

**A-Engrossed
House Bill 2004**

Ordered by the House May 24
Including House Amendments dated May 24

Introduced and printed pursuant to House Rule 13.01

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.

Creates State Commission on Children and Families. Defines commission powers and duties. Creates State Office [of] for Services [for] to Children and Families to provide services effective July 1, 1995, under direction of commission. Transfers certain duties and powers of Children's Services Division to State Office for Services to Children and Families by July 1, 1995. Specifies implementation schedule and standards. Establishes local commissions on children and families.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to children; creating new provisions; amending ORS 169.090, 184.007, 326.051, 326.615,
3 326.795, 336.168, 336.435, 339.195, 339.505, 409.410, 411.060, 417.610, 417.670, 417.700, 418.653,
4 418.657, 418.658, 418.660, 420.017, 430.021 and 431.110; repealing ORS 409.210, 409.620, 409.630,
5 417.300, 417.305, 417.310, 417.315, 417.320, 417.325, 417.330, 417.335, 417.364, 417.400, 417.405,
6 417.410, 417.415, 417.420, 417.425, 417.430, 417.435, 417.440, 417.445, 417.455, 417.475, 417.480,
7 417.485, 417.490, 417.500, 417.510 and 417.672; and declaring an emergency.

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

9 **SECTION 1. It is the purpose of this Act to:**

10 (1) **Establish a State Commission on Children and Families to set statewide policies for**
11 **services to children and families and to insure that state and federal funds for such services**
12 **are available where the services are needed;**

13 (2) **Enable the boards of county commissioners and local commissions on children and**
14 **families to supervise local services;**

15 (3) **Vest in local commissions on children and families the authority to distribute state**
16 **and federal funds to purchase services to children and families in the local area and to su-**
17 **perwise the development of the comprehensive local plan for services;**

18 (4) **Require comprehensive local planning for services to children and families to provide**
19 **local services that are consistent with statewide policies and guidelines;**

20 (5) **Retain in the state the responsibility for funding of services to children and families**
21 **through a combination of state and federal funding;**

22 (6) **Retain state supervision of child protection and other services that should be uniform**
23 **throughout the state and that are necessarily the state's responsibility; and**

24 (7) **Provide continuing service during the transition from the current system of services**
25 **to a local system of services so that no lapse in services will occur.**

26 **SECTION 1a. (1) It is the intent of the Legislative Assembly to enable families and com-**

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 munities to protect, nurture and realize the full physical, social, emotional, cognitive and
2 cultural developmental potential of all children in Oregon. Toward this end, the Legislative
3 Assembly shall develop and implement a statewide system of services that is preventive, in-
4 tegrated in local communities and accessible to children and families and that focuses on
5 promoting the wellness of Oregon's children.

6 (2) The service system shall be based on promoting the wellness of Oregon's children and
7 families. The following values shall guide the design and implementation of this system:

8 (a) A commitment to children that ranks them as Oregon's first priority;

9 (b) A commitment to reducing the number of Oregon's children and families living in
10 poverty;

11 (c) A commitment to equitable treatment of gender in both services and funding;

12 (d) A view that strengthening families is of paramount concern, but that child safety
13 must come first if a conflict between the well-being of a child and the well-being of the family
14 arises;

15 (e) A recognition of the central role of families as the best place for children to develop;

16 (f) A realization that good parenting skills are fundamental to a healthy society;

17 (g) A sensitivity to diversity that requires culturally competent services respectful of
18 differences among genders, cultures, orientations and disabilities;

19 (h) An offering of opportunities for children to develop self-worth and concern for others,
20 and to reach their full potential;

21 (i) A fundamental assumption that children are entitled to safety and good health; and

22 (j) A commitment to early detection and treatment of families at risk for child abuse and
23 neglect.

24 (3) The service system shall emphasize:

25 (a) Services designed to identify risks and nurture potential at the earliest time in a
26 child's life;

27 (b) Services to respond to and reduce risks at the earliest possible point of detection;

28 (c) A comprehensive continuum of services such as prevention, early intervention and
29 treatment for children in all age groups; and

30 (d) The realization that funding one age group or gender of children at the expense of
31 another is destructive of the wellness of children.

32 (4) The service system must begin at the local level, through cooperation and integration
33 of all local and state providers, treat the whole person and be built on the strengths and
34 natural supports of neighborhoods and communities.

35 SECTION 2. The characteristics of the service system developed and implemented under
36 this Act are that the system:

37 (1) Is nonstigmatizing;

38 (2) Is available and accessible when needed and is based on the perspective of children
39 and families and, whenever possible, allows families to design their own service programs,
40 based on assessment of their needs and their solutions and resources for change;

41 (3) Is outcome-oriented;

42 (4) Is integrated;

43 (5) Recognizes the contributions of the system's workers;

44 (6) Promotes in the community a sense of responsibility for self and others and is com-
45 mitted to the well-being of children as well as support for families;

1 (7) Emphasizes local planning for children and families and integrates local needs with
2 statewide goals;

3 (8) Provides services locally in a process that encourages partnerships, alliances and ef-
4 ficient use of resources; and

5 (9) Provides local service delivery systems that build on the unique strengths of the
6 county or community.

7 **SECTION 3.** (1) Key elements of the service system developed and implemented under
8 this Act are:

9 (a) A two-to-five-year incremental implementation process with measurable outcomes;

10 (b) An implementation process resulting in a system based on what is known about hu-
11 man development and human competence and what families need to nurture both; and

12 (c) A service continuum based on promoting wellness for each child. Family resource
13 centers and family service centers are a viable, but not exclusive, structure for delivering a
14 service continuum.

15 (2) If a system of family resource centers and family service centers is selected by a local
16 commission on children and families established pursuant to section 12 of this Act:

17 (a) Family resource centers shall serve as the prevention arm of the delivery system and
18 shall be integrated into neighborhood-based services that reach out to all families to promote
19 their children's wellness.

20 (b) Family service centers shall serve as the treatment arm of the delivery system.

21 **SECTION 4.** (1) There is established a State Commission on Children and Families con-
22 sisting of the Superintendent of Public Instruction and 12 members appointed by the Gover-
23 nor. The appointments shall reflect the state's diverse populations and regions and shall
24 include representatives with expertise along the full developmental continuum of a child from
25 the prenatal stage through 18 years of age.

26 (2) The appointed members shall include:

27 (a) One representative from the Oregon Juvenile Department Director's Association,
28 from which the Governor may solicit suggestions for appointment;

29 (b) Six public members who have demonstrated interest in children, with consideration
30 given to a youth member and persons from the education community;

31 (c) Two members from local commissions on children and families, one from a rural area
32 and one from an urban area;

33 (d) One social service professional; and

34 (e) Two members from the business community who have demonstrated interest in chil-
35 dren.

36 (3) The term of office of each appointed member is four years. Before the expiration of
37 the term of an appointed member, the Governor shall appoint a successor whose term begins
38 on October 1. An appointed member is eligible for reappointment. If there is a vacancy in
39 an appointed position for any cause, the Governor shall make an appointment to become
40 immediately effective for the unexpired term.

41 (4) The appointments by the Governor to the state commission are subject to confirma-
42 tion by the Senate in the manner prescribed in ORS 171.562 and 171.565.

43 (5) An appointed member of the state commission is entitled to compensation and ex-
44 penses as provided in ORS 292.495.

45 (6)(a) The majority of the members of the state commission shall be lay persons.

1 (b) As used in this subsection, "lay person" means a person whose primary income is not
2 derived from either offering direct service to children and youth or being an administrator
3 for a program for children and youth.

4 **SECTION 5.** (1) The State Commission on Children and Families shall promote the
5 wellness of children and families at the state level and shall act in accordance with the
6 principles, characteristics and values identified in sections 1 to 3 of this Act. The state
7 commission shall provide no direct services, but shall be responsible for all state programs
8 for children and families in the state. The services shall be provided by interagency agree-
9 ments with the appropriate agencies until such time as the local commissions are able to
10 accept the responsibility for operating the programs.

11 (2) Funds for local commissions shall consist of payments from moneys appropriated
12 therefor to the State Commission on Children and Families by the Legislative Assembly. The
13 state commission shall determine each county's or region's share in accordance with rules
14 adopted by the state commission, except that a minimum annual grant shall be provided to
15 each participating county or region. However, if state funding to the local commission de-
16 creases, then the responsibility of the local commission to contract or enter into interagency
17 agreements for services based on that funding shall decrease accordingly.

18 (3) The state commission shall:

19 (a) Adopt goals and priorities for serving children and families;

20 (b) Determine which funding for state services or portions thereof shall be transferred
21 to the local commissions on children and families based on consultation with each local
22 commission during its planning process;

23 (c) Be responsible for state level planning, standards and policy functions;

24 (d) Advise the Legislative Assembly and the Governor concerning possible solutions to
25 problems facing children and families;

26 (e) Identify outcomes relating to children and families for incorporation in the Oregon
27 benchmarks;

28 (f) Determine a list of children's support areas that local commissions must address;

29 (g) Review and approve or deny local plans;

30 (h) Assure that all services for children and families are integrated;

31 (i) Develop an equitable distribution formula for all funds distributed to local commis-
32 sions on children and families;

33 (j) Assure that services are evaluated according to their outcomes;

34 (k) Effective January 1, 1995, recommend to the Legislative Assembly what additional
35 proposals of "A Positive Future for Oregon's Children and Families" by the 1991-1992 Oregon
36 Children's Care Team Interim Task Force should be undertaken; and

37 (L) By January 1, 1998, implement other recommendations of "A Positive Future for
38 Oregon's Children and Families."

39 (4) The state commission, in coordination with the local commissions on children and
40 families, shall:

41 (a) Assist the local commissions in development of criteria for evaluating services and
42 assure that those criteria apply at the local level;

43 (b) Monitor the progress in meeting criteria in the local plans;

44 (c) Provide technical assistance to the local commissions in developing the capacity
45 needed to offer all services funded in the approved local plan;

1 (d) Conduct research and disseminate information to local commissions on children and
2 families;

3 (e) Assure that performance and outcome evaluation occurs at the local level;

4 (f) Negotiate federal waivers in consultation with the Department of Human Resources;

5 (g) Transfer state and federal funds to the local commission upon approval of its local
6 plan; and

7 (h) Develop a process for reviewing requests for waivers from requirements of the state
8 commission. Requests for waivers shall be granted or denied as a part of the plan approval
9 process.

10 (5) The state commission shall employ a staff director who shall be responsible for hiring
11 and supervising any additional personnel necessary to assist the state commission in per-
12 forming its duties. The staff shall be responsible for management functions of the state
13 commission subject to policy direction by the state commission.

14 (6)(a) The State Commission on Children and Families shall enter into an interagency
15 agreement with the Department of Human Resources to authorize the State Commission on
16 Children and Families to:

17 (A) Administer all Title XX Social Services Block Grant funds and Child Care and De-
18 velopment Block Grant funds;

19 (B) Insure that federal and state requirements are met for federal funds administered
20 by the state commission; and

21 (C) Carry out the necessary auditing, monitoring and data processing requirements for
22 federal funds distributed by the state commission;

23 (b) In addition to the authority under subsection (4)(f) of this section, the state com-
24 mission may direct the Department of Human Resources or the appropriate state depart-
25 ment providing services for children and families, as defined in section 30 of this Act, to
26 negotiate federal waivers; and

27 (c) The state commission may determine that it is necessary for the state commission
28 to distribute other federal funds for services to children and families in order to promote the
29 wellness of children in Oregon. In such instances, the state commission shall direct the De-
30 partment of Human Resources to enter into an interagency agreement with the state com-
31 mission to transfer administrative responsibilities.

32 (7) The state commission, as soon as possible, shall reorganize data processing systems
33 currently employed into a more accessible computer-based network.

34 (8) Before each regular session of the Legislative Assembly, the State Commission on
35 Children and Families shall report to the appropriate joint interim committee determined by
36 the Speaker of the House of Representatives and the President of the Senate the following:

37 (a) The status of the children's service system in all counties;

38 (b) The progress in service areas provided by the state;

39 (c) Services identified for funding at or transferred to the local level;

40 (d) Services identified to stay at the state level; and

41 (e) Status of integration of service delivery for children and families with the Department
42 of Education.

43 (9) If it is necessary for any interagency agreements to be executed between the De-
44 partment of Human Resources and the State Office for Services to Children and Families,
45 the agreements shall be executed no later than July 1, 1995.

1 (10) Interagency agreements shall be executed between the Department of Human Re-
2 sources and the state commission by January 1, 1994, to authorize the department to con-
3 tinue to provide those services not provided by the state office until such time as
4 responsibility for those services is transferred to local commissions on children and families.

5 (11) The duties, powers and personnel of the Oregon Community Children and Youth
6 Services Commission are transferred to and vested in the State Commission on Children and
7 Families.

8 SECTION 6. Notwithstanding the term of office specified by section 4 of this Act, of the
9 members first appointed to the State Commission on Children and Families:

10 (1) Six shall serve for terms ending September 30, 1995.

11 (2) Six shall serve for terms ending September 30, 1997.

12 SECTION 7. (1) The State Commission on Children and Families shall select one of its
13 members as chairperson and another as vice chairperson, both of whom shall be lay persons
14 as defined in section 4 (6) of this Act, for such terms and with duties and powers necessary
15 to perform the functions of such offices as the state commission determines.

16 (2) A majority of the members of the state commission constitutes a quorum for the
17 transaction of business.

18 (3) The state commission shall meet once a month for the first year and then at least
19 once every three months at a place, day and hour determined by the state commission. The
20 state commission also shall meet at other times and places specified by the call of the
21 chairperson or of a majority of the members of the commission.

22 SECTION 8. In accordance with applicable provisions of ORS 183.310 to 183.550, the State
23 Commission on Children and Families may adopt rules necessary to administer the duties
24 of the state commission.

25 SECTION 9. (1) To aid and advise the State Commission on Children and Families in the
26 performance of its functions, the state commission may establish such advisory and techni-
27 cal committees as it considers necessary. The state commission shall determine the repre-
28 sentation, membership, terms and organization of the committees and shall appoint the
29 members.

30 (2) Members of committees are not entitled to compensation, but at the discretion of the
31 state commission may be reimbursed from funds available to the state commission for actual
32 and necessary travel and other expenses incurred in the performance of their official duties,
33 subject to ORS 292.495.

34 SECTION 10. The intent of this Act, as described in section 1 of this Act, shall be im-
35 plemented by all state agencies providing services to children and families, as defined in
36 section 30 (1) of this Act, to guide the providing of those services.

37 SECTION 11. (1) Effective July 1, 1995, the State Office for Services to Children and
38 Families is established. The primary responsibility of the state office is to provide child pro-
39 tective services as specified by the Legislative Assembly, but its duties include residential
40 care for children, psychiatric residential and day treatment for children and close custody
41 services.

42 (2) The Director of the State Office for Services to Children and Families shall be ap-
43 pointed by the Governor subject to confirmation by the Senate pursuant to ORS 171.562 and
44 171.565 from among persons well qualified by training and experience to provide the services
45 described in section 28 (1) of this Act.

1 (3) The state director shall hire and supervise qualified personnel required to provide the
2 services described in section 28 (1) of this Act and may contract as necessary with appro-
3 priate public and private providers for such services.

4 (4) The duties and powers of the Children's Services Division in the investigation of child
5 abuse cases are transferred to and vested in the State Office for Services to Children and
6 Families effective July 1, 1995.

7 (5) The Director of the State Office for Services to Children and Families shall oversee
8 the development of standards and procedures for assessment, investigation and enforcement
9 of child protective services.

10 (6) Before July 1, 1995, the Children's Services Division shall take action to separate child
11 protective services from other services in the Children's Services Division and implement the
12 child protective services structure as outlined in this Act and other recommendations in the
13 1992 "Oregon Child Protective Services Performance Study" produced by the University of
14 Southern Maine.

15 (7) Child protective services in the state office shall be structured as follows:

16 (a) Assessment of risk to the child shall be made for purposes of determining the need
17 for the appropriate services. The assessment officer or the multidisciplinary team responsi-
18 ble for conducting the assessment may make one of the following recommendations concern-
19 ing any allegation of child abuse or neglect:

20 (A) No further action is necessary;

21 (B) Family support services are necessary and a family support worker should be as-
22 signed to the family; or

23 (C) Family support services are necessary, a family support worker should be assigned
24 to the family and child protection investigation and enforcement should be commenced by
25 law enforcement officials;

26 (b) The responsibility for the investigation of allegations of abuse and neglect shall rest
27 with law enforcement agencies; and

28 (c) Enforcement shall be the responsibility of law enforcement agencies.

29 (8) Effective July 1, 1995, the state office shall direct and coordinate services to children
30 in the custody of the state by order of the juvenile court, if the services required are those
31 identified in section 28 (1) of this Act. The state office shall work in coordination with the
32 local commission for children and families for the provision of family support services and
33 child protective placement when such services have been placed under the authority of the
34 local commission.

35 (9) On or before July 1, 1995, all federal funds administered by the Department of Human
36 Resources through the Children's Services Division shall be transferred and made available
37 to the State Office for Services to Children and Families.

38 **SECTION 12.** (1) The board of county commissioners of a county or the boards of county
39 commissioners of contiguous counties that agree to appoint a regional commission shall ap-
40 point a chairperson and a minimum of eight members to a local commission on children and
41 families. A majority of the local commission, including the chairperson, shall be lay persons
42 as defined in section 4 (6)(b) of this Act. Appointments to the local commission shall reflect
43 the county's or counties' diverse populations and shall reflect expertise along the full spec-
44 trum of developmental stages of a child, from the prenatal stage through 18 years of age.
45 Members shall include persons who have knowledge of the issues relating to children and

1 families in the affected communities, including education and the court system.

2 (2) Members of the local commission shall be appointed to four-year terms. However, the
3 appointing board or boards of county commissioners shall establish staggered terms for the
4 persons initially appointed to the local commission. A member is eligible to be appointed for
5 not more than two consecutive terms.

6 **SECTION 13.** A staff director for the local commission on children and families shall be
7 appointed by the board or boards of county commissioners in consultation with the local
8 commission on children and families. The staff director shall hire and supervise any other
9 support staff necessary for the operation of the local commission. The staff director shall
10 be supervised by the local commission on children and families. The staff shall be responsible
11 for all management functions of the local commission subject to the local commission's pol-
12 icy direction.

13 **SECTION 14.** (1) The main purpose of the local commission is to promote wellness for the
14 children and families in the county or region and to develop policy and oversee the imple-
15 mentation of the local plan developed to achieve the outcomes outlined in subsection (2) of
16 this section.

17 (2) The local commission shall assess needs and identify county or regional outcomes to
18 be achieved. It shall develop and prepare a comprehensive area-wide service delivery plan for
19 all services to be provided for children and families in the county or region. The local plan
20 shall be designed to achieve state and county or regional outcomes, including the Oregon
21 benchmarks, based on state guidelines.

22 (3) The plan shall include:

23 (a) Prenatal and postnatal screening, assessment and referral to the appropriate services
24 for at-risk children and families, including home visitations and health care, to promote the
25 wellness of the child at the earliest possible time;

26 (b) Crisis nurseries; and

27 (c) Services to children who are newborn through 18 years of age and their families.

28 (4) The plan shall be based on:

29 (a) Children's support areas;

30 (b) Local needs and desired outcomes;

31 (c) Local, state and federal resources;

32 (d) Best practices for the specific community; and

33 (e) Continuation of current public and private services where appropriate.

34 (5) In developing the local comprehensive plan, the local commission shall:

35 (a) Secure the active participation of local and state service providers, educators, courts,
36 representatives of advisory groups and other groups planning for the delivery of services to
37 children and families, consumers, juvenile justice professionals, child and family advocates,
38 business leaders, citizen review boards, churches, culturally diverse populations of the
39 county or region, and other private organizations and citizens;

40 (b) Provide for community participation in the planning process including media notifi-
41 cation;

42 (c) Conduct an assessment of the community that identifies needs and strengths;

43 (d) Identify opportunities for service integration;

44 (e) Develop a comprehensive plan and budget to meet the priority needs of a county or
45 region; and

1 (f) Inform the citizenry about the contents of the plan and provide for public review.

2 (6) The local plan shall be submitted to the board or boards of county commissioners for
3 approval prior to submission to the state commission. Upon approval by the board or boards
4 of county commissioners, the local plan shall be submitted to the State Commission on
5 Children and Families. If the local plan is disapproved by the state commission, it shall be
6 returned to the local commission, with the reasons for the disapproval, for modification. The
7 revised plan shall be resubmitted to the board or boards of county commissioners and, if
8 approved, shall be resubmitted to the state commission.

9 (7) If a local commission determines that the needs of the county or region it serves
10 differ from those identified by the state commission, it may ask the state commission to
11 waive specific requirements in its list of children's support areas. The process for granting
12 waivers shall be developed by the state commission prior to the start of the plan approval
13 process and shall be based primarily on a determination of whether or not the absence of a
14 waiver would prevent the local commission from best meeting the needs of the county or
15 region.

16 (8) The local commission may from time to time amend the local plans and applications
17 for funds to implement this Act upon approval of the board or boards of county commis-
18 sioners and the State Commission on Children and Families.

19 (9) The state commission shall not transfer a state service or funding of a state service
20 to a local commission without approval of its board or boards of county commissioners.

21 (10) The local commission shall develop a procedure that is open and fair for public and
22 private contractors to provide services according to the local plan. A procedure shall be de-
23 veloped to monitor services identified in the local plan. The local commission shall be re-
24 sponsible for developing outcome standards against which programs are to be measured.

25 **SECTION 15.** (1) In order to obtain plan approval, the county or counties under a local
26 commission must not reduce their actual operating expenditures for services to children and
27 families, including funds from all local sources, exclusive of state and federal funds and other
28 short-term special funding, below the level of such expenditures in the fiscal period preceding
29 submission of the plan.

30 (2) If local government property taxes are reduced because of the operation of section
31 11b, Article XI of the Oregon Constitution, or timber tax revenues are reduced significantly,
32 maintenance of effort required by subsection (1) of this section shall be considered to be met
33 if the percentage of property taxes or revenues dedicated to services for children and fami-
34 lies is equal to the percentage of taxes dedicated to the same purpose during the last
35 biennium. However, in case of severe financial hardship demonstrated by a county or coun-
36 ties, the state commission may waive the requirements of this section in approving the local
37 plan.

38 **SECTION 16.** A local commission is the recommended local structure for implementation
39 of this Act. However, a county or counties may elect to offer another structure but shall
40 submit only one local plan. The alternative structure must be approved by the State Com-
41 mission on Children and Families.

42 **SECTION 17.** The appointments required by section 4 of this Act shall be made within
43 90 days after the effective date of this Act. The appointment required by section 11 of this
44 Act shall be made on or before July 1, 1995.

45 **SECTION 18.** (1) On or before January 1, 1994, each local commission on children and

1 families shall be appointed and shall hold an organizational meeting. If the recommended
 2 local structure is an alternative to a local commission as authorized by section 16 of this
 3 Act, the board or boards of county commissioners must propose the alternative structure
 4 to the State Commission on Children and Families by February 1, 1994, so that the structure
 5 may be approved by March 1, 1994.

6 (2) The local plan must be completed and submitted for approval by the state commission
 7 by June 1, 1994. The state commission shall approve or deny each local plan within two
 8 months after it is submitted.

9 **SECTION 19.** ORS 184.007 is amended to read:

10 184.007. In consultation with the Executive Department and the [*Oregon Coordinating Council*
 11 *for Children and Families*] **State Commission on Children and Families**, the Oregon Progress
 12 Board in adopting biennial lead benchmarks shall give priority to benchmarks that have the poten-
 13 tial to yield a high return on human investment, including but not limited to greater worker pro-
 14 ductivity and future monetary savings.

15 **SECTION 20.** ORS 326.051 is amended to read:

16 326.051. [*Subject to ORS 417.300 and 417.305.*]

17 (1) In addition to such other duties as are prescribed by law and pursuant to the requirement
 18 of ORS 183.310 to 183.550, the State Board of Education shall:

19 (a) Establish state standards for public kindergartens and public elementary and secondary
 20 schools, considering first the goals of modern education and the requirements of a sound compre-
 21 hensive curriculum with particular emphasis on establishment of the highest practical scholarship
 22 standards and, in secondary schools, establishment of programs and academic standards necessary
 23 to enable students to attend community colleges, institutions of higher education and vocational and
 24 technical programs and to enter employment both within and without the State of Oregon, and
 25 considering also the health, safety, and scholastic needs of the students, the population, climate,
 26 economy and geography of the school districts and any other factors necessary to the maintenance
 27 of a modern and efficient school system.

28 (b) Adopt rules for the general governance of public kindergartens and public elementary and
 29 secondary schools and public community colleges.

30 (c) Prescribe required or minimum courses of study.

31 (d) Adopt rules regarding school and interscholastic activities in accordance with standards es-
 32 tablished pursuant to ORS 326.058 (1).

33 (e) Adopt rules that provide that no public elementary or secondary school shall discriminate
 34 as to sex, race, marital status, religion or national origin in determining participation in interscho-
 35 lastic activities. Discrimination is as defined in ORS 659.150.

36 (2) The State Board of Education may:

37 (a) Consistent with the laws of this state, accept money or property not otherwise provided for
 38 under paragraph (b) of this subsection, which is donated for the use or benefit of the public
 39 kindergartens and public elementary and secondary schools and public community colleges and use
 40 such money or property for the purpose for which it was donated. Until it is used, the board shall
 41 deposit any money received under this paragraph in a special fund with the State Treasurer as
 42 provided in ORS 293.265 to 293.275.

43 (b) Apply for federal funds and accept and enter into any contracts or agreements in behalf of
 44 the state for the receipt of such funds from the Federal Government or its agencies for educational
 45 purposes, including but not limited to any funds available for the school lunch program, for career

1 education purposes, for vocational educational purposes, for adult education, for manpower programs
2 and any grants available to the state or its political subdivisions for general federal aid for public
3 kindergartens and public elementary and secondary schools and public community colleges and their
4 auxiliary services, improvement of teacher preparation, teacher salaries, construction of school
5 buildings, administration of the Department of Education and any other educational activities under
6 the jurisdiction of the State Board of Education.

7 (c) Administer the state program provided for in Public Law 90-302 (82 Stat. 117).

8 **SECTION 21.** ORS 326.051, as amended by section 2, chapter 474, Oregon Laws 1987, and sec-
9 tion 13, chapter 834, Oregon Laws 1989, is amended to read:

10 326.051. [Subject to ORS 417.300 and 417.305:]

11 (1) In addition to such other duties as are prescribed by law and pursuant to the requirement
12 of ORS 183.310 to 183.550, the State Board of Education shall:

13 (a) Establish state standards for public kindergartens and public elementary and secondary
14 schools, considering first the goals of modern education and the requirements of a sound compre-
15 hensive curriculum with particular emphasis on establishment of the highest practical scholarship
16 standards and, in secondary schools, establishment of programs and academic standards necessary
17 to enable students to attend community colleges, institutions of higher education and vocational and
18 technical programs and to enter employment both within and without the State of Oregon, and
19 considering also the health, safety, and scholastic needs of the students, the population, climate,
20 economy and geography of the school districts and any other factors necessary to the maintenance
21 of a modern and efficient school system.

22 (b) Adopt rules for the general governance of public kindergartens and public elementary and
23 secondary schools and public community colleges.

24 (c) Prescribe required or minimum courses of study.

25 (d) Adopt rules regarding school and interscholastic activities in accordance with standards es-
26 tablished pursuant to ORS 326.058 (1).

27 (e) Adopt rules that provide that no public elementary or secondary school shall discriminate
28 as to sex, race, marital status, religion or national origin in determining participation in interscho-
29 lastic activities. Discrimination is as defined in ORS 659.150.

30 (2) The State Board of Education may:

31 (a) Consistent with the laws of this state, accept money or property not otherwise provided for
32 under paragraph (b) of this subsection, which is donated for the use or benefit of the public
33 kindergartens and public elementary and secondary schools and public community colleges and use
34 such money or property for the purpose for which it was donated. Until it is used, the board shall
35 deposit any money received under this paragraph in a special fund with the State Treasurer as
36 provided in ORS 293.265 to 293.275.

37 (b) Apply for federal funds and accept and enter into any contracts or agreements in behalf of
38 the state for the receipt of such funds from the Federal Government or its agencies for educational
39 purposes, including but not limited to any funds available for the school lunch program, for career
40 education purposes, for vocational educational purposes, for adult education, for manpower programs
41 and any grants available to the state or its political subdivisions for general federal aid for public
42 kindergartens and public elementary and secondary schools and public community colleges and their
43 auxiliary services, improvement of teacher preparation, teacher salaries, construction of school
44 buildings, administration of the Department of Education and any other educational activities under
45 the jurisdiction of the State Board of Education.

1 (c) Administer the state program provided for in Public Law 90-302 (82 Stat. 117).

2 (3) The State Board of Education shall provide a separate, identifiable place on its agenda six
3 times a year for community college issues. The state board may also consider matters affecting
4 community colleges at any regular or special meeting.

5 **SECTION 22.** Nothing in the amendments to ORS 326.051 by section 21 of this Act is in-
6 tended to affect the provisions of section 14, chapter 474, Oregon Laws 1987, as amended by
7 section 8, chapter 757, Oregon Laws 1991.

8 **SECTION 23.** ORS 326.795 is amended to read:

9 326.795. (1) Education and other programs providing services to children and families, *as iden-*
10 *tified in ORS 417.315 (4),* shall:

11 (a) Evaluate the effectiveness of the program as related to the principles stated in ORS 326.715
12 *[and 417.305]* in the earliest stages of the budget process;

13 (b) Articulate ways in which the program is an effective component of agency and state priori-
14 ties, goals and strategies, such as those developed by the Oregon Progress Board, or to relevant
15 research and professional standards;

16 (c) Establish plans, interagency partnerships, implementation practices and interactions with
17 local and private sectors *[required by ORS 417.305 (3)]*;

18 (d) Utilize the information generated by applicable state advisory groups and by the local plan-
19 ning process administered by the *[Oregon Community Children and Youth Services Commission]*
20 **State Commission on Children and Families** in the program assessment of needs and decisions
21 as to service delivery in a given community; and

22 (e) Identify barriers to improving program capability to serve the needs of young children and
23 related recommendations, if any.

24 (2) The processes listed in subsection (1) of this section are for the purpose of generating
25 interagency coordination *[described in ORS 417.305]* so as to serve to the greatest extent possible
26 young children and their families in a comprehensive and developmentally appropriate fashion. The
27 information generated by these processes shall be considered as a contribution to subsequent budget
28 decisions by state and local agencies, the Executive Department and Legislative Assembly, and as
29 a contribution to the planning and coordination tasks of the *[Oregon Coordinating Council for Chil-*
30 *dren and Families]* **State Commission on Children and Families.**

31 **SECTION 24.** ORS 409.410 is amended to read:

32 409.410. (1) The Director of Human Resources shall appoint an Assistant Director for Alcohol
33 and Drug Abuse Programs. The Assistant Director for Alcohol and Drug Abuse Programs shall have
34 full responsibility to administer all alcohol and drug abuse programs, including the funds appropri-
35 ated therefor, that would otherwise be the responsibility of the Mental Health and Developmental
36 Disability Services Division, including but not limited to programs or components of programs de-
37 scribed in ORS 426.450 to 426.470, ORS chapter 430, 475.225, 743.557, 743.558 and ORS chapters 801
38 to 822.

39 (2) *[Subject to ORS 417.300 and 417.305,]* The Assistant Director for Alcohol and Drug Abuse
40 Programs shall:

41 (a) Report to the Legislative Assembly on accomplishments and issues occurring during each
42 biennium, and report on a new biennial plan describing resources, needs and priorities for all alco-
43 hol and drug abuse programs.

44 (b) Develop within the Department of Human Resources priorities for alcohol and drug abuse
45 programs and activities.

1 (c) Monitor the priorities of approved alcohol and drug abuse related programs in all other state
2 agencies.

3 (d) Conduct statewide and special planning processes which provide for participation from state
4 and local agencies, groups and individuals.

5 (e) Identify the needs of special populations including minorities, elderly, youth, women and in-
6 dividuals with disabilities.

7 (f) As appropriate, apply for, receive and administer funds for study or prevention and treatment
8 of alcohol and drug abuse and dependence.

9 (g) Subject to ORS 183.310 to 183.550, adopt such rules as are necessary for the performance of
10 the duties and functions specified by this section, ORS 409.010 and 430.255 to 430.630, or otherwise
11 lawfully delegated.

12 **SECTION 25.** ORS 411.060 is amended to read:

13 411.060. [*Subject to ORS 417.300 and 417.305,*] The Department of Human Resources through the
14 Adult and Family Services Division shall administer and supervise all public assistance programs
15 and adopt and enforce such rules as are necessary to assure full compliance with the terms of fed-
16 eral and state laws.

17 **SECTION 26.** ORS 430.021 is amended to read:

18 430.021. [*Subject to ORS 417.300 and 417.305,*]

19 (1) The Mental Health and Developmental Disability Services Division is responsible for the
20 administration of the state mental health and developmental disabilities programs and the mental
21 health and developmental disabilities laws of the state.

22 (2) The division shall direct, promote, correlate and coordinate all the activities, duties and di-
23 rect services for the mentally or emotionally disturbed, mentally retarded and developmentally dis-
24 abled, alcoholic and drug-dependent persons and for families requiring family support services as
25 described in ORS 417.342 and 417.344; and promote, correlate and coordinate the mental health and
26 developmental disabilities activities of all governmental organizations throughout the state in which
27 there is any direct contact with mental health and developmental disabilities programs.

28 (3) The division shall develop cooperative programs with interested private groups throughout
29 the state to effect better community awareness and action in the field of mental health and devel-
30 opmental disabilities, and encourage and assist in all necessary ways community general hospitals
31 to establish psychiatric services.

32 (4) To the greatest extent possible, the least costly settings for treatment, outpatient services
33 and residential facilities shall be widely available and utilized except when contraindicated because
34 of individual health care needs. State agencies that purchase treatment for mental or emotional
35 disturbances shall develop criteria consistent with this policy in consultation with the Mental
36 Health and Developmental Disability Services Division and the office of the director. In reviewing
37 applications for certificates of need, the director shall take this policy into account.

38 (5) The division shall establish, coordinate, assist and direct a community mental health and
39 developmental disabilities program in cooperation with local government units and integrate such
40 a program with the total state mental and developmental disabilities health program.

41 (6) The division shall promote public education in the state concerning mental health and de-
42 velopmental disabilities and act as the liaison center for work with all interested public and private
43 groups and agencies in the field of mental health and developmental disabilities services.

44 (7) The division shall accept the custody of persons committed to its care by the courts of this
45 state.

1 **SECTION 27.** ORS 431.110 is amended to read:

2 431.110. (1) [Subject to ORS 417.300 and 417.305,] The Health Division shall:

3 (a) Have direct supervision of all matters relating to the preservation of life and health of the
4 people of the state.

5 (b) Keep the vital statistics and other health related statistics of the state.

6 (c) Make sanitary surveys and investigations and inquiries respecting the causes and prevention
7 of diseases, especially of epidemics.

8 (d) Investigate, conduct hearings and issue findings in connection with annexations proposed by
9 cities as provided in ORS 222.840 to 222.915.

10 (e) Have full power in the control of all communicable diseases.

11 (f) Have authority to send a representative of the division to any part of the state when deemed
12 necessary.

13 (g) From time to time, publish and distribute to the public in such form as the division deter-
14 mines, such information as in its judgment may be useful in carrying on the work or purposes for
15 which the division was established.

16 (h) Carry out the duties imposed on the division under ORS chapter 690.

17 (2) Family support services provided by the Health Division shall be delivered in accordance
18 with the principles described in ORS 417.342 and 417.344.

19 **SECTION 28.** (1) Effective July 1, 1995, the Department of Human Resources shall
20 transfer operating responsibility for child protective services, residential care for children,
21 psychiatric residential and day treatment, and close custody services to the State Office for
22 Services to Children and Families.

23 (2) Effective January 1, 1994, the Department of Human Resources shall transfer oper-
24 ating responsibility for all services to children and families other than foster care, adoption
25 and those listed in subsection (1) of this section to the State Commission on Children and
26 Families.

27 (3) The State Commission on Children and Families shall set the goals, policies and
28 standards for residential care for children, close custody and other programs when assigned
29 to the State Office for Services to Children and Families.

30 **SECTION 29.** Effective July 1, 1994, the State Commission on Children and Families shall:

31 (1) Determine when funds for services to children and families not described in section
32 28 (1) of this Act are to be transferred to the local commission. If a local commission with
33 an approved plan requests a transfer, the state commission shall determine whether funds
34 can be transferred.

35 (2) Determine which, if any, services to children and families that are not described in
36 section 28 (1) of this Act are not to be transferred to local commissions but are to remain
37 state responsibilities.

38 **SECTION 30.** (1) As used in this Act, "services for children and families" means those
39 services provided to children and families whose primary focus is the welfare of the child and
40 that are not provided by the Department of Education.

41 (2) The provisions of this Act supersede inconsistent provisions under ORS chapters 109,
42 409, 411, 414, 417, 418, 419, 420, 430, 441, 442 and 443. However, nothing in this Act is intended
43 to alter the relationship between citizen review boards and the juvenile courts.

44 **SECTION 31.** The State Commission on Children and Families shall:

45 (1) Make Student Retention Initiative grants to counties, school districts, education ser-

1 vice districts and other public and private entities to fund student retention initiatives de-
2 signed to identify youths in danger of leaving school before graduation and to assist them in
3 completing their education.

4 (2) Make Great Start grants with the goal of having children reach the first grade with
5 good physical, social, emotional and language development. The state commission shall assist
6 counties in the implementation and operation of Great Start programs for children who are
7 newborn to six years of age including parent support programs, child care and child devel-
8 opment services, physical and mental health promotion and access to services.

9 (3) Assist counties in the implementation and operation of juvenile programs including,
10 but not limited to, programs for delinquency prevention, diversion, detention, shelter care,
11 probation, restitution, family support services and community centers for the care and
12 treatment of juveniles in need of services.

13 SECTION 32. The chief executive officer of each agency whose duties, functions and
14 powers are transferred by this Act to another state officer or agency shall deliver to such
15 other officer or agency all records and property within the jurisdiction of the officer that
16 relate to the duties, functions and powers so transferred, and shall transfer those employees
17 engaged primarily in the exercise of the duties, functions and powers so transferred. The
18 chief executive officer of the state agency to which such delivery and transfer is made shall
19 take possession of such property, and shall take charge of such employees and employ them
20 in the exercise of their duties, functions and powers assigned or transferred by this Act,
21 without reduction of compensation but subject to change or termination of employment or
22 compensation as provided by law. Any dispute as to transfers of property and employees
23 under this section shall be resolved by the Governor, and the Governor's decision is final.

24 SECTION 33. Except as otherwise provided in this Act, all unexpended moneys appropri-
25 ated or otherwise available to a state officer or agency for the purposes of any of its duties,
26 functions or powers transferred by this Act to another state officer or agency are appropri-
27 ated to such other state officer or agency.

28 SECTION 34. Any proceeding, action, prosecution or other business or matter under-
29 taken or commenced before the effective date of this Act by a state officer or agency, with
30 respect to the duties, functions or powers transferred to another state officer or agency by
31 this Act, and still pending on the effective date of this Act, may be conducted and completed
32 by the other state officer or agency in the same manner, under the same terms and condi-
33 tions and with the same effect as though undertaken, conducted or completed by the former
34 state officer or agency before the transfer.

35 SECTION 35. Nothing in this Act relieves any person of any obligation with respect to a
36 tax, fee, fine or other charge, interest, penalty, forfeiture or other liability, duty or obli-
37 gation.

38 SECTION 36. A state officer or agency to which duties, functions and powers are as-
39 signed and transferred by this Act is considered to be a continuation of the former state
40 officer or agency with respect to such duties, functions and powers, and not a new authority,
41 for the purpose of succession to all rights and obligations of the former state officer or
42 agency as constituted at the time of such assignment or transfer, except as otherwise pro-
43 vided by this Act, with the same force and effect as if such duties, functions and powers had
44 not been assigned or transferred.

45 SECTION 37. (1) Whenever, in any law or resolution of the Legislative Assembly or in

1 any rule, document, record or proceeding authorized thereby, reference is made to a state
 2 officer or agency, or employee thereof, whose duties, functions or powers are assigned or
 3 transferred by this Act, except as otherwise provided in this Act such reference is considered
 4 to describe the state officer, agency or employee that by this Act is charged with carrying
 5 out such duties, functions and powers.

6 (2) The lawful rules of state officers and agencies with respect to duties, functions or
 7 powers assigned or transferred by this Act continue in effect until superseded or rescinded
 8 by rules lawfully adopted by the state officer or agency to which was transferred the duty,
 9 function or power to which the rules apply.

10 **SECTION 38.** A transfer of duties, functions, powers, rights, records, property, employees
 11 or moneys by this Act does not become operative until the chief executive officer of the state
 12 agency to which they are transferred has been appointed and has qualified. Until then the
 13 former officer or agency vested therewith shall continue to exercise and perform such duties,
 14 functions, powers and rights, and to have charge of such records, property, employees and
 15 moneys.

16 **SECTION 39.** For the purpose of harmonizing and clarifying statute sections published
 17 in Oregon Revised Statutes, the Legislative Counsel may substitute for words designating
 18 state officers and agencies from which duties, functions or powers are transferred by this
 19 Act, wherever they occur in Oregon Revised Statutes, other words designating the state of-
 20 ficers and agencies to which such duties, functions or powers are transferred.

21 **SECTION 40.** ORS 169.090 is amended to read:

22 169.090. (1) The Director of the Department of Corrections shall publish and distribute a manual
 23 of recommended guidelines for the operation of local correctional facilities and lockups as developed
 24 by a jail standards committee appointed by the director. This manual shall be revised when appro-
 25 priate with consultation and advice of the Oregon Sheriffs Association, the Oregon Association of
 26 Chiefs of Police, Association of Oregon Counties, the League of Oregon Cities and other appropriate
 27 groups and agencies and will be redistributed upon the approval of the Governor.

28 (2) The [*Oregon Community Children and Youth Services Commission*] **State Commission on**
 29 **Children and Families** and the Department of Corrections[, *as provided in ORS 417.490,*] shall de-
 30 velop guidelines pertaining to the operation of juvenile detention facilities, as defined in ORS
 31 169.005 (2). Guidelines shall be revised by the commission and the Department of Corrections,
 32 whenever appropriate. The guidelines shall be included in the manual published and distributed un-
 33 der subsection (1) of this section. However, the [*Oregon Community Children and Youth Services*]
 34 commission may choose to publish and distribute the guidelines independently.

35 **SECTION 41.** ORS 417.610 is amended to read:

36 417.610. (1) In every case involving an abused or neglected child which results in a judicial
 37 proceeding in juvenile court, the court shall appoint a court appointed special advocate. The court
 38 appointed special advocate shall be deemed a party in these proceedings, and in the furtherance
 39 thereof, may be represented by counsel, file pleadings, request hearings, and may subpoena, examine
 40 and cross-examine witnesses. If the court appointed special advocate is represented by counsel,
 41 counsel shall be paid from funds available to the Court Appointed Special Advocate Volunteer Pro-
 42 gram. No funds from the State Indigent Defense Fund or Judicial Department Operating Funds shall
 43 be used for this purpose.

44 (2) Subject to the direction of the court, the duties of the court appointed special advocate shall
 45 be to:

- 1 (a) Investigate all relevant information about the case;
- 2 (b) Advocate for the child, assuring that all relevant facts are brought before the court;
- 3 (c) Facilitate and negotiate to insure that the court, Children's Services Division or State Of-
4 fice for Services to Children and Families, if applicable, and the child's attorney, if any, fulfill
5 their obligations to the child in a timely fashion; and
- 6 (d) Monitor all court orders to insure compliance and to bring to the court's attention any
7 change in circumstances that may require a modification of the court's order.

8 (3) If a juvenile court does not have available to it a CASA Volunteer Program, or a sufficient
9 number of qualified CASA volunteers, the court may, in fulfillment of the requirements of this sec-
10 tion, appoint a juvenile department employee or other suitable person to represent the child's in-
11 terest in court pursuant to ORS 419.494, 419.498 or 419.608.

12 **SECTION 42.** ORS 417.670 is amended to read:

13 417.670. (1) There is created a Court Appointed Special Advocate (CASA) Fund in the General
14 Fund. The fund shall consist of all moneys credited thereto. Moneys appropriated to the Court Ap-
15 pointed Special Advocate Fund by ORS 417.600 to 417.670 and 418.770 may be used only to carry
16 out the purposes of ORS 417.600 to 417.670 and 418.770. The [*Oregon Community Children and Youth*
17 *Services Commission*] **State Commission on Children and Families** may apply for and receive
18 funds from federal and private sources for carrying out the provisions of ORS 417.600 to 417.670 and
19 418.770.

20 (2) The [*Oregon Community Children and Youth Services commission*] **state commission** may
21 expend moneys from the Court Appointed Special Advocate Fund directly or indirectly through
22 contracts or grants for the creation, supervision and operation of Court Appointed Special Advocate
23 Volunteer Programs statewide in accordance with the provisions of ORS 423.310 to 423.350. The
24 [*Oregon Community Children and Youth Services*] commission may also expend moneys from the
25 Court Appointed Special Advocate Fund to pay the reasonable costs of its administration of the
26 Court Appointed Special Advocate Fund. The [*Executive Director of the Oregon Community Children*
27 *and Youth Services*] commission shall adopt rules for carrying out [*the*] its responsibilities [*of the*
28 *commission*] under ORS 417.600 to 417.670 and 418.770.

29 **SECTION 43.** ORS 417.700 is amended to read:

30 417.700. (1) The [*Oregon Progress Board established under chapter 908, Oregon Laws 1989,*] **State**
31 **Commission on Children and Families** shall [*design a program of implementation of*] administer
32 the Individual Children's Development Account Program. The program shall include but not be lim-
33 ited to:

- 34 (a) Eligibility criteria for state participation in the funding of the Individual Children's Devel-
35 opment Accounts, including but not limited to, utilization of a sliding scale based on family income;
- 36 (b) A mechanism for community and business contributions to Individual Children's Development
37 Accounts;
- 38 (c) Proposal for tax incentives for the establishment and maintenance of such accounts; and
- 39 (d) Recommendations regarding account purposes, including but not limited to, the purposes set
40 forth in subsection [(3)] (2) of this section.

41 [(2) *The board shall include the program required by subsection (1) of this section in a report*
42 *prepared for submission to the Sixty-seventh Legislative Assembly together with any proposed legis-*
43 *lation for implementation of the program.*]

44 [(3)] (2) As used in this section, "Individual Children's Development Account Program" means
45 a program established by parents or by the government with parental consent for an Oregon child

1 less than 18 years of age at the time of its establishment that may be used at any age by that child
 2 for one or more of these purposes:

- 3 (a) Securing post-high school education, including but not limited to, community college, four-
 4 year college or university or post-college graduate education;
 5 (b) Securing post-high school job training, including but not limited to, vocational or trade
 6 school;
 7 (c) Purchasing a home for the first time, either alone or with another; or
 8 (d) Capitalizing a business.

9 **SECTION 44.** ORS 418.653 is amended to read:

10 418.653. (1) Subject to the availability of funds therefor, there is created an Oregon Youth
 11 Conservation Corps which shall provide emergency services, public conservation, rehabilitation and
 12 improvement programs. The corps shall be headed by a program director, and shall be administered
 13 through the [*Oregon Community Children and Youth Services Commission as described in ORS*
 14 *417.475*] **State Commission on Children and Families.**

15 (2) Upon implementation of subsection (1) of this section, there shall be created an Oregon
 16 Youth Conservation Corps Advisory Committee to consist of nine members, three to be appointed
 17 by the President of the Senate, three to be appointed by the Speaker of the House of Representatives
 18 and three public members to be appointed by the Governor. No more than one Senator and one
 19 Representative shall be appointed. Members shall receive no compensation for service on the com-
 20 mittee. Members may be removed by the appointing authority. Vacancies shall be filled by the ap-
 21 pointing authority. Members shall serve for a term of three years and may be reappointed for an
 22 additional consecutive term.

23 (3) The advisory committee established under subsection (2) of this section shall advise the
 24 program director on the implementation of ORS 418.650 to 418.663.

25 **SECTION 45.** ORS 418.657 is amended to read:

26 418.657. (1) In consultation with the advisory committee and with the approval of the [*Oregon*
 27 *Community Children and Youth Services Commission*] **State Commission on Children and**
 28 **Families**, the program director shall:

29 (a) Establish eligibility criteria for participants. Such criteria shall not render the program in-
 30 eligible for federal funds. Participants shall be lawful permanent residents of the state.

31 (b) Establish criteria in order to make the required determination that enrollment in the corps
 32 was not the reason that an individual ceased attendance at a secondary school.

33 (c) Assume that application of the eligibility and participation criteria results in enrollment of
 34 at least 75 percent disadvantaged and at-risk youth among the total number of participants.

35 (2) With the approval of the [*Executive Director of the Oregon Community Children and Youth*
 36 *Services*] commission, the program director may take the following actions, including but not limited
 37 to:

38 (a) Applying for and accepting grants or contributions of funds from any public or private
 39 source;

40 (b) Making agreements with any local, state or federal agency to utilize any service, material
 41 or property of any such agency, where such agreements are considered reasonable and necessary;
 42 and

43 (c) Purchasing or contracting for necessary private services, equipment, materials and property
 44 where such are needed to carry out the projects approved for and undertaken by the corps.

45 (3) With the approval of the [*Executive Director of the Oregon Community Children and Youth*

1 Services] commission, the program director may adopt all necessary rules to carry out the purposes
 2 and objectives of the program and to regulate the standards of conduct and other operating guide-
 3 lines for corps members and other personnel.

4 (4) Corps members shall be exempt from the State Personnel Relations Law.

5 **SECTION 46.** ORS 418.658 is amended to read:

6 418.658. (1) The Director of the Oregon Youth Conservation Corps shall establish a separate
 7 program known as the Oregon Community Service Corps. In addition to the established purposes of
 8 the Oregon Youth Conservation Corps, the purpose of the Oregon Community Service Corps is to
 9 promote community service activities throughout the state for a broad cross section of Oregon dis-
 10 advantaged and at-risk youth through programs that also include appropriate educational and job
 11 training opportunities for participants.

12 (2) In addition to projects submitted under ORS 418.660 (1), projects of the Oregon Community
 13 Service Corps may include, but shall not be limited to:

14 (a) Child care services.

15 (b) Elderly and disabled care services.

16 (c) Literacy education programs.

17 (d) Recycling and other waste reduction services.

18 (3) The Oregon Community Service Corps shall offer employment and educational opportunities
 19 of at least three but not more than 12 months' duration for selected participants.

20 (4) Under rules adopted by the program director, participants who successfully complete any
 21 12-month program under this section shall be eligible for \$1,500 in tuition vouchers that can be used
 22 at any vocational or post-secondary educational institution that is qualified to receive assistance
 23 through the State Scholarship Commission.

24 (5) All Oregonians who are at least 16 years of age and under 25 years of age are eligible to
 25 participate in the program. To insure that Oregon Community Service Corps participants represent
 26 a broad cross section of Oregonians, special emphasis shall be given to recruiting high school
 27 dropouts and other disadvantaged and at-risk youth, according to criteria established by the Oregon
 28 Youth Conservation Corps Advisory Committee.

29 (6) To the extent practicable, the program director shall enlist state and federal agencies, local
 30 government, nonprofit organizations, and private businesses, and any combination of such entities,
 31 to act as sponsors for programs administered under this section. Selection of sponsors shall be based
 32 on criteria that include the following:

33 (a) The availability of other resources on a matching basis, including contributions from private
 34 sources, other federal, state and local agencies, and moneys available through the Job Training
 35 Partnership Act (P.L. 97-300, as amended, 29 U.S.C. 1501 et seq.);

36 (b) The provision of related educational and job training programs to participants, including but
 37 not limited to high school and college coursework, General Educational Development test (GED)
 38 equivalency training, project-related education and vocational training;

39 (c) Assurances that proposed projects will not displace existing employees or duplicate existing
 40 private or government programs;

41 (d) Assurances that proposed projects are devoted to the enhancement of the community and are
 42 not based in maintenance activities and that these projects meet an identified need; and

43 (e) Assurances that the proposed projects have been reviewed by the appropriate local [*children*
 44 *and youth services commission established under ORS 417.445*] **commission on children and fami-**
 45 **lies established under section 12 of this 1993 Act.**

1 (7) In consultation with the advisory committee and with the approval of the local [*children and*
2 *youth services*] commission, the program director shall make grants for programs administered under
3 this section.

4 **SECTION 47.** ORS 418.660 is amended to read:

5 418.660. (1) The program established under ORS 418.650 to 418.663 may include, but shall not
6 be limited to, projects such as:

7 (a) Rangeland conservation, rehabilitation and improvement;

8 (b) Endangered species and other wildlife habitat conservation, rehabilitation and improvement;

9 (c) Urban revitalization;

10 (d) Historical and cultural site preservation and maintenance;

11 (e) Recreational area development, maintenance, improvement and beautification;

12 (f) Road and trail maintenance and improvement;

13 (g) Soil conservation work, including erosion control;

14 (h) Flood, drought and storm damage assistance and relief;

15 (i) Stream, lake, waterfront harbor and port improvement and pollution control;

16 (j) Fish culture and habitat maintenance and improvement;

17 (k) Insect, disease, rodent and other pestilence control;

18 (L) Improvement of abandoned railroad land and right of way;

19 (m) Land reclamation and improvement, including strip-mined lands, public landscape work and
20 tree planting programs;

21 (n) Energy conservation projects including assistance in the performance of energy efficiency
22 audits, weatherization and renewable resource enhancement;

23 (o) Emergency assistance in times of natural or other disaster; and

24 (p) Recycling projects.

25 (2) In consultation with the advisory committee and with the approval of the local [*children and*
26 *youth services commission*] **commission on children and families established under section 12**
27 **of this 1993 Act**, the program director shall assure that projects selected under ORS 418.650 to
28 418.663 shall be consistent with all other provisions of applicable state and federal law relating to
29 the management, oversight and administration of affected public lands.

30 **SECTION 48.** ORS 420.017 is amended to read:

31 420.017. (1) The Children's Services Division or the State Office for Services to Children and
32 Families shall develop annually a plan for diversion of delinquent youth from commitment to the
33 juvenile training schools to alternative community services.

34 (2) In consultation with the local [*juvenile services*] commissions on children and families es-
35 tablished under [*ORS 417.445*] **section 12 of this 1993 Act**, the juvenile courts shall develop a plan
36 for services needed to divert the commitment of youth from the juvenile training schools, and how
37 these services are to be administered if funds are provided. Following review and comment by local
38 [*juvenile services*] commissions, the plan shall be submitted to the Juvenile Corrections Council. The
39 plan must be approved in the form of a resolution by the governing body of the appropriate county
40 and of a letter of concurrence from the presiding judge of the juvenile court having jurisdiction in
41 juvenile cases.

42 (3) The division or the office shall develop a statewide diversion plan after taking the local
43 juvenile courts plans into consideration and consulting with the Juvenile Corrections Council.

44 **SECTION 49.** ORS 326.615 is amended to read:

45 326.615. The Department of Education and the Office of Community College Services shall es-

1 establish an advisory committee composed of interested parents and representatives from the [Child-
2 dren's Services Division] State Commission on Children and Families, health care profession,
3 early childhood education and development staff preparation programs, Oregon Head Start Associ-
4 ation, school districts, community colleges, Early Intervention Council, child care and other organ-
5 izations as considered necessary by the department and the Office of Community College Services
6 to assist with the establishment of the approved Oregon prekindergarten and parent-as-teacher pro-
7 grams.

8 **SECTION 50.** ORS 336.168 is amended to read:

9 336.168. (1)(a) Notwithstanding ORS 336.165, no district school board shall require tuition for
10 courses not part of the regular school program, except for driver instruction, from a pupil who is
11 a member of a low-income family in an amount in excess of what the low-income family may receive
12 as money specifically to be used for payment of such tuition.

13 (b) As used in this subsection, "low-income family" means a family whose children qualify for
14 free or reduced price school meals under the federal lunch program, including but not limited to the
15 National School Lunch Act and the Child Nutrition Act of 1966, and all their subsequent amend-
16 ments.

17 (2) A family that does not qualify under subsection (1) of this section but believes the payment
18 of school tuition is a severe hardship may request the district school board to waive in whole or in
19 part the payment of such tuition.

20 (3) Any parent or guardian who believes that payment of any fee authorized under ORS 339.155
21 is a severe hardship may request the district school board to waive payment of the fee and the board
22 shall waive in whole or in part the fee upon a finding of hardship. Consideration shall be given to
23 any funds specifically available to the parent, guardian or child for the payment of fees or other
24 school expenses.

25 (4) No district school board shall impose or collect fees authorized under ORS 339.155 from any
26 student who is a ward of a juvenile court or of the Children's Services Division or the State Office
27 for Services to Children and Families unless funds are available therefor in the court's, office's
28 or [the] division's budget.

29 (5) No district school board is required to waive any fee imposed under ORS 339.155 (5)(a) or (d).

30 **SECTION 51.** ORS 339.195 is amended to read:

31 339.195. (1) Every child at a youth care center, as defined in ORS 420.855, which is operated by
32 a private agency, is entitled to receive appropriate education suited to the needs of the child in the
33 least restrictive environment in which the child can function until the child is no longer of com-
34 pulsory school age or receives a high school diploma or an equivalent.

35 (2) The district shall develop an educational plan for the children in the youth care center in
36 consultation with the director of the center. The plan shall be submitted to the Department of Ed-
37 ucation annually. In the second and subsequent years, the district also shall report on the operation
38 of the previous year's plan in such detail as the State Board of Education shall specify by rule.

39 (3) Payments from the Department of Education from funds appropriated specifically for this
40 section shall be distributed on a per capita basis according to the number of children for whom the
41 Children's Services Division or the State Office for Services to Children and Families contracts
42 for care and rehabilitation under ORS 420.855 to 420.885.

43 (4) In order to be eligible for any funds under subsection (3) of this section, an attending district
44 must provide education leading to a diploma or equivalent.

45 (5) The Superintendent of Public Instruction shall have the authority to enforce the provisions

1 of ORS 339.175 to 339.195. If a district fails to comply, the superintendent shall find the district de-
 2 ficient and shall apply the penalty provided in ORS 327.103.

3 (6) The State Board of Education shall adopt rules to implement this section.

4 (7) Nothing in this section limits or otherwise applies to educational rights of children in youth
 5 care centers operated by public agencies.

6 **SECTION 52.** ORS 339.505 is amended to read:

7 339.505. (1) For purposes of the student accounting system required by ORS 339.515, the follow-
 8 ing definitions shall be used:

9 (a) "Graduate" means an individual who has not reached 21 years of age or whose 21st birthday
 10 occurs during the current school year; has met all state requirements and local requirements for
 11 attendance, competence and units of credit for high school; and has received one of the following:

12 (A) A high school diploma issued by a school district.

13 (B) An adult high school diploma issued by an authorized community college.

14 (C) A modified high school diploma based on the successful completion of an individual educa-
 15 tion plan.

16 (b) "School dropout" means an individual who:

17 (A) Has enrolled for the current school year, or was enrolled in the previous school year and
 18 did not attend during the current school year;

19 (B) Is not a high school graduate; and

20 (C) Has withdrawn from school.

21 (c) "School dropout" does not include a student described by at least one of the following:

22 (A) Student has transferred to another educational system or institution that leads to graduation
 23 and the school district has received a written request for the transfer of the student's records or
 24 transcripts.

25 (B) Student is deceased.

26 (C) Student is participating in home instruction paid for by the district.

27 (D) Student is being taught by a private teacher or parent pursuant to ORS 339.030 (3).

28 (E) Student is participating in a Department of Education approved public or private education
 29 program, including an alternative education program, a Department of Human Resources facility or
 30 a hospital education program.

31 (F) Student is temporarily residing in a juvenile detention facility or a Children's Services Di-
 32 vision or State Office for Services to Children and Families certified shelter care program.

33 (G) Student is enrolled in a foreign exchange program.

34 (H) Student is temporarily absent from school because of suspension, a family emergency, or
 35 severe health or medical problems which prohibit the student from attending school.

36 (2) The State Board of Education shall prescribe by rule when an unexplained absence becomes
 37 withdrawal, when a student is considered enrolled in school, acceptable alternative programs under
 38 ORS 339.605 to 339.640 and the standards for excused absences for purposes of ORS 339.065 for
 39 family emergencies and health and medical problems.

40 **SECTION 53.** ORS 336.435 is amended to read:

41 336.435. (1) The Department of Education shall administer the Early Childhood Improvement
 42 Program to assist public school districts in providing programs designed to improve educational
 43 services for children enrolled in grades kindergarten through three. Programs shall be based on re-
 44 search and proven successful practices in programs such as Head Start. The department shall eval-
 45 uate the programs which receive grants under ORS 326.705 to 326.835, 327.006, 327.103, 335.125,

1 335.140 to 335.180, 336.157, 336.435, 336.437, 336.557, 336.705, 336.730, 336.745, 339.115, 342.017 and
2 343.415 and report the results of the evaluation to the Legislative Assembly.

3 (2) The programs shall include the following planned components:

4 (a) Targeted services for "at-risk" children and families, which may include but are not limited
5 to remedial and alternative academic programs, child care, parent participation and child develop-
6 ment services.

7 (b) Efforts to improve the kindergarten through third grade curriculum and educational prac-
8 tices so that they:

9 (A) Are consistent with research findings on how children learn;

10 (B) Are sensitive to individual differences such as cultural background and learning styles; and

11 (C) Encourage parent participation. Such efforts may include but are not limited to adapting
12 curricula and training administrators and other staff in early childhood education and child devel-
13 opment.

14 (c) Comprehensive education, health care and social services for children to be provided through
15 interagency agreements among school districts, health care and social service providers.

16 (d) Evaluation of programs by goals set by the district for the program.

17 (e) Planned transition from prekindergarten programs to grades kindergarten through three.

18 (3) In addition to the components listed in subsection (4) of this section, Early Childhood Im-
19 provement Programs may include but are not limited to the following components:

20 (a) Extended day services for school age children who need care or enrichment opportunities;
21 and

22 (b) Programs designed to improve the adult to child ratios in grades kindergarten to three.

23 (4) The district application shall include:

24 (a) Plans developed by 21st Century Schools Councils at the school building level as described
25 in ORS 336.745; and

26 (b) Demonstrated consistency with the local assessments and plans resulting from this 1993 Act
27 [*the juvenile program planning described in ORS 417.415*].

28 (5) Public school districts or consortia of such districts with education service districts are eli-
29 gible to receive funds under ORS 326.705 to 326.835, 327.006, 327.103, 335.125, 335.140 to 335.180,
30 336.157, 336.435, 336.437, 336.557, 336.705, 336.730, 336.745, 339.115, 342.017 and 343.415. Funds shall
31 be available to districts with approved applications on a per child basis for the district's children
32 enrolled in kindergarten through grade three. Funds not allocated shall be prorated to the districts
33 with approved applications not later than the end of the fiscal year for which the allocation is made.

34 (6) If the district plan proposes use of innovative instructional materials, the State Board of
35 Education, pursuant to ORS 337.050, may waive the use of such instructional materials as might
36 otherwise have been required.

37 **SECTION 54.** (1) ORS 417.300, 417.305, 417.310, 417.315, 417.320, 417.325, 417.330, 417.335,
38 417.364, 417.406, 417.405, 417.410, 417.415, 417.420, 417.425, 417.430, 417.435, 417.440, 417.445,
39 417.455, 417.475, 417.480, 417.485, 417.490, 417.500, 417.510 and 417.672 are repealed on the ef-
40 fective date of this Act.

41 (2) ORS 409.210, 409.620 and 409.630 are repealed on July 1, 1995.

42 **SECTION 55.** This Act being necessary for the immediate preservation of the public
43 peace, health and safety, an emergency is declared to exist; and this Act takes effect on its
44 passage.

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