

**PROPOSED AMENDMENTS TO
SENATE BILL 135**

1 On page 1 of the printed bill, line 2, after “ORS” insert “327.023 and”.

2 Delete lines 5 through 30 and delete pages 2 and 3 and insert:

3 **“SECTION 1.** ORS 343.961 is amended to read:

4 “343.961. (1) As used in this section:

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

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

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

22 “(e) ‘Student’ means a child who is placed in an eligible day treatment

1 program or eligible residential treatment program by a public or private en-
2 tity or by the child’s parent.

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

9 “(2) **The Department of Education shall provide moneys for pay-**
10 **ment of the costs of education of students in eligible day treatment**
11 **programs and eligible residential treatment programs as provided by**
12 **ORS 327.023. Payment shall be made to the school district in which the**
13 **eligible day treatment program or eligible residential treatment pro-**
14 **gram is located. The costs of education do not include transportation,**
15 **care, treatment or medical expenses.**

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

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

23 “(A) Directly or through another school district or an education service
24 district; and

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

28 “(c) When a student is no longer in an eligible day treatment program
29 or eligible residential treatment program, the responsibilities imposed by this
30 subsection terminate and become the responsibilities of the school district

1 where the student is a resident, as determined under ORS 339.133 and 339.134.

2 “(4) The school district where the student is a resident is responsible for
3 providing transportation to a student enrolled in an eligible day treatment
4 program. Transportation must be provided by the school district where the
5 student is a resident each day the student is scheduled to receive services
6 from the eligible day treatment program.

7 “(5) A school district may request the Department of Education to [*com-*
8 *bine several*] **directly make payments to another school district or an**
9 **education service district for** eligible day treatment programs or eligible
10 residential treatment programs [*into one contract with another*] **when edu-**
11 **cation is provided by the other** school district or [*an*] **the** education ser-
12 vice district. **Payments made under this subsection do not affect any**
13 **responsibilities described in subsection (3) of this section for the school**
14 **district that made the request.**

15 “(6) The Oregon Health Authority, the Department of Human Services or
16 the Oregon Youth Authority shall give the school district providing the ed-
17 ucation at an eligible day treatment program or an eligible residential
18 treatment program 14 days’ notice, to the extent practicable, before a student
19 is dismissed from the program.

20 “(7) The Department of Education may make advances to school districts
21 responsible for providing an education to students under this section from
22 funds appropriated for that purpose based on the estimated agreed cost of
23 educating the students per school year. Advances equal to 25 percent of the
24 estimated cost may be made on September 1, December 1 and March 1 of the
25 current year. The balance may be paid whenever the full determination of
26 cost is made.

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

1 “(9) In addition to the payment methods described in this section, the
2 Department of Education may:

3 “(a) Negotiate interagency agreements to pay for the cost of education in
4 day treatment programs and residential treatment programs operated under
5 the auspices of the State Board of Higher Education or the governing board
6 of a public university with a governing board listed in ORS 352.054; and

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

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

13 “327.023. In addition to those moneys distributed through the State School
14 Fund, the Department of Education shall provide from state funds appropri-
15 ated therefor, grants in aid or support for special and compensatory educa-
16 tion programs including:

17 “(1) The Oregon School for the Deaf.

18 “(2) Medicaid match for administration efforts to secure Medicaid funds
19 for services provided to children with disabilities.

20 “(3) Hospital programs for education services to children who are hospi-
21 talized for extended periods of time or who require hospitalization due to
22 severe disabilities as described in ORS 343.261.

23 “(4) Day treatment programs and residential treatment programs for edu-
24 cation services to children who are [*placed by the state in long term care or*
25 *treatment facilities*] **in the treatment programs** as described in ORS
26 343.961.

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

29 “(6) Early childhood special education provided to preschool children with
30 disabilities from age three until age of eligibility for kindergarten as de-

1 scribed in ORS 339.185, 343.035, 343.041, 343.055, 343.065, 343.157 and 343.455
2 to 343.534.

3 “(7) Early intervention services for preschool children from birth until
4 age three as described in ORS 339.185, 343.035, 343.041, 343.055, 343.065,
5 343.157 and 343.455 to 343.534.

6 “(8) Evaluation services for children with disabilities to determine pro-
7 gram eligibility and needs as described in ORS 343.146.

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

9 “(10) Disadvantaged children program under ORS 343.680.

10 “(11) Early childhood education under ORS 329.235.

11 “(12) Child development specialist program under ORS 329.255.

12 “(13) Youth care centers under ORS 420.885.

13 “(14) Staff development and mentoring.

14 “(15) Career and technical education grants.

15 “(16) Special science education programs.

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

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

20 **“SECTION 3. This 2015 Act being necessary for the immediate**
21 **preservation of the public peace, health and safety, an emergency is**
22 **declared to exist, and this 2015 Act takes effect July 1, 2015.”.**

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