

# House Bill 3156

Sponsored by Representative POST, Senator THATCHER; Representative NOBLE, Senator OLSEN

## 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**.

Requires Department of Education to be responsible for providing education of students for first 30 calendar days after eligible day treatment program or eligible residential treatment program begins operations or expands operations to different school district.

Directs department to pay to school district certain costs incurred in relation to eligible day treatment program or eligible residential treatment program that begins operations, expands operations or closes or ceases operations.

## A BILL FOR AN ACT

1  
2 Relating to provision of education to students in treatment programs; creating new provisions; and  
3 amending ORS 343.961.

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 provide moneys for payment of the costs of education of  
23 students in eligible day treatment programs and eligible residential treatment programs as provided  
24 by ORS 327.023. Payment shall be made to the school district in which the eligible day treatment  
25 program or eligible residential treatment program is located. The costs of education do not include  
26 transportation, care, treatment or medical expenses.

27 (3)(a) The school district in which an eligible day treatment program or eligible residential  
28 treatment program is located is responsible for providing the education of a student, including the  
29 identification, location and evaluation of the student for the purpose of determining the student's

**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 eligibility to receive special education and related services.

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

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

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

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

11 **(4)(a) Notwithstanding subsection (3) of this section, the Department of Education shall**  
12 **be responsible for providing the education of a student for the first 30 calendar days after**  
13 **an eligible day treatment program or an eligible residential treatment program begins oper-**  
14 **ations or expands operations to a different school district.**

15 **(b) In addition to moneys paid to a school district under this section, the Department of**  
16 **Education shall pay to the school district in which an eligible day treatment program or eli-**  
17 **gible residential treatment program is located any costs incurred by the school district:**

18 **(A) During the first year that the program began operations or expanded operations to**  
19 **the school district if the costs were related to the school district's beginning to provide ed-**  
20 **ucation to the students in the program, including costs incurred in obtaining facilities or**  
21 **equipment or in hiring and training required employees; and**

22 **(B) During the school year that the program closed or ceased operations in the school**  
23 **district if the costs were related to the school district's providing of education to the stu-**  
24 **dents in the program and the school district was contractually obligated to incur those costs**  
25 **until the end of the school year, including costs related to facilities and employees.**

26 [(4)] (5) The school district where the student is a resident is responsible for providing trans-  
27 portation to a student enrolled in an eligible day treatment program. Transportation must be pro-  
28 vided by the school district where the student is a resident each day the student is scheduled to  
29 receive services from the eligible day treatment program.

30 [(5)] (6) A school district may request the Department of Education to directly make payments  
31 to another school district or an education service district for eligible day treatment programs or  
32 eligible residential treatment programs when education is provided by the other school district or  
33 the education service district. Payments made under this subsection do not affect any responsibil-  
34 ities described in subsection (3) of this section for the school district that made the request.

35 [(6)] (7) The Oregon Health Authority, the Department of Human Services or the Oregon Youth  
36 Authority shall give the school district providing the education at an eligible day treatment program  
37 or an eligible residential treatment program 14 days' notice, to the extent practicable, before a  
38 student is dismissed from the program.

39 [(7)] (8) The Department of Education may make advances to school districts responsible for  
40 providing an education to students under this section from funds appropriated for that purpose based  
41 on the estimated agreed cost of educating the students per school year. Advances equal to 25 per-  
42 cent of the estimated cost may be made on September 1, December 1 and March 1 of the current  
43 year. The balance may be paid whenever the full determination of cost is made.

44 [(8)] (9) School districts that provide the education described in this section on a year-round  
45 plan may apply for 25 percent of the funds appropriated for that purpose on July 1, October 1,

1 January 1, and 15 percent on April 1. The balance may be paid whenever the full determination of  
2 cost is made.

3       ~~[(9)]~~ **(10)** In addition to the payment methods described in this section, the Department of Edu-  
4 cation may negotiate intergovernmental agreements to pay for the cost of education in day treat-  
5 ment programs and residential treatment programs operated under the auspices of the governing  
6 board of a public university listed in ORS 352.002 or the Oregon Health and Science University  
7 Board of Directors.

8       **SECTION 2. The amendments to ORS 343.961 by section 1 of this 2017 Act apply to eligible**  
9 **day treatment programs and eligible residential treatment programs that begin operations,**  
10 **expand operations or close or cease operations in a school district on or after the effective**  
11 **date of this 2017 Act.**

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