

Senate Bill 135

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 **as introduced**.

Allows 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 343.961;
3 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-**
28 **cation of students in eligible day treatment programs and eligible residential treatment pro-**
29 **grams as provided by ORS 327.023. Payment shall be made to the school district in which the**
30 **eligible day treatment program or eligible residential treatment program is located. The**

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 **costs of education do not include transportation, care, treatment or medical expenses.**

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

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

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

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

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

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

19 *[(5) A school district may request the Department of Education to combine several eligible day
20 treatment programs or eligible residential treatment programs into one contract with another school
21 district or an education service district.]*

22 [(6)] (5) The Oregon Health Authority, the Department of Human Services or the Oregon Youth
23 Authority shall give the school district providing the education at an eligible day treatment program
24 or an eligible residential treatment program 14 days' notice, to the extent practicable, before a
25 student is dismissed from the program.

26 [(7)] (6) The Department of Education may make advances to school districts responsible for
27 providing an education to students under this section from funds appropriated for that purpose based
28 on the estimated agreed cost of educating the students per school year. Advances equal to 25 per-
29 cent of the estimated cost may be made on September 1, December 1 and March 1 of the current
30 year. The balance may be paid whenever the full determination of cost is made.

31 [(8)] (7) School districts that provide the education described in this section on a year-round
32 plan may apply for 25 percent of the funds appropriated for that purpose on July 1, October 1,
33 January 1, and 15 percent on April 1. The balance may be paid whenever the full determination of
34 cost is made.

35 [(9)] (8) In addition to the payment methods described in this section, the Department of Edu-
36 cation may:

37 (a) Negotiate interagency agreements to pay for the [cost] **costs** of education in day treatment
38 programs and residential treatment programs operated under the auspices of the State Board of
39 Higher Education or the governing board of a public university with a governing board listed in
40 ORS 352.054; and

41 (b) Negotiate intergovernmental agreements to pay for the [cost] **costs** of education in day
42 treatment programs and residential treatment programs operated under the auspices of the Oregon
43 Health and Science University Board of Directors.

44 **SECTION 2. This 2015 Act being necessary for the immediate preservation of the public**
45 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**

1 **July 1, 2015.**

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