

SB 574 -1 STAFF MEASURE SUMMARY

Senate Committee On Human Services

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Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 2/20, 3/1

WHAT THE MEASURE DOES:

Restricts use of public funds for out-of-state residential placement of a student in a public or private program or facility unless they have entered into a contract with the Oregon Department of Education and are licensed by the Oregon Department of Human Services. Exempts programs designated as state schools for the deaf or the blind from restrictions. Directs the Department of Education to adopt rules describing the requirements of said contracts. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Residential placement for children sent across state lines
- Effective date of bill
- Number of children affected by out-of-state school placement

EFFECT OF AMENDMENT:

-1 Permits a school district to use public funds to place a student of any age in an out-of-state child-caring agency only if the agency is licensed by the Department of Human Services and is in a contract with the school district. Specifies requirements of contract. Permits DHS to charge school districts for the costs for oversight of an out-of-state child-caring agencies.

BACKGROUND:

The Oregon Department of Education (ODE) contracts with local educational agencies to provide education programs for students who have been placed by other state agencies, school districts, or private placement in day and residential treatment facilities. These educational programs are designed to serve children who require schooling in a protected environment in order to protect the health and safety of themselves and/or others and allow the treatment process to extend into the school day.

Oregon Law (ORS 418.321) allows the Department of Human Services (DHS) to place a child in an out-of-state child-caring agency only if the agency is licensed by the department, has a current contract with the department, and satisfies the same requirements as the agency was located in Oregon. Senate Bill 1605 (2020 1st Special Session) allowed DHS to make placements of children or youth in child-caring agencies outside of Oregon if the placement complies with Oregon requirements, if DHS has a contract with the child-caring agency, and if such contract meets specified requirements. Current Oregon law requires that DHS ensure all in-state resources have been exhausted prior to the placement and requires DHS to accompany children and youth when they are placed in or moved to a child-caring agency outside of Oregon. DHS must notify the placement authorities of any other state retaining jurisdiction of children in child-caring agencies in Oregon upon awareness of a report of suspected child abuse, and to commence an investigation of a report of suspected abuse if the reported abuse occurred in Oregon or in an out-of-state child-caring agency with Oregon children.

Senate Bill 574 would prohibit use of public funds for out-of-state residential placement of students in programs that are not licensed by DHS and in contract with ODE.