Health
30 Authority for performing services pursuant to ORS 431.375 to 431.385 and 431.416. The annual plan
31 shall be submitted on a date established by the Oregon Health Authority by rule or on a date mu-
32 tually agreeable to the authority and the local public health authority.

33 (2) If the local public health authority decides not to submit an annual plan under the provisions
34 of ORS 431.375 to 431.385 and 431.416, the authority shall become the local public health authority
35 for that county or health district.

36 (3) The authority shall review and approve or disapprove each plan. Variances to the local
37 public health plan must be approved by the authority. In consultation with the Conference of Local
38 Health Officials, the authority shall establish the elements of a plan and an appeals process whereby
39 a local health authority may obtain a hearing if its plan is disapproved.

40 *[(4) Each local commission on children and families shall reference the local public health plan in*
41 *the local coordinated comprehensive plan created pursuant to ORS 417.775.]*

42 **SECTION 80.** ORS 458.525 is amended to read:

43 458.525. (1) The Interagency Council on Hunger and Homelessness is established. The Director
44 of the Housing and Community Services Department shall chair the council. In addition to the di-
45 rector, the council shall consist of 15 members as follows:

- 1 (a) One member representing each of the following:
- 2 (A) The Housing and Community Services Department.
- 3 (B) The Department of Corrections.
- 4 (C) The Oregon Business Development Department.
- 5 *[(D) The State Commission on Children and Families.]*
- 6 **(D) The Early Learning Council.**
- 7 (E) The Department of Education.
- 8 (F) The State Department of Agriculture.
- 9 (G) The Employment Department.
- 10 (H) The Department of Veterans' Affairs.
- 11 (I) The Department of Transportation.
- 12 (J) The Oregon Youth Authority.
- 13 (K) The Department of Community Colleges and Workforce Development.
- 14 (L) The Department of Justice.
- 15 (M) The Oregon Health Authority.
- 16 (b) Two members representing the Department of Human Services. Of the two members repre-
- 17 senting that department:
- 18 (A) One shall have expertise on issues affecting services to adults and families.
- 19 (B) One shall have expertise on issues affecting services to seniors and to persons with disabil-
- 20 ities.
- 21 (2) Each council member must be the administrative head of the listed agency or an employee
- 22 of that agency who is designated by the administrative head and who has an agency policy-making
- 23 role affecting hunger, food programs, nutrition, homelessness or related issues.
- 24 (3) The Hunger Relief Task Force shall adopt recommendations and proposals as the task force
- 25 deems appropriate. The council shall be responsible for receiving the recommendations and pro-
- 26 posals adopted by the task force and the recommendations of any state body relating to the issue
- 27 of homelessness, and for forwarding the recommendations and proposals to state agencies or other
- 28 public or private organizations for action that the council deems appropriate:
- 29 (a) To ensure the coordination of state agency hunger relief efforts and homelessness relief ef-
- 30 forts;
- 31 (b) To ensure that food and nutrition programs, other hunger relief efforts and homelessness
- 32 relief efforts operate efficiently and effectively;
- 33 (c) To monitor the utilization of federal hunger relief efforts and homelessness relief efforts and
- 34 provide outreach to expand underutilized programs; and
- 35 (d) To encourage the coordination of state and local programs, public and private antipoverty
- 36 programs affecting food distribution and programs for assisting the homeless.
- 37 (4) The Director of the Housing and Community Services Department, in collaboration with the
- 38 Director of Human Services, shall convene council meetings at least quarterly.
- 39 (5) The Director of the Housing and Community Services Department shall provide the council
- 40 with staff support the director deems appropriate, by using Housing and Community Services De-
- 41 partment employees or by contract. The director shall also provide the council with supplies as the
- 42 director deems appropriate.
- 43 **SECTION 81.** ORS 609.652 is amended to read:
- 44 609.652. As used in ORS 609.654:
- 45 (1)(a) "Aggravated animal abuse" means any animal abuse as described in ORS 167.322.

- 1 (b) “Aggravated animal abuse” does not include:
2 (A) Good animal husbandry, as defined in ORS 167.310; or
3 (B) Any exemption listed in ORS 167.335.
4 (2) “Law enforcement agency” means:
5 (a) Any city or municipal police department.
6 (b) A police department established by a university under ORS 352.383.
7 (c) Any county sheriff’s office.
8 (d) The Oregon State Police.
9 (e) A law enforcement division of a county or municipal animal control agency that employs
10 sworn officers.
11 (3) “Public or private official” means:
12 (a) A physician, including any intern or resident.
13 (b) A dentist.
14 (c) A school employee.
15 (d) A licensed practical nurse or registered nurse.
16 (e) An employee of the Department of Human Services, Oregon Health Authority, [*State Com-*
17 *mission on Children and Families,*] **Early Learning Council, Youth Development Council**, Child
18 Care Division of the Employment Department, the Oregon Youth Authority, a county health de-
19 partment, a community mental health program, a community developmental disabilities program, a
20 county juvenile department, a licensed child-caring agency or an alcohol and drug treatment pro-
21 gram.
22 (f) A peace officer.
23 (g) A psychologist.
24 (h) A member of the clergy.
25 (i) A regulated social worker.
26 (j) An optometrist.
27 (k) A chiropractor.
28 (L) A certified provider of foster care, or an employee thereof.
29 (m) An attorney.
30 (n) A naturopathic physician.
31 (o) A licensed professional counselor.
32 (p) A licensed marriage and family therapist.
33 (q) A firefighter or emergency medical services provider.
34 (r) A court appointed special advocate, as defined in ORS 419A.004.
35 (s) A child care provider registered or certified under ORS 657A.030 and 657A.250 to 657A.450.
36 (t) A member of the Legislative Assembly.

37 **SECTION 82.** ORS 657A.490 is amended to read:

38 657A.490. If the Department of Education is able to find adequate funding under ORS 657A.493,
39 the department, in partnership with organizations including, but not limited to, the Institute on Vi-
40 olence and Destructive Behavior at the University of Oregon, the Child Care Division of the Em-
41 ployment Department, the [*State Commission on Children and Families*] **Early Learning Council,**
42 **the Youth Development Council** and the Oregon Center for Career Development in Childhood
43 Care and Education:

- 44 (1) Shall establish, in coordination with existing training systems, a statewide child care pro-
45 vider training program that will educate child care providers on:

1 (a) The importance of healthy brain development in the first three years of a child's life.

2 (b) The identification of risk factors and behaviors that indicate that a child:

3 (A) Needs special education or mental health treatment; or

4 (B) Is at risk of becoming involved in the criminal justice system.

5 (c) Appropriate referrals for intervention for the behaviors identified under paragraph (b) of this
6 subsection.

7 (2) Shall establish an application process for child care providers who wish to attend the pro-
8 gram and may charge child care providers a fee for attending the program.

9 (3) May adopt any rules necessary to implement this section.

10 **SECTION 83.** ORS 805.205 is amended to read:

11 805.205. (1) The Department of Transportation shall provide for issuance of registration plates
12 described in subsections (3), (7) and (8) of this section for nonprofit groups meeting the qualifications
13 for tax exempt status under section 501(c)(3) of the Internal Revenue Code and for institutions of
14 higher education. Plates issued under this section may be issued to owners of motor vehicles regis-
15 tered under the provisions of ORS 803.420 (1). Plates issued under this section may not contain ex-
16 pressions of political opinion or religious belief. Rules adopted under this section shall include, but
17 need not be limited to, rules that:

18 (a) Describe general qualifications to be met by any group in order to be eligible for plates is-
19 sued under this section.

20 (b) Specify circumstances under which the department may cease to issue plates for any partic-
21 ular group.

22 (c) Require each group for which plates are issued to file an annual statement on a form de-
23 signed by the department showing that the group is a nonprofit group or is an institution of higher
24 education and that the group or institution otherwise meets the qualifications imposed for eligibility
25 for plates issued under this section. The statement shall include names and addresses of current
26 directors or officers of the group or institution or of other persons authorized to speak for the group
27 or institution on matters affecting plates issued under this section.

28 (2)(a) Except as otherwise provided in paragraphs (b) and (c) of this subsection, in addition to
29 any other fee authorized by law, upon issuance of a plate under this section and upon renewal of
30 registration for a vehicle that has plates issued under this section, the department shall collect a
31 surcharge for each year of the registration period. The surcharge shall be determined by the de-
32 partment by rule and may not be less than \$2.50 per plate or more than \$16 per plate. In setting the
33 amount of the surcharge, the department shall consult with the nonprofit group for which the plates
34 are issued.

35 (b) In addition to any other fee authorized by law, upon issuance of a plate under this section
36 that recognizes an institution of higher education in this state, and upon renewal of registration for
37 a vehicle that has such plates, the department shall collect a surcharge of \$8 per plate for each year
38 of the registration period.

39 (c) In addition to any other fee authorized by law, upon issuance of a Share the Road registra-
40 tion plate, as described in subsection (7) of this section, the department shall collect a surcharge
41 of \$5 per year of registration.

42 (3) Plates issued under this section shall be from the current regular issue of plates except that:

43 (a) If the group requesting the plates is an institution of higher education, the plates shall, upon
44 request, contain words that indicate the plates are issued to recognize the institution or shall con-
45 tain the institution's logo or an image of the institution's mascot; or

1 (b) If the group requesting the plates is a group that recognizes fallen public safety officers, the
 2 plates shall, upon request, contain a decal that indicates the plates are issued to recognize fallen
 3 public safety officers.

4 (4) Except as otherwise required by the design chosen, the plates shall comply with the re-
 5 quirements of ORS 803.535. The department shall determine how many sets of plates shall be man-
 6 ufactured for each group approved under this section. If the department does not sell or issue
 7 renewal for 500 sets of plates for a particular group in any one year, the department shall cease
 8 production of those plates.

9 (5) Except as otherwise provided in subsection (6) of this section, each group that is found by
 10 the department to be eligible for plates issued under this section may designate an account into
 11 which the net proceeds of the surcharge collected by the department under subsection (2) of this
 12 section are to be deposited. The department shall keep accurate records of the number of plates is-
 13 sued for each group that qualifies. After payment of administrative expenses of the department,
 14 moneys collected under this section for each group shall be deposited by the department into an
 15 account specified by that group. If any group does not specify an account for the moneys collected
 16 from the sale of plates issued under this section, the department shall deposit moneys collected for
 17 those plates into the Passenger Rail Transportation Account established under ORS 802.100 to be
 18 used as other moneys in the account are used. Deposits under this subsection shall be made at least
 19 quarterly.

20 (6)(a) Each institution of higher education that requests a plate under this section shall desig-
 21 nate an account in the general fund of the institution, and the proceeds in the account shall be used
 22 for the purpose of academic enrichment at the institution.

23 (b) Net proceeds of the surcharge collected by the department for Share the Road registration
 24 plates shall be deposited into two accounts designated by the Bicycle Transportation Alliance and
 25 Cycle Oregon. The department shall evenly distribute the net proceeds to each account. Deposits
 26 under this paragraph shall be made at least quarterly. At any time that the department determines
 27 that the accounts designated by the Bicycle Transportation Alliance and Cycle Oregon cease to
 28 exist, the department may deposit the proceeds into the Passenger Rail Transportation Account es-
 29 tablished under ORS 802.100.

30 (c) Net proceeds of the surcharge collected by the department for Keep Kids Safe registration
 31 plates shall be deposited into an account designated by the Children’s Trust Fund of Oregon Foun-
 32 dation to fund strategies and approaches shown to prevent or reduce child abuse. Deposits made
 33 under this paragraph shall be made at least quarterly. At any time that the department determines
 34 that the account designated by the Children’s Trust Fund of Oregon Foundation ceases to exist, the
 35 department may deposit the proceeds into the Passenger Rail Transportation Account established
 36 under ORS 802.100 to be used as other moneys in the account are used.

37 (7) Notwithstanding subsection (3) of this section, the department shall design a Share the Road
 38 registration plate in consultation with the Bicycle Transportation Alliance and Cycle Oregon.

39 (8) Notwithstanding subsection (3) of this section, the department shall design a Keep Kids Safe
 40 registration plate [*in consultation with the State Commission on Children and Families*].

41 **SECTION 84.** Section 16, chapter 418, Oregon Laws 2011, is amended to read:

42 **Sec. 16.** (1) As used in this section, “regional health improvement plan” means a four-year
 43 comprehensive, coordinated regional plan incorporating and replacing all health and human service
 44 plans prescribed by the Oregon Health Authority, including but not limited to plans required under
 45 ORS 430.630, 430.640, 431.385 and 624.510 [*and plans required by the State Commission on Children*

1 *and Families under ORS 417.705 to 417.801].*

2 (2)(a) The Central Oregon Health Council shall conduct a regional health assessment and adopt
3 a regional health improvement plan to serve as a strategic population health and health care system
4 service plan for the region served by the council. The plan must define the scope of the activities,
5 services and responsibilities that the council proposes to assume upon implementation of the plan.

6 (b) The activities, services and responsibilities that the council proposes to assume under the
7 plan may include, but are not limited to:

8 (A) Analysis and development of public and private resources, capacities and metrics based on
9 ongoing regional health assessment activities and population health priorities;

10 (B) Health policy;

11 (C) System design;

12 (D) Outcome and quality improvement;

13 (E) Integration of service delivery; and

14 (F) Workforce development.

15 (3) The council shall submit the plan adopted under subsection (2) of this section to the au-
16 thority for approval. The authority may approve the plan or return it to the council for modification
17 prior to approval.

18 (4) The regional health improvement plan adopted under this section shall serve as a guide for
19 entities serving medical assistance recipients, public health authorities, mental health authorities,
20 health care systems, payer groups, provider groups and health coalitions in the counties served by
21 the council.

22 **SECTION 85. (1) Sections 43 to 46 of this 2012 Act and the amendments to statutes and**
23 **session law by section 47 to 84 of this 2012 Act become operative on July 1, 2012.**

24 **(2) The Early Learning System Director or the chairperson of the Youth Development**
25 **Council may take any action before the operative date specified in subsection (1) of this**
26 **section that is necessary to enable the director or chairperson to exercise, on and after the**
27 **operative date specified in subsection (1) of this section, the duties, functions and powers of**
28 **the director or chairperson under the provisions of section 43 of this 2012 Act.**

29 **SECTION 86. ORS 417.730, 417.733, 417.735, 417.740, 417.745, 417.747, 417.750, 417.760,**
30 **417.765, 417.770, 417.775, 417.777, 417.780, 417.785, 417.787, 417.797, 417.830, 417.833, 417.836,**
31 **417.839, 417.842 and 419A.047 are repealed.**

32 **SECTION 87. The repeal of ORS 417.730, 417.733, 417.735, 417.740, 417.745, 417.747, 417.750,**
33 **417.760, 417.765, 417.770, 417.775, 417.777, 417.780, 417.785, 417.787, 417.797, 417.830, 417.833,**
34 **417.836, 417.839, 417.842 and 419A.047 by section 86 of this 2012 Act becomes operative on July**
35 **1, 2012.**

36 **SECTION 88. (1) Nothing in the amendments to statutes and session law by sections 47**
37 **to 84 of this 2012 Act and the repeal of statutes by section 86 of this 2012 Act relieves a**
38 **person of a liability, duty or obligation accruing under or with respect to the duties, func-**
39 **tions and powers transferred by the provisions of section 43 of this 2012 Act. The Early**
40 **Learning Council or the Youth Development Council may undertake the collection or**
41 **enforcement of any such liability, duty or obligation.**

42 **(2) The rights and obligations of the State Commission on Children and Families legally**
43 **incurred under contracts, leases and business transactions executed, entered into or begun**
44 **before the operative date specified in section 85 of this 2012 Act are transferred to the Early**
45 **Learning Council or the Youth Development Council. For the purpose of succession to these**

1 rights and obligations, the Early Learning Council or the Youth Development Council is a
 2 continuation of the state commission and not a new authority.

3 **SECTION 89.** Notwithstanding the transfer of duties, functions and powers by the pro-
 4 visions of section 43 of this 2012 Act, the rules of the State Commission on Children and
 5 Families in effect on the operative date specified in section 85 of this 2012 Act continue in
 6 effect until superseded or repealed by rules of the Early Learning Council or the Youth De-
 7 velopment Council. References in rules of the state commission to the state commission or
 8 an officer or employee of the state commission are considered to be references to the council
 9 or an officer or employee of the council.

10 **SECTION 90.** Whenever, in any uncodified law or resolution of the Legislative Assembly
 11 or in any rule, document, record or proceeding authorized by the Legislative Assembly, ref-
 12 erence is made to the State Commission on Children and Families or an officer or employee
 13 of the state commission, the reference is considered to be a reference to:

14 (1) The Early Learning Council, or an officer or employee of the council, for services
 15 related to children zero through five years of age.

16 (2) The Youth Development Council, or an officer or employee of the council, for services
 17 related to children and youth 6 through 20 years of age.

18 **SECTION 91.** (1) Section 43 of this 2012 Act and the repeal of ORS 417.730 by section 86
 19 of this 2012 Act are intended to change the name of the “State Commission on Children and
 20 Families” to:

21 (a) The “Early Learning Council” for services related to children zero through five years
 22 of age; and

23 (b) The “Youth Development Council” for services related to children and youth 6
 24 through 20 years of age.

25 (2) For the purpose of harmonizing and clarifying statutory law, the Legislative Counsel
 26 may substitute for words designating the “State Commission on Children and Families,”
 27 wherever they occur in statutory law, other words designating:

28 (a) The “Early Learning Council” for services related to children zero through five years
 29 of age; and

30 (b) The “Youth Development Council” for services related to children and youth 6
 31 through 20 years of age.

32 **SECTION 92.** (1) Section 17 of this 2012 Act and the repeal of ORS 417.733 by section 86
 33 of this 2012 Act are intended to change the name of the “State Commission on Children and
 34 Families Account” to the “Early Learning Council Fund.”

35 (2) For the purpose of harmonizing and clarifying statutory law, the Legislative Counsel
 36 may substitute for words designating the “State Commission on Children and Families Ac-
 37 count,” wherever they occur in statutory law, other words designating the “Early Learning
 38 Council Fund.”

39
 40 **ABOLISHMENT OF COMMISSION FOR CHILD CARE**

41
 42 **SECTION 93.** (1) The Commission for Child Care is abolished. On the operative date of
 43 this section, all duties, functions and powers of the Commission for Child Care are imposed
 44 upon, transferred to and vested in the Early Learning Council established in section 4,
 45 chapter 519, Oregon Laws 2011.

1 (2) The chairperson of the Commission for Child Care shall deliver to the Early Learning
 2 System Director all records and property within the jurisdiction of the chairperson that re-
 3 late to the duties, functions and powers transferred by this section.

4 (3) The Early Learning System Director shall take possession of the records and property
 5 transferred by the provisions of this section.

6 (4) The Governor shall resolve any dispute between the Commission for Child Care and
 7 the Early Learning Council relating to transfers of records and property under this section
 8 and the Governor's decision is final.

9 **SECTION 94.** The Commission for Child Care Account is abolished. Any moneys remain-
 10 ing in the account on June 30, 2012, that are unexpended, unobligated and not subject to any
 11 conditions shall be transferred to the Early Learning Council Fund established by section 17
 12 of this 2012 Act.

13 **SECTION 95.** (1) The unexpended balances of amounts authorized to be expended by the
 14 Commission for Child Care for the biennium beginning July 1, 2011, from revenues dedicated,
 15 continuously appropriated, appropriated or otherwise made available for the purpose of ad-
 16 ministering and enforcing the duties, functions and powers transferred by section 92 of this
 17 2012 Act are transferred to and are available for expenditure by the Early Learning Council
 18 for the biennium beginning July 1, 2011, for the purpose of administering and enforcing the
 19 duties, functions and powers transferred by section 92 of this 2012 Act.

20 (2) The expenditure classifications, if any, established by Acts authorizing or limiting
 21 expenditures by the Commission for Child Care remain applicable to expenditures by the
 22 Early Learning Council under this section.

23 **SECTION 96.** The transfer of duties, functions and powers to the Early Learning Council
 24 by section 92 of this 2012 Act does not affect any action, proceeding or prosecution involving
 25 or with respect to such duties, functions and powers begun before and pending at the time
 26 of the transfer, except that the Early Learning Council is substituted for the Commission for
 27 Child Care in the action, proceeding or prosecution.

28 **SECTION 97.** ORS 657A.010 is amended to read:

29 657A.010. (1) There is established within the Employment Department a Child Care Division.

30 (2) The Child Care Division, as designated by the Governor, shall be responsible for adminis-
 31 tering funds received by the State of Oregon pursuant to the federal Child Care and Development
 32 Block Grant Act of 1990, the Dependent Care Planning and Development Grant and other federal
 33 child care funds and grants received by the State of Oregon.

34 (3) **The Child Care Division shall comply with directives of the Early Learning Council**
 35 **established in section 4, chapter 519, Oregon Laws 2011, in the division's implementation of**
 36 **the provisions of ORS 657A.250 to 657A.450.**

37 [(2)] (4) There is established in the State Treasury, separate and distinct from the General Fund,
 38 the Child Care Fund. [Such] **The Child Care** Fund shall consist of moneys collected and received
 39 by the Child Care Division pursuant to subsection [(1)] (2) of this section, ORS 657A.310 and
 40 657A.992 and such moneys as may be otherwise made available by law. Interest earned on the fund
 41 shall be credited to the fund. The moneys in the Child Care Fund are appropriated continuously to
 42 the Child Care Division and shall be used in a manner consistent with the grant of funds or for the
 43 administration of ORS 181.537, 657A.030 and 657A.250 to 657A.450.

44 **SECTION 98.** ORS 657A.180 is amended to read:

45 657A.180. (1) [There is created] **The Child Care Division shall create** an advisory committee to

1 advise the [*Child Care*] division on the development and administration of child care resource and
 2 referral policies and practices. [*The advisory committee shall include but not be limited to three*
 3 *members of the Commission for Child Care.*] The Child Care Division shall, in consultation with the
 4 advisory committee, establish criteria for proposals, prepare requests for proposals, receive pro-
 5 posals and award grants for the establishment of resource and referral programs.

6 (2) The Child Care Division shall collect and report data concerning resource and referral pro-
 7 grams.

8 (3)(a) The local resource and referral agencies shall match grant funds in an amount not less
 9 than 10 percent of grant funds received. Matching financial support includes, but is not limited to,
 10 in-kind contributions.

11 [(4)] (b) As used in this [section] **subsection**, “in-kind contributions” means nonmonetary con-
 12 tributions that include but are not limited to:

13 [(a)] (A) Provision of rent-free program space;

14 [(b)] (B) Provision of utilities;

15 [(c)] (C) Provision of custodial services;

16 [(d)] (D) Provision of secretarial services;

17 [(e)] (E) Provision of liability insurance or health insurance benefits;

18 [(f)] (F) Administrative services; and

19 [(g)] (G) Transportation services.

20 (4) **The Child Care Division shall provide to the Early Learning Council a report that**
 21 **summarizes the development and administration of child care resource and referral policies**
 22 **and practices under this section. The report must be provided at least twice a year and as**
 23 **otherwise required by the Early Learning Council.**

24 **SECTION 99.** ORS 657A.310 is amended to read:

25 657A.310. (1) Application for a certification or for the annual renewal thereof shall be made to
 26 the Child Care Division on forms provided by the division and accompanied by a nonrefundable fee.
 27 The fee shall vary according to the type of facility and the number of children for which the facility
 28 is requesting to be certified, and shall be determined and applied through rules adopted by the di-
 29 vision pursuant to ORS 657A.275.

30 (2) All fees received under subsection (1) of this section shall be deposited in the Child Care
 31 Fund established under ORS 657A.010 [(2)] (4) and may be used for the administration of ORS
 32 181.537, 657A.030 and 657A.250 to 657A.450.

33 (3) Any certification issued pursuant to ORS 657A.030 and 657A.250 to 657A.450 authorizes op-
 34 eration of the facility only on the premises described in the certification and only by the person
 35 named in the certification.

36 (4) Unless sooner revoked, a temporary certification expires on the date specified therein. Un-
 37 less sooner revoked and except as provided in ORS 657A.270 (2), an annual certification expires one
 38 year from the date of issuance.

39 **SECTION 100.** ORS 657A.700 is amended to read:

40 657A.700. As used in ORS 657A.700 to 657A.718:

41 (1) “Child care provider” means a provider, for compensation, of care, supervision or guidance
 42 to a child on a regular basis in a center or in a home other than the child’s home. “Child care
 43 provider” does not include a person who is the child’s parent, guardian or custodian.

44 (2) “Community agency” means a nonprofit agency that:

45 (a) Provides services related to child care, children and families, community development or

1 similar services; and

2 (b) Is eligible to receive contributions that qualify as deductions under section 170 of the
3 Internal Revenue Code.

4 (3) “High quality child care” means child care that meets standards for high quality child care
5 established or approved by the [*Commission for Child Care*] **Early Learning Council**.

6 (4) “Qualified contribution” means a contribution made by a taxpayer to the Child Care Division
7 of the Employment Department or a selected community agency for the purpose of promoting child
8 care, and for which the taxpayer will receive a tax credit certificate under ORS 657A.706.

9 (5) “Tax credit certificate” means a certificate issued by the Child Care Division to a taxpayer
10 to qualify the taxpayer for a tax credit under ORS 315.213.

11 (6) “Tax credit marketer” means an individual or entity selected by the Child Care Division to
12 market tax credits to taxpayers.

13 **SECTION 101.** ORS 657A.992 is amended to read:

14 657A.992. (1) In addition to any other provision of law or rule adopted pursuant to ORS 657A.260
15 for enforcement of the provisions of ORS chapter 657A, the Child Care Division may suspend or
16 revoke a certification or registration issued under ORS 657A.030 and 657A.250 to 657A.450, or im-
17 pose a civil penalty in the manner provided in ORS 183.745, for violation of:

18 (a) Any of the provisions of ORS 657A.030 and 657A.250 to 657A.450;

19 (b) The terms and conditions of a certification or registration issued under ORS 657A.030 and
20 657A.250 to 657A.450; or

21 (c) Any rule of the division adopted under ORS 657A.030 and 657A.250 to 657A.450.

22 (2) The division shall adopt by rule a schedule establishing the civil penalties that may be im-
23 posed under this section. The schedule must provide for categories of violations for which a penalty
24 may be imposed, including “nonserious” and “serious” to be defined by the division by rule under
25 ORS 657A.260.

26 (3) The division must issue a written warning for a nonserious or serious violation before as-
27 sessing a civil penalty under this section. The written warning must prescribe a reasonable time in
28 which to correct a violation.

29 (4) The division may not impose a civil penalty of more than \$100 for a first violation.

30 (5) The division may not impose a civil penalty for a subsequent violation that exceeds the
31 penalty imposed for the previous violation by more than \$100. Penalties imposed under this sub-
32 section may not exceed \$500 per violation, or \$1,000 total for multiple violations per quarter.

33 (6) Notwithstanding any other provision of this section, the maximum civil penalty that may be
34 imposed:

35 (a) For violation of ORS 657A.330 by a registered family child care home provider is \$100.

36 (b) For violation of ORS 657A.280 by an operator of a child care facility that is not a child care
37 center is \$200.

38 (c) For violation of ORS 657A.280 by an operator of a child care facility that is a child care
39 center is \$500.

40 (7) A civil penalty imposed under this section may be remitted or reduced upon such terms and
41 conditions as the division considers proper and consistent with the public health and safety.

42 (8) All moneys received under this section shall be deposited in the Child Care Fund established
43 under ORS 657A.010 [(2)] (4) and may be used for the administration of ORS 181.537, 657A.030 and
44 657A.250 to 657A.450.

45 **SECTION 102.** ORS 657A.600, 657A.610, 657A.620, 657A.630 and 657A.640 are repealed.

