

Senate Bill 475

Sponsored by Senator GELSER (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**.

Provides that students in youth care center within detention facility are to receive educational services through Juvenile Detention Education Program.

Declares emergency, effective upon passage.

A BILL FOR AN ACT

1
2 Relating to youth care centers; creating new provisions; amending ORS 326.695, 327.023, 336.580 and
3 339.137; and declaring an emergency.

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

5 **SECTION 1.** ORS 326.695 is amended to read:

6 326.695. As used in ORS 326.700 and 326.712:

7 (1) "Juvenile Detention Education Program" means the provision of educational services to:

8 (a) **Youths placed in a youth care center, as defined in ORS 420.855, that is within a de-**
9 **tention facility, as defined in ORS 419A.004; and**

10 (b) Youths lodged overnight who receive educational services on consecutive days within a de-
11 tention facility, as defined in ORS 419A.004.

12 (2) "Youth Corrections Education Program" means the provision of educational services to
13 youths in youth correction facilities, as defined in ORS 420.005.

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

16 327.023. In addition to those moneys distributed through the State School Fund, the Department
17 of Education shall provide from state funds appropriated therefor, grants in aid or support for spe-
18 cial and compensatory education programs including:

19 (1) The Oregon School for the Deaf.

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

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

24 (4) Day treatment programs and residential treatment programs for education services to chil-
25 dren who are placed by the state in long term care or treatment facilities as described in ORS
26 343.961.

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

29 (6) Early childhood special education provided to preschool children with disabilities from age
30 three until age of eligibility for kindergarten as described in ORS 339.185, 343.035, 343.041, 343.055,
31 343.065, 343.157 and 343.455 to 343.534.

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

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

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

6 (10) Disadvantaged children program under ORS 343.680.

7 (11) Early childhood education under ORS 329.235.

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

9 (13) Youth care centers under ORS 420.885 **that are not within a detention facility, as de-**
10 **fin**ed in ORS 419A.004.

11 (14) Staff development and mentoring.

12 (15) Career and technical education grants.

13 (16) Special science education programs.

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

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

17 **SECTION 3. The amendments to ORS 327.023 by section 2 of this 2015 Act apply to grants**
18 **distributed on or after the effective date of this 2015 Act.**

19 **SECTION 4.** ORS 336.580 is amended to read:

20 336.580. (1) Every child at a youth care center, as defined in ORS 420.855, is entitled to receive
21 appropriate education suited to the needs of the child in the least restrictive environment in which
22 the child can function until the child is no longer of compulsory school age or receives a high school
23 diploma or an equivalent.

24 (2)(a) **Except as provided by paragraph (b) of this subsection,** the school district in which
25 the youth care center is located shall develop an educational plan for the children in the youth care
26 center in consultation with the director of the center. The plan shall be approved annually by the
27 school district board.

28 **(b) For children placed at a youth care center within a detention facility, as defined in**
29 **ORS 419A.004, the children shall receive educational services through the Juvenile Detention**
30 **Education Program as described in ORS 326.695.**

31 (3) The Superintendent of Public Instruction shall have the authority to enforce the provisions
32 of ORS 336.575 and 339.137 and this section. If a district fails to comply, the superintendent shall
33 find the district deficient and shall apply the penalty provided in ORS 327.103.

34 (4) The State Board of Education shall adopt rules to implement this section.

35 **SECTION 5.** ORS 339.137, as amended by section 11, chapter 81, Oregon Laws 2014, is amended
36 to read:

37 339.137. (1) **Except as provided in subsection (2) of this section,** a student described in ORS
38 336.580 shall be considered a resident of the school district in which the student resides by reason
39 of the placement under ORS 336.580 for purposes of distribution of the State School Fund.

40 **(2) For a child described in ORS 336.580 (2)(b), the child shall receive educational services**
41 **through the Juvenile Detention Education Program as described in ORS 326.695.**

42 [(2)] (3) A student described in subsection (1) of this section must be admitted to the public
43 schools of the school district where the student is placed pursuant to ORS 336.580.

44 [(3)] (4) Except as provided in ORS 343.261, 343.961 and 346.010 and section 2, chapter 81,
45 Oregon Laws 2014, the school district shall provide or cause to be provided appropriate education

1 to any student described in subsection (1) of this section, including the identification and evaluation
2 of the student for purposes of determining eligibility as a child with a disability to receive special
3 education and related services enumerated in ORS 343.035 and services related to a disadvantaged
4 child as defined in ORS 343.650. Suspension or expulsion of a student from the regular school pro-
5 gram does not relieve the district of the obligation to provide instruction in the residential program
6 in which the child resides or in another appropriate facility.

7 **SECTION 6. This 2015 Act being necessary for the immediate preservation of the public**
8 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
9 **on its passage.**

10