

SB 574 A STAFF MEASURE SUMMARY

House Committee On Early Childhood and Human Services

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Meeting Dates: 4/24, 5/8

WHAT THE MEASURE DOES:

Permits school district to use public funds to place student of any age in out-of-state child-caring agency only if the agency is licensed by Department of Human Services (DHS) and has a contract with the school district that satisfies certain requirements. Requires school district to review contract with out-of-state child-caring agency prior to placement of student. Exempts placements in state schools for the deaf or blind. Authorizes DHS to charge school districts for the costs for licensing, investigation, and oversight of out-of-state child-caring agencies. Applies to placements made on or after effective date. Declares emergency, effective on passage.

REVENUE: No revenue impact

FISCAL: Fiscal impact issued

SENATE VOTE: Ayes, 18; Nays, 11; Excused, 1

ISSUES DISCUSSED:

- Licensure requirements for out-of-state child-caring agencies
- Placements of students in out-of-state programs by school districts
- Number of students affected
- Effect of emergency clause
- Involvement of parents and individualized Education Plan (IEP) team
- Unique needs of students
- Requirements under Individuals with Disabilities Education Act (IDEA)
- Use of public funds by school districts

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In 1975, Oregon enacted the Interstate Compact on the Placement of Children, which governs placements of children who are wards of a state in order to facilitate unification or reunification with their families, adoptions, guardianships, or other placements that would be in their best interests. Under the compact, a state retains jurisdiction over a child who is sent to another state until the child is adopted, reaches adulthood, or is otherwise discharged from the state's authority. Oregon law 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 that was located in Oregon (ORS 418.321). 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, DHS has a contract with the child-caring agency, and the contract meets specified requirements. Current Oregon law requires that DHS ensure all in-state resources have been exhausted prior to the placement and requires the agency 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.

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Under the federal Individuals with Disabilities Education Act (IDEA), school districts are required to provide a free and appropriate public education (FAPE) to all enrolled students, including students with disabilities who may require special education. In some cases, the district may opt to place the student in a residential program that is outside of the state's borders, while still retaining responsibility for the student's FAPE.

Senate Bill 574 A prohibits school districts from using public funds for out-of-state residential placement of students in programs that are not licensed by DHS and creates requirements that are comparable to placements made by DHS.