

# House Bill 2689

Sponsored by Representative BARNHART, Senator BEYER, Representative HOLVEY

## 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**.

Permits public bodies to enter into cooperative agreements with youth job development organizations for provision of services by youth participants on public resource projects. Specifies assurances that must be contained in cooperative agreements. Exempts cooperative agreements from Public Contracting Code.

Adds youth job development organizations to types of entities eligible for federal funds for training or education and grants under Career and Technical Education Revitalization Grant Program.

## A BILL FOR AN ACT

1  
2 Relating to youth job development organizations; creating new provisions; and amending ORS  
3 344.070, 344.075, 344.125 and 418.205.

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

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

6 (1) **"Cooperative agreement" means an agreement entered into between a youth job de-**  
7 **velopment organization and a public body under section 3 of this 2013 Act.**

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

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

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

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

### **SECTION 2. The Legislative Assembly finds that:**

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

26 (2) **Public bodies that have responsibility for projects to protect, conserve, rehabilitate**  
27 **or improve public lands, natural resources or recreational areas are in a position to make**  
28

**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 available, and benefit from, employment and training opportunities for Oregon youth.

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

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

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

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

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

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

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

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

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

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

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

40 (7) A youth job development organization is an education provider of career and technical  
 41 education programs eligible to apply for grants from the Career and Technical Education  
 42 Revitalization Grant Program under ORS 344.075.

43 **SECTION 4.** ORS 418.205 is amended to read:

44 418.205. As used in ORS 418.205 to 418.310 and 418.992 to 418.998, unless the context requires  
 45 otherwise:

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

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

4 (A) Day treatment for children with emotional disturbances;

5 (B) Adoption placement services;

6 (C) Residential care, including but not limited to foster care or residential treatment for chil-  
7 dren;

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

10 (E) Outdoor youth programs; or

11 (F) Other similar services for children.

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

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

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

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

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

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

26 (b) "Outdoor youth program" does not include any program, facility or activity:

27 (A) Operated by a governmental entity;

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

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

30 **or**

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

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

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

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

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

40 **SECTION 5.** ORS 344.070 is amended to read:

41 344.070. (1) The Oregon Department of Administrative Services may draw warrants upon any  
42 state fund to which federal funds for training or education have been credited, in payment of  
43 vouchers approved by the Superintendent of Public Instruction or the Commissioner for Community  
44 College Services pursuant to rules of the State Board of Education, in favor of school districts, ed-  
45 ucation service districts and community college districts, for such sums, not exceeding \$100,000 for

1 a single district in the aggregate, as the state board, by rule, shall determine. The warrants, upon  
 2 delivery thereof to the districts, shall constitute advances from state funds to enable the districts  
 3 more readily to effectuate the purposes set forth in any federal law or regulation pertaining to ca-  
 4 reer and technical education or other education or training sponsored by the federal government.

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

15 **SECTION 6.** ORS 344.075 is amended to read:

16 344.075. (1) The Career and Technical Education Revitalization Grant Program is established  
 17 within the Department of Education.

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

22 (3) Grants received under this section must be used to enhance the collaboration between edu-  
 23 cation providers and employers by:

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

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

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

30 (d) Supporting the achievement of the high school diploma requirements established under ORS  
 31 329.451.

32 (4) Any school district, education service district, public school, [or] public charter school[,] **or**  
 33 **youth job development organization,** or any combination thereof, may apply for a grant under this  
 34 section.

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

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

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

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

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

1 applications.

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

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

9 **SECTION 7.** ORS 344.125 is amended to read:

10 344.125. (1) Representatives from the Department of Education, the Department of Community  
11 Colleges and Workforce Development and the Bureau of Labor and Industries shall meet at least  
12 four times each year for the purpose of promoting collaboration between the agencies on issues re-  
13 lated to career and technical education.

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

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

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

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

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

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

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

35