

**PROPOSED AMENDMENTS TO  
A-ENGROSSED HOUSE BILL 2501**

1 In line 2 of the printed A-engrossed bill, delete “amending” and insert  
2 “creating new provisions; amending ORS 343.961 and”.

3 After line 13, insert:

4 **“SECTION 3.** ORS 343.961 is amended to read:

5 “343.961. (1) As used in this section:

6 “(a) ‘Day treatment program’ means a public or private program that  
7 provides treatment of children with a mental illness, an emotional disturb-  
8 ance or another mental health issue.

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

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

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

1 “(e) ‘Student’ means a child who is placed in an eligible day treatment  
2 program or eligible residential treatment program by a public or private en-  
3 tity or by the child’s parent.

4 “(2) The Department of Education shall be responsible for payment of the  
5 costs of education of students in eligible day treatment programs and eligible  
6 residential treatment programs by contracting with the school district in  
7 which the eligible day treatment program or eligible residential treatment  
8 program is located. The costs of education do not include transportation,  
9 care, treatment or medical expenses.

10 “(3)(a) The school district in which an eligible day treatment program or  
11 eligible residential treatment program is located is responsible for providing  
12 the education of a student, including the identification, location and evalu-  
13 ation of the student for the purpose of determining the student’s eligibility  
14 to receive special education and related services.

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

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

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

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

26 “(4) **The school district where the student is a resident is responsi-**  
27 **ble for providing transportation to a student enrolled in an eligible day**  
28 **treatment program. Transportation must be provided by the school**  
29 **district where the student is a resident each day the student is**  
30 **scheduled to receive services from the eligible day treatment program.**

1       “[(4)] (5) A school district may request the Department of Education to  
2 combine several eligible day treatment programs or eligible residential  
3 treatment programs into one contract with another school district or an ed-  
4 ucation service district.

5       “[(5)] (6) The Oregon Health Authority, the Department of Human Ser-  
6 vices or the Oregon Youth Authority shall give the school district providing  
7 the education at an eligible day treatment program or an eligible residential  
8 treatment program 14 days’ notice, to the extent practicable, before a student  
9 is dismissed from the program.

10       “[(6)] (7) The Department of Education may make advances to school  
11 districts responsible for providing an education to students under this sec-  
12 tion from funds appropriated for that purpose based on the estimated agreed  
13 cost of educating the students per school year. Advances equal to 25 percent  
14 of the estimated cost may be made on September 1, December 1 and March  
15 1 of the current year. The balance may be paid whenever the full determi-  
16 nation of cost is made.

17       “[(7)] (8) School districts that provide the education described in this  
18 section on a year-round plan may apply for 25 percent of the funds appro-  
19 priated for that purpose on July 1, October 1, January 1, and 15 percent on  
20 April 1. The balance may be paid whenever the full determination of cost is  
21 made.

22       “[(8)] (9) In addition to the payment methods described in this section, the  
23 Department of Education may:

24       “(a) Negotiate interagency agreements to pay for the cost of education in  
25 day treatment programs and residential treatment programs operated under  
26 the auspices of the State Board of Higher Education; and

27       “(b) Negotiate intergovernmental agreements to pay for the cost of edu-  
28 cation in day treatment programs and residential treatment programs oper-  
29 ated under the auspices of the Oregon Health and Science University Board  
30 of Directors.

1       **SECTION 4. The amendments to ORS 343.961 by section 3 of this**  
2       **2013 Act become operative July 1, 2013.”.**

3       In line 14, delete “3” and insert “5”.

4       \_\_\_\_\_