

Enrolled
House Bill 2689

Sponsored by Representative BARNHART, Senator BEYER, Representatives HOLVEY, LIVELY;
Representative KOMP, Senator ROSENBAUM

CHAPTER

AN ACT

Relating to youth job development organizations; creating new provisions; and amending ORS
344.070, 344.075, 344.125 and 418.205.

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

SECTION 1. As used in sections 1 to 3 of this 2013 Act:

(1) "Cooperative agreement" means an agreement entered into between a youth job development organization and a public body under section 3 of this 2013 Act.

(2) "Public body" has the meaning given that term in ORS 174.109 but does not include the judicial department or the legislative department.

(3) "Public resource project" means a project for which a public body is responsible that is related to the protection, conservation, rehabilitation or improvement of public lands, natural resources or recreational areas and for which youth participants in a youth job development organization are utilized to perform jobs and work tasks pursuant to a cooperative agreement entered into under section 3 of this 2013 Act.

(4) "Youth job development organization" means a nonprofit entity exempt from taxation under section 501(c)(3) of the Internal Revenue Code as defined in ORS 314.011 that is operating or doing business in Oregon and that provides a program of job training, skill development and academic credit for youth in this state.

(5) "Youth participants" means youth between 13 and 22 years of age who have been qualified by a youth job development organization to perform jobs and work tasks on a public resource project.

SECTION 2. The Legislative Assembly finds that:

(1) Oregon youth require meaningful job training and workforce development opportunities, and opportunities to learn about stewardship, rehabilitation and conservation of this state's public lands, natural resources and recreational areas. These opportunities are needed by youth from all economic and cultural backgrounds.

(2) Public bodies that have responsibility for projects to protect, conserve, rehabilitate or improve public lands, natural resources or recreational areas are in a position to make available, and benefit from, employment and training opportunities for Oregon youth.

(3) Cooperative agreements between youth job development organizations and public bodies will create job training opportunities for youth that will provide critical job and workforce skills for Oregon youth and will provide significant cost savings and flexibility to public bodies in public resource projects.

(4) A streamlined, collaborative, project-based process is required for the establishment of mutually beneficial job training opportunities for youth by youth job development organizations and public bodies under cooperative agreements entered into in connection with public resource projects.

SECTION 3. (1) A public body may enter into a written cooperative agreement with a youth job development organization for the provision of services by youth participants in connection with a public resource project for the purpose of providing opportunities to develop job and workforce skills to the youth participants and to provide benefits to the public body.

(2) A cooperative agreement entered into under this section must specify, at a minimum, how the public body and the youth job development organization will:

(a) Assume responsibility for specific jobs or work tasks to be completed on the public resource project;

(b) Share the costs of utilizing youth participants, including but not limited to supervision and oversight, discipline, payment of wages or compensation and responsibility for workers' compensation coverage; and

(c) Share management and financial responsibility for each public resource project, including but not limited to unforeseen events or circumstances that are associated with work performed by youth participants.

(3) In addition to the requirements of subsection (2) of this section, a cooperative agreement entered into under this section must contain assurances that the use of youth participants involves job training experiences for youth that are of limited, short duration and are not intended to displace, duplicate or replace the jobs of public or private employees involved in equivalent jobs or work tasks, impair existing contracts for services or prevent the hiring of seasonal employees.

(4) If a labor organization represents employees who are engaged in equivalent work, or a workers' cooperative is engaged in similar work, to that proposed to be performed by youth participants, the labor organization or workers' cooperative must be notified and be afforded a reasonable period of time, not to exceed 30 days prior to the execution of the cooperative agreement, in which to make comments and objections to the public body.

(5) The provisions of ORS chapters 279A, 279B and 279C do not apply to cooperative agreements entered into under this section.

(6) The terms of a cooperative agreement entered into under this section are subject to disclosure under ORS 192.410 to 192.505.

SECTION 4. ORS 418.205 is amended to read:

418.205. As used in ORS 418.205 to 418.310 and 418.992 to 418.998, unless the context requires otherwise:

(1) "Child" means an unmarried person under 18 years of age.

(2)(a) "Child-caring agency" means any private school, private agency or private organization providing:

(A) Day treatment for children with emotional disturbances;

(B) Adoption placement services;

(C) Residential care, including but not limited to foster care or residential treatment for children;

(D) Residential care in combination with academic education and therapeutic care, including but not limited to treatment for emotional, behavioral or mental health disturbances;

(E) Outdoor youth programs; or

(F) Other similar services for children.

(b) "Child-caring agency" does not include:

(A) Residential facilities or foster care homes certified or licensed by the Department of Human Services under ORS 443.400 to 443.455, 443.830 and 443.835 for children receiving developmental disability services;

(B) Any private agency or organization facilitating the provision of respite services for parents pursuant to a properly executed power of attorney under ORS 109.056. For purposes of this subparagraph, “respite services” means the voluntary assumption of short-term care and control of a minor child without compensation or reimbursement of expenses for the purpose of providing a parent in crisis with relief from the demands of ongoing care of the parent’s child; [or]

(C) A private residential boarding school as defined in subsection (5)(b) of this section; **or**

(D) A youth job development organization as defined in section 1 of this 2013 Act.

(3)(a) “Outdoor youth program” means a program that provides, in an outdoor living setting, services to children who have behavioral problems, mental health problems or problems with abuse of alcohol or drugs.

(b) “Outdoor youth program” does not include any program, facility or activity:

(A) Operated by a governmental entity;

(B) Operated or affiliated with the Oregon Youth Conservation Corps; [or]

(C) Licensed by the Department of Human Services under other authority of the department;

or

(D) Operated by a youth job development organization as defined in section 1 of this 2013 Act.

(4) “Private” means not owned, operated or administered by any governmental agency or unit.

(5) “Private residential boarding school” means either of the following as the context requires:

(a) A child-caring agency that is a private school that provides residential care in combination with academic education and therapeutic care, including but not limited to treatment for emotional, behavioral or mental health disturbances; or

(b) A private school providing residential care that is primarily engaged in educational work under ORS 418.327.

SECTION 5. ORS 344.070 is amended to read:

344.070. (1) The Oregon Department of Administrative Services may draw warrants upon any state fund to which federal funds for training or education have been credited, in payment of vouchers approved by the Superintendent of Public Instruction or the Commissioner for Community College Services pursuant to rules of the State Board of Education, in favor of school districts, education service districts and community college districts, for such sums, not exceeding \$100,000 for a single district in the aggregate, as the state board, by rule, shall determine. The warrants, upon delivery thereof to the districts, shall constitute advances from state funds to enable the districts more readily to effectuate the purposes set forth in any federal law or regulation pertaining to career and technical education or other education or training sponsored by the federal government.

(2) The districts to which moneys are advanced shall be responsible for the full repayment to the state of all sums advanced. The advances are not within any limitation upon indebtedness prescribed by law for districts. The moneys advanced to districts may not exceed in the aggregate the moneys to the credit of the state fund from which they are paid, and shall constitute advances to the recipient district in anticipation of verified vouchers to be supplied therefor. The advances are to be used as revolving funds for the payment of the costs of career and technical education programs, **including but not limited to job training, skill development and academic programs offered by youth job development organizations as defined in section 1 of this 2013 Act.** The advances shall be made only in those cases in which the federal government defrays all or part of the cost of such programs.

SECTION 6. ORS 344.075 is amended to read:

344.075. (1) The Career and Technical Education Revitalization Grant Program is established within the Department of Education.

(2) Subject to the availability of funds, the department shall award grants each biennium to school districts, education service districts, public schools or public charter schools, or any combination thereof **or in partnership with youth job development organizations as defined in section 1 of this 2013 Act,** for the uses described in subsection (3) of this section.

(3) Grants received under this section must be used to enhance the collaboration between education providers and employers by:

(a) Developing or enhancing career and technical education programs of study;

(b) Expanding the professional growth of and career opportunities for students through career and technical education programs;

(c) Assessing the ability of each career and technical education program to meet workforce needs and give students the skills required for jobs in this state that provide high wages and are in high demand; and

(d) Supporting the achievement of the high school diploma requirements established under ORS 329.451.

(4) Any school district, education service district, public school or public charter school, or any combination thereof **or in partnership with a youth job development organization as defined in section 1 of this 2013 Act**, may apply for a grant under this section.

(5)(a) The department shall award grants based on the ability of the applicant to use a grant as described in subsection (3) of this section.

(b) In addition to the requirement of paragraph (a) of this subsection, the department shall give priority to:

(A) Awarding grants to applicants so that the grants awarded represent a diverse number of students served and a diverse selection of geographic locations; and

(B) Applicants that have received commitments from business, industry, labor or education providers to enhance collaboration and to provide resources for any collaborative efforts.

(c) For the purpose of awarding grants, the department shall jointly convene with the Bureau of Labor and Industries a committee that represents business, industry, labor and education providers for the purpose of reviewing applications for grants and recommending determinations on the applications.

(6) The State Board of Education may adopt any rules necessary for the implementation of this section.

(7) The department may pay the expenses incurred by the department in administering this section out of moneys that are available to the department for purposes of awarding grants under this section. For each biennium, the department may spend on administrative expenses an amount that does not exceed five percent of the total amount of moneys available to the department during the biennium for purposes of awarding grants under this section.

SECTION 7. ORS 344.125 is amended to read:

344.125. (1) Representatives from the Department of Education, the Department of Community Colleges and Workforce Development and the Bureau of Labor and Industries shall meet at least four times each year for the purpose of promoting collaboration between the agencies on issues related to career and technical education.

(2) Issues to be addressed by the agencies shall include the development and implementation of long-term goals that:

(a) Ensure that career and technical education programs are available at the public schools of this state **and through youth job development organizations as defined in section 1 of this 2013 Act**, are founded on partnerships with business and industry and receive appropriate investments of time, money and other resources.

(b) Develop regional centers of partnerships between public schools, community colleges, state institutions of higher education, businesses, unions and other entities and ensure that every student of this state has access to a regional center in person or online.

(c) Implement accelerated college credit programs that allow students to move seamlessly from public schools to post-secondary education or training to the workforce.

(d) Increase professional development opportunities for teachers and learning opportunities for students through industry mentorships, internships, summer programs, after-school programs and career-based student leadership opportunities.

(e) Establish partnerships between public and private entities for the purpose of educating students, parents, teachers, school advisors, policymakers and the general public about the benefits and opportunities related to career and technical education.

(3) The agencies identified in subsection (1) of this section shall make a joint report each year to the appropriate legislative committees concerning progress on the development and implementation of the goals described in subsection (2) of this section and may submit recommendations for legislation that will promote opportunities related to career and technical education.

Passed by House March 27, 2013

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Ramona J. Line, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 7, 2013

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Peter Courtney, President of Senate

Received by Governor:

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Approved:

.....M.,....., 2013

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2013

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Kate Brown, Secretary of State