

A-Engrossed
Senate Bill 135

Ordered by the Senate March 23
Including Senate Amendments dated March 23

Sponsored by Senator DEVLIN, Representative BUCKLEY (Pre-session filed.)

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.

Directs Department of Education to pay for costs of education of students in eligible day treatment programs and eligible residential treatment programs by making grants in aid to school districts where programs are located.

Declares emergency, effective July 1, 2015.

A BILL FOR AN ACT

1
2 Relating to payment of educational costs of children in treatment programs; amending ORS 327.023
3 and 343.961; and declaring an emergency.

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

5 **SECTION 1.** ORS 343.961 is amended to read:

6 343.961. (1) As used in this section:

7 (a) "Day treatment program" means a public or private program that provides treatment of
8 children with a mental illness, an emotional disturbance or another mental health issue.

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

13 (c) "Eligible residential treatment program" means a residential treatment program with which
14 the Oregon Health Authority, the Department of Human Services or the Oregon Youth Authority
15 contracts for long term care or treatment. "Eligible residential treatment program" does not include
16 psychiatric day treatment programs or programs that provide care or treatment to juveniles who
17 are in detention facilities.

18 (d) "Residential treatment program" means a public or private residential program that provides
19 treatment of children with a mental illness, an emotional disturbance or another mental health issue.

20 (e) "Student" means a child who is placed in an eligible day treatment program or eligible res-
21 idential treatment program by a public or private entity or by the child's parent.

22 *[(2) The Department of Education shall be responsible for payment of the costs of education of*
23 *students in eligible day treatment programs and eligible residential treatment programs by contracting*
24 *with the school district in which the eligible day treatment program or eligible residential treatment*
25 *program is located. The costs of education do not include transportation, care, treatment or medical*
26 *expenses].*

27 **(2) The Department of Education shall provide moneys for payment of the costs of edu-**

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 **cation of students in eligible day treatment programs and eligible residential treatment pro-**
 2 **grams as provided by ORS 327.023. Payment shall be made to the school district in which the**
 3 **eligible day treatment program or eligible residential treatment program is located. The**
 4 **costs of education do not include transportation, care, treatment or medical expenses.**

5 (3)(a) The school district in which an eligible day treatment program or eligible residential
 6 treatment program is located is responsible for providing the education of a student, including the
 7 identification, location and evaluation of the student for the purpose of determining the student's
 8 eligibility to receive special education and related services.

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

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

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

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

18 (4) The school district where the student is a resident is responsible for providing transportation
 19 to a student enrolled in an eligible day treatment program. Transportation must be provided by the
 20 school district where the student is a resident each day the student is scheduled to receive services
 21 from the eligible day treatment program.

22 (5) A school district may request the Department of Education to [*combine several*] **directly**
 23 **make payments to another school district or an education service district for** eligible day
 24 treatment programs or eligible residential treatment programs [*into one contract with another*] **when**
 25 **education is provided by the other** school district or [*an*] **the** education service district. **Pay-**
 26 **ments made under this subsection do not affect any responsibilities described in subsection**
 27 **(3) of this section for the school district that made the request.**

28 (6) The Oregon Health Authority, the Department of Human Services or the Oregon Youth Au-
 29 thority shall give the school district providing the education at an eligible day treatment program
 30 or an eligible residential treatment program 14 days' notice, to the extent practicable, before a
 31 student is dismissed from the program.

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

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

41 (9) In addition to the payment methods described in this section, the Department of Education
 42 may:

43 (a) Negotiate interagency agreements to pay for the cost of education in day treatment programs
 44 and residential treatment programs operated under the auspices of the State Board of Higher Edu-
 45 cation or the governing board of a public university with a governing board listed in ORS 352.054;

1 and

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

5 **SECTION 2.** ORS 327.023, as amended by section 8, chapter 81, Oregon Laws 2014, is amended
6 to read:

7 327.023. In addition to those moneys distributed through the State School Fund, the Department
8 of Education shall provide from state funds appropriated therefor, grants in aid or support for spe-
9 cial and compensatory education programs including:

10 (1) The Oregon School for the Deaf.

11 (2) Medicaid match for administration efforts to secure Medicaid funds for services provided to
12 children with disabilities.

13 (3) Hospital programs for education services to children who are hospitalized for extended pe-
14 riods of time or who require hospitalization due to severe disabilities as described in ORS 343.261.

15 (4) Day treatment programs and residential treatment programs for education services to chil-
16 dren who are *[placed by the state in long term care or treatment facilities]* **in the treatment pro-**
17 **grams** as described in ORS 343.961.

18 (5) Regional services provided to children with low-incidence disabling conditions as described
19 in ORS 343.236.

20 (6) Early childhood special education provided to preschool children with disabilities from age
21 three until age of eligibility for kindergarten as described in ORS 339.185, 343.035, 343.041, 343.055,
22 343.065, 343.157 and 343.455 to 343.534.

23 (7) Early intervention services for preschool children from birth until age three as described in
24 ORS 339.185, 343.035, 343.041, 343.055, 343.065, 343.157 and 343.455 to 343.534.

25 (8) Evaluation services for children with disabilities to determine program eligibility and needs
26 as described in ORS 343.146.

27 (9) Education services to children residing at state hospitals.

28 (10) Disadvantaged children program under ORS 343.680.

29 (11) Early childhood education under ORS 329.235.

30 (12) Child development specialist program under ORS 329.255.

31 (13) Youth care centers under ORS 420.885.

32 (14) Staff development and mentoring.

33 (15) Career and technical education grants.

34 (16) Special science education programs.

35 (17) Talented and Gifted children program under ORS 343.391 to 343.413.

36 (18) Pediatric nursing facility programs for educational services provided to students who are
37 admitted to pediatric nursing facilities as provided in section 2, chapter 81, Oregon Laws 2014.

38 **SECTION 3. This 2015 Act being necessary for the immediate preservation of the public**
39 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
40 **July 1, 2015.**

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