

## CHAPTER 37

AN ACT

HB 4165

Relating to children; creating new provisions; amending ORS 131A.360, 131A.365, 169.090, 181.715, 181.725, 182.515, 315.259, 329.145, 329.150, 329.155, 329.156, 329.175, 329.190, 329.195, 343.475, 343.495, 343.499, 343.507, 357.750, 417.705, 417.710, 417.725, 417.727, 417.728, 417.760, 417.765, 417.775, 417.777, 417.780, 417.785, 417.787, 417.788, 417.790, 417.793, 417.795, 417.797, 417.799, 417.845, 417.850, 417.855, 417.857, 418.751, 418.975, 419A.170, 419B.005, 419C.453, 420.017, 423.565, 430.241, 430.242, 430.420, 430.630, 431.385, 458.525, 609.652, 657A.010, 657A.180, 657A.310, 657A.490, 657A.700, 657A.992 and 805.205 and section 16, chapter 418, Oregon Laws 2011, and sections 4, 10 and 11, chapter 519, Oregon Laws 2011; repealing ORS 417.730, 417.733, 417.735, 417.740, 417.745, 417.747, 417.750, 417.760, 417.765, 417.770, 417.775, 417.777, 417.780, 417.785, 417.787, 417.797, 417.830, 417.833, 417.836, 417.839, 417.842, 417.845, 419A.047, 657A.600, 657A.610, 657A.620, 657A.630 and 657A.640; appropriating money; limiting expenditures; and declaring an emergency.

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

## EARLY LEARNING COUNCIL

**SECTION 1.** Section 10, chapter 519, Oregon Laws 2011, is amended to read:

**Sec. 10.** [Sections 1 to 7 of this 2011 Act] Sections 1, 2, 3, 5, 6 and 7, chapter 519, Oregon Laws 2011, are repealed on March 15, 2016.

**SECTION 2.** Section 11, chapter 519, Oregon Laws 2011, is amended to read:

**Sec. 11.** (1) On March 15, 2016, the Chief Education Officer of the Oregon Education Investment Board shall deliver to the Chancellor of the Oregon University System all records and property within the jurisdiction of the Chief Education Officer that relate to the duties, functions and powers of the Oregon Education Investment Board. The Chancellor of the Oregon University System shall take possession of the records and property.

(2) On March 15, 2016, the [Early Childhood System Director] **Chief Education Officer** shall deliver to the [Superintendent of Public Instruction] **Early Learning System Director** all records and property within the jurisdiction of the [Early Childhood System Director] **Chief Education Officer** that relate to the duties, functions and powers of the Early Learning Council. The [Superintendent of Public Instruction] **Early Learning System Director** shall take possession of the records and property.

(3) The Governor shall resolve any dispute between the Chief Education Officer and the Chancellor of the Oregon University System, or the

**Chief Education Officer and the Early [Childhood] Learning System Director [and the Superintendent of Public Instruction]**, relating to transfers of records and property under this section, and the Governor's decision is final.

**SECTION 3.** Section 4, chapter 519, Oregon Laws 2011, is amended to read:

**Sec. 4.** (1) The Early Learning Council is established. The council shall function under the direction and control of the Oregon Education Investment Board established by section 1 [of this 2011 Act], **chapter 519, Oregon Laws 2011.**

(2) The council is established [for the purpose of assisting] **to assist** the board in overseeing a unified system of early [childhood services, including the funding and administration of those services.] **learning services for the purpose of ensuring that children enter school ready to learn. The Early Learning Council shall ensure that children enter school ready to learn by:**

(a) **Serving as the state advisory council for purposes of the federal Head Start Act, as provided by section 7 of this 2012 Act.**

(b) **Implementing and overseeing a system that coordinates the delivery of early learning services.**

(c) **Overseeing the Oregon Early Learning System created by ORS 417.727.**

(3)[(a)] The council consists of **members appointed as provided by subsections (4) and (5) of this section.**

(4)(a) **The Governor shall appoint nine voting members who are appointed [by the Governor] for a term of four years and serve at the pleasure of the Governor. A person appointed under this subsection may not be appointed to serve more than two consecutive full terms as a council member.**

(b) When determining [who] **whom** to appoint to the council **under this subsection**, the Governor shall:

(A) Ensure that at least one of the members is an appointed member of the Oregon Education Investment Board;

(B) Ensure that each congressional district of this state is represented [by at least one member of the council];

(C) For a member who is not an appointed member of the Oregon Education Investment Board, ensure that the member meets the following qualifications:

(i) Demonstrates leadership skills in civics or the member's profession;

(ii) To the greatest extent practicable, contributes to the council's representation of the geographic, ethnic, gender, racial and economic diversity of this state; and

(iii) Contributes to the council's expertise, knowledge and experience in early childhood development, early childhood care, early childhood education, family financial stability, populations disproportionately burdened by poor education outcomes and outcome-based best practices; and

(D) Solicit recommendations from the Speaker of the House of Representatives for at least two members and from the President of the Senate for at least two members.

**(5) In addition to the members appointed under subsection (4) of this section, the Governor shall appoint voting, ex officio members who represent the state agencies and other entities that are required to be represented on a state advisory council for purposes of the federal Head Start Act and who represent the tribes of this state.**

*[(4)]* **(6)** The activities of the council shall be directed and supervised by the Early *[Childhood]* Learning System Director, who is appointed by the Governor and serves at the pleasure of the Governor.

**(7) In accordance with applicable provisions of ORS chapter 183, the council may adopt rules necessary for the administration of the laws that the council is charged with administering.**

**SECTION 4. Notwithstanding section 4 (4), chapter 519, Oregon Laws 2011, the members serving on the Early Learning Council on the effective date of this 2012 Act shall determine by lot the length of their terms such that:**

**(1) Four shall serve a term expiring on July 1, 2014; and**

**(2) Five shall serve a term expiring on July 1, 2015.**

**SECTION 5.** Section 4, chapter 519, Oregon Laws 2011, as amended by section 3 of this 2012 Act, is amended to read:

**Sec. 4.** (1) The Early Learning Council is established. *[The council shall function under the direction and control of the Oregon Education Investment Board established by section 1, chapter 519, Oregon Laws 2011.]*

(2) The council is established to *[assist the board in overseeing]* **oversee** a unified system of early learning services for the purpose of ensuring that children enter school ready to learn. The Early Learning Council shall ensure that children enter school ready to learn by:

(a) Serving as the state advisory council for purposes of the federal Head Start Act, as provided by section 7 of this 2012 Act.

(b) Implementing and overseeing a system that coordinates the delivery of early learning services.

(c) Overseeing the Oregon Early Learning System created by ORS 417.727.

(3) The council consists of members appointed as provided by subsections (4) and (5) of this section.

(4)(a) The Governor shall appoint nine voting members who are appointed for a term of four years and serve at the pleasure of the Governor. A person appointed under this subsection may not be appointed to serve more than two consecutive full terms as a council member.

(b) When determining whom to appoint to the council under this subsection, the Governor shall:

*[(A) Ensure that at least one of the members is an appointed member of the Oregon Education Investment Board;]*

*[(B)]* **(A)** Ensure that each congressional district of this state is represented;

*[(C)]* **(B)** *[For a member who is not an appointed member of the Oregon Education Investment Board,]* Ensure that *[the]* **each** member meets the following qualifications:

(i) Demonstrates leadership skills in civics or the member's profession;

(ii) To the greatest extent practicable, contributes to the council's representation of the geographic, ethnic, gender, racial and economic diversity of this state; and

(iii) Contributes to the council's expertise, knowledge and experience in early childhood development, early childhood care, early childhood education, family financial stability, populations disproportionately burdened by poor education outcomes and outcome-based best practices; and

*[(D)]* **(C)** Solicit recommendations from the Speaker of the House of Representatives for at least two members and from the President of the Senate for at least two members.

(5) In addition to the members appointed under subsection (4) of this section, the Governor shall appoint voting, ex officio members who represent the state agencies and other entities that are required to be represented on a state advisory council for purposes of the federal Head Start Act and who represent the tribes of this state.

(6) The activities of the council shall be directed and supervised by the Early Learning System Director, who is appointed by the Governor and serves at the pleasure of the Governor.

(7) In accordance with applicable provisions of ORS chapter 183, the council may adopt rules necessary for the administration of the laws that the council is charged with administering.

**SECTION 6. The amendments to section 4, chapter 519, Oregon Laws 2011, by section 5 of this 2012 Act become operative on March 15, 2016.**

**SECTION 7. (1) As the state advisory council for purposes of the federal Head Start Act, the Early Learning Council shall:**

**(a) Conduct a periodic statewide needs assessment concerning the quality and availability of early childhood education and development programs and services for children from birth to school age, including an assessment of the availability of high-quality prekindergarten services for low-income children in this state.**

**(b) Identify opportunities for, and barriers to, collaboration and coordination among federally-funded and state-funded child care and early childhood education and development programs and services, including collaboration and coordination among state agencies responsible for administering those programs and services.**

(c) **Develop recommendations for increasing the overall participation of children in existing federal, state and local early childhood education and development programs and services, including outreach to underrepresented and special populations.**

(d) **Develop recommendations for establishing a unified data collection system for public early childhood education and development programs and services throughout this state.**

(e) **Develop recommendations regarding statewide professional development and career advancement plans for providers of early childhood education and development programs and services in this state.**

(f) **Assess the capacity and effectiveness of two-year and four-year public and private institutions of higher education in this state in supporting the development of early childhood educators, including the extent to which the institutions have articulation agreements, professional development and career advancement plans, and internships or other training opportunities that allow students to spend time with children enrolled in the federal Head Start program or another prekindergarten program. The assessment conducted under this paragraph must be conducted in coordination with appropriate higher education governance bodies, as identified by the Oregon Education Investment Board.**

(g) **Make recommendations for improvements in state early learning standards and undertake efforts to develop high-quality comprehensive early learning standards when appropriate.**

(2) **The council shall hold public hearings and provide an opportunity for public comment in relation to the actions described in subsection (1) of this section.**

(3)(a) **The council shall submit an annual statewide strategic report addressing the activities described in subsection (1) of this section to the State Director of Head Start Collaboration, the Oregon Education Investment Board, the Legislative Assembly and the Governor.**

(b) **Following submission of a statewide strategic report described in paragraph (a) of this subsection, the council may meet periodically to review the implementation of the recommendations in the report and to review any changes in state or local needs.**

**SECTION 8.** Section 7 of this 2012 Act is amended to read:

**Sec. 7.** (1) As the state advisory council for purposes of the federal Head Start Act, the Early Learning Council shall:

(a) Conduct a periodic statewide needs assessment concerning the quality and availability of early childhood education and development programs and

services for children from birth to school age, including an assessment of the availability of high-quality prekindergarten services for low-income children in this state.

(b) Identify opportunities for, and barriers to, collaboration and coordination among federally-funded and state-funded child care and early childhood education and development programs and services, including collaboration and coordination among state agencies responsible for administering those programs and services.

(c) Develop recommendations for increasing the overall participation of children in existing federal, state and local early childhood education and development programs and services, including outreach to underrepresented and special populations.

(d) Develop recommendations for establishing a unified data collection system for public early childhood education and development programs and services throughout this state.

(e) Develop recommendations regarding statewide professional development and career advancement plans for providers of early childhood education and development programs and services in this state.

(f) Assess the capacity and effectiveness of two-year and four-year public and private institutions of higher education in this state in supporting the development of early childhood educators, including the extent to which the institutions have articulation agreements, professional development and career advancement plans, and internships or other training opportunities that allow students to spend time with children enrolled in the federal Head Start program or another prekindergarten program. The assessment conducted under this paragraph must be conducted in coordination with appropriate higher education governance bodies[, *as identified by the Oregon Education Investment Board*].

(g) Make recommendations for improvements in state early learning standards and undertake efforts to develop high-quality comprehensive early learning standards when appropriate.

(2) The council shall hold public hearings and provide an opportunity for public comment in relation to the actions described in subsection (1) of this section.

(3)(a) The council shall submit an annual statewide strategic report addressing the activities described in subsection (1) of this section to the State Director of Head Start Collaboration, [*the Oregon Education Investment Board,*] the Legislative Assembly and the Governor.

(b) Following submission of a statewide strategic report described in paragraph (a) of this subsection, the council may meet periodically to review the implementation of the recommendations in the report and to review any changes in state or local needs.

**SECTION 9. The amendments to section 7 of this 2012 Act by section 8 of this 2012 Act become operative March 15, 2016.**

**SECTION 10.** (1) The Early Learning Council Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Early Learning Council Fund shall be credited to the fund.

(2) Moneys in the Early Learning Council Fund consist of:

(a) Amounts donated to the fund;

(b) Moneys transferred to the fund from the federal government, state agencies and local governments;

(c) Amounts appropriated or otherwise transferred to the fund by the Legislative Assembly;

(d) Investment earnings received on moneys in the fund; and

(e) Other amounts deposited in the fund from any source.

(3) Moneys in the fund are continuously appropriated to the Early Learning Council established in section 4, chapter 519, Oregon Laws 2011, for the purpose of fulfilling the council's duties, functions and powers.

(4) The council may establish accounts and subaccounts within the fund when the council determines that accounts or subaccounts are necessary or desirable and may credit any interest or income derived from moneys in the fund to any account or subaccount in the fund.

**SECTION 11.** By September 30, 2012, the Early Learning Council established by section 4, chapter 519, Oregon Laws 2011, and the State Interagency Coordinating Council created by ORS 343.499 shall jointly submit a report to the Oregon Education Investment Board and the interim committees of the Legislative Assembly on education and human services. The report shall describe the unique complexities of providing early childhood special education and early intervention services and shall make recommendations for possible ways to better coordinate and improve the delivery of those services. In developing the report described in this section, the councils shall conduct a public and transparent process and shall solicit and consider the input of stakeholders and interested persons.

**SECTION 12.** (1) By September 30, 2012, the Early Learning Council established by section 4, chapter 519, Oregon Laws 2011, shall submit a report to the Oregon Education Investment Board and the interim committees of the Legislative Assembly on education and human services. The report shall describe a comprehensive children's budget for adequately funding early childhood education and development programs and services and that may be used to design a budget for early childhood education and development programs and services for the 2013-2015 biennium. The budget set forth in the report shall include an analysis for maximizing:

(a) Existing evidence-based programs and services serving at-risk children; and

(b) Existing programs and services that facilitate early childhood development by supporting the financial stability of low-income families.

(2) In developing the report described in this section, the council shall conduct a public and transparent process and shall solicit and consider the input of stakeholders and interested persons.

(3) As used in this section:

(a) "At-risk child" means a child who is at risk of not entering school ready to learn due to factors, including but not limited to:

(A) Living in a household that is at or near poverty, as determined under federal poverty guidelines;

(B) Living in inadequate or unsafe housing;

(C) Having inadequate nutrition;

(D) Living in a household where there is significant or documented domestic conflict, disruption or violence;

(E) Having a parent who suffers from mental illness, who engages in substance abuse or who experiences a developmental disability or an intellectual disability;

(F) Living in circumstances under which there is neglectful or abusive care-giving;

(G) Having unmet health care and medical treatment needs; and

(H) Having a racial or ethnic minority status that is historically consistent with disproportionate overrepresentation in academic achievement gaps or in the systems of child welfare, foster care or juvenile or adult corrections.

(b) "Comprehensive children's budget" means a budget for the total amount identified by the Early Learning Council as being necessary to deliver, manage and coordinate quality early childhood education and development programs and services for children to ensure that children enter school ready to learn.

(c) "Early childhood education and development programs and services" means programs and services for children zero through six years of age that address language and literacy development, cognition and general knowledge, learning approaches, physical health and well-being, motor development and social and emotional development.

**SECTION 13.** By September 30, 2012, the Early Learning Council established by section 4, chapter 519, Oregon Laws 2011, shall submit a report to the Oregon Education Investment Board and the interim committees of the Legislative Assembly on education and human services that describes the availability, resources and functions of persons who act as family support managers, as described in section 5 (3)(b), chapter 519, Oregon Laws 2011. In developing the report described in this section, the council shall conduct a public and transparent process

and shall solicit and consider the input of stakeholders and interested persons.

**SECTION 14.** (1) The Early Learning Council established by section 4, chapter 519, Oregon Laws 2011, and the Department of Education shall jointly develop a process that allows for an assessment of children to determine their readiness for kindergarten. The development of the process must include the input of kindergarten teachers prior to implementation as described in subsection (2) of this section.

(2) By November 1, 2012, the process described in subsection (1) of this section must be made available to school districts that have been selected to be part of a pilot program for the implementation of the process. The council and department shall select the participating school districts from school districts that volunteer to be part of the pilot program and in a manner that achieves the greatest possible diversity of school districts across this state.

(3) By November 1, 2013, the process described in subsection (1) of this section must be made available to all school districts for implementation.

**SECTION 15.** (1) By February 4, 2013, the Early Learning Council established by section 4, chapter 519, Oregon Laws 2011, shall submit a report to the Legislative Assembly on the functions and administration of community-based coordinators of early learning services, including but not limited to:

(a) The contracting criteria and process for implementing the community-based coordination structure.

(b) The relationship between community-based coordinators of early learning services and a comprehensive children's budget, as described in section 12 of this 2012 Act.

(c) The relationship between the council and the community-based coordination structure.

(d) The proposed governance structure of community-based coordinators of early learning services, including methods of addressing potential conflicts of interest.

(2) In developing the report described in this section, the council shall conduct a public and transparent process and shall solicit and consider the input of stakeholders and interested persons.

(3) Except to prepare the report described in subsection (1) of this section, the council may not expend public funds to implement community-based coordinators of early learning services until the Legislative Assembly approves the council's implementation plans by repealing this subsection.

**SECTION 16.** By June 30, 2013, the Early Learning Council established by section 4, chapter 519, Oregon Laws 2011, shall work with the

Department of Education and other state agencies and shall:

(1) Adopt a Head Start Child Development Early Learning Framework for children three through five years of age; and

(2) Initiate revisions to the early childhood foundation standards for children zero through three years of age to align the standards with the framework described in subsection (1) of this section.

**SECTION 17.** (1) By June 30, 2015, the Department of Education shall align Common Core State Standards with Oregon Early Learning System outcomes and with the Head Start Child Development Early Learning Framework adopted under section 16 of this 2012 Act.

(2) Beginning April 1, 2012, the department shall report quarterly to the Early Learning Council and the Oregon Education Investment Board on the state's progress toward meeting the goal identified in subsection (1) of this section.

**SECTION 18.** ORS 329.195 is amended to read:  
329.195. (1)(a) The State Board of Education shall adopt rules for the establishment of the Oregon prekindergarten program.

(b) Rules adopted under this section specifically shall require *[the Oregon prekindergarten program to provide for parental involvement and]*:

(A) Performance standards and operating standards that are at a level no less than *[that provided]* the level required under the federal Head Start program guidelines.

(B) Processes and procedures for recompetition that are substantially similar to the processes and procedures required under the rules and guidelines adopted under the federal Head Start Act.

(c) Federal Head Start program guidelines shall be considered as guidelines for the Oregon prekindergarten program.

(2) In developing rules for the Oregon prekindergarten program, the board shall consult with the advisory committee established under ORS 329.190 and shall consider such factors as coordination with existing programs, the preparation necessary for instructors, qualifications of instructors, training of staff, adequate space and equipment and special transportation needs.

(3) The Department of Education shall review applications for the Oregon prekindergarten program received and designate those programs as eligible to commence operation by July 1 of each year. When approving grant applications, to the extent practicable, the board shall distribute funds regionally based on percentages of unmet needs as identified in the voluntary local early childhood system plans that are part of the local coordinated comprehensive plans developed under ORS 417.775 for the county or region.

**NOTE:** Sections 19 and 20 were deleted by amendment. Subsequent sections were not renumbered.

### YOUTH DEVELOPMENT COUNCIL

**SECTION 21.** (1) The Youth Development Council is established. The council shall function under the direction and control of the Oregon Education Investment Board established by section 1, chapter 519, Oregon Laws 2011.

(2) The council is established for the purpose of assisting the board in overseeing a unified system that provides services to school-age children through youth 20 years of age in a manner that supports academic success, reduces criminal involvement and is integrated, measurable and accountable.

(3) The council consists of no fewer than 15 members who are appointed by the Governor. The Governor shall ensure that membership of the council satisfies any federal requirements for membership of a state advisory committee on juvenile justice, and shall include tribal representation in the membership of the council.

(4) The council shall:

(a) Prioritize funding for prevention and intervention services related to gang violence and gang involvement.

(b) Determine the means by which services to children and youth may be provided effectively and efficiently across multiple programs to improve the academic and social outcomes of children and youth.

(c) Assess state programs and services related to youth development and training, and identify methods by which programs and services may be coordinated or consolidated.

(d) Establish common academic and social indicators to support attainment of goals established by the Oregon Education Investment Board.

(e) Establish common program outcome measurements and coordinate data collection across multiple programs and services.

(f) Ensure implementation of best practices that:

(A) Are evidence based;

(B) Are culturally, gender and age appropriate;

(C) Address individual risk factors;

(D) Build upon factors that increase the health and well-being of children and youth; and

(E) Include tribal best practices.

(5) The Governor may designate one member of the council to serve as the chairperson or, if the Governor chooses not to designate a chairperson, the council may elect one of its members to serve as chairperson.

**SECTION 21a.** Section 21 of this 2012 Act becomes operative on July 1, 2012.

**SECTION 21b.** (1) The Youth Development Council Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Youth Development Council Fund shall be credited to the fund.

(2) Moneys in the Youth Development Council Fund consist of:

(a) Amounts donated to the fund;

(b) Moneys transferred to the fund from the federal government, state agencies and local governments;

(c) Amounts appropriated or otherwise transferred to the fund by the Legislative Assembly;

(d) Investment earnings received on moneys in the fund; and

(e) Other amounts deposited in the fund from any source.

(3) Moneys in the fund are continuously appropriated to the Youth Development Council established in section 21 of this 2012 Act for the purpose of fulfilling the council's duties, functions and powers.

(4) The council may establish accounts and subaccounts within the fund when the council determines that accounts or subaccounts are necessary or desirable and may credit any interest or income derived from moneys in the fund to any account or subaccount in the fund.

**SECTION 22.** For the biennium beginning July 1, 2011, funds allocated to tribes may not be decreased by the Youth Development Council or the Juvenile Crime Prevention Advisory Committee.

**SECTION 23.** Section 21 of this 2012 Act is amended to read:

**Sec. 21.** (1) The Youth Development Council is established. *[The council shall function under the direction and control of the Oregon Education Investment Board established by section 1, chapter 519, Oregon Laws 2011.]*

(2) The council is established for the purpose of *[assisting the board in]* overseeing a unified system that provides services to school-age children through youth 20 years of age in a manner that supports academic success, reduces criminal involvement and is integrated, measurable and accountable.

(3) The council consists of no fewer than 15 members who are appointed by the Governor. The Governor shall ensure that membership of the council satisfies any federal requirements for membership of a state advisory committee on juvenile justice.

(4) The council shall:

(a) Prioritize funding for prevention and intervention services related to gang violence and gang involvement.

(b) Determine the means by which services to children and youth may be provided effectively and efficiently across multiple programs to improve the academic and social outcomes of children and youth.

(c) Assess state programs and services related to youth development and training, and identify methods by which programs and services may be coordinated or consolidated.

(d) Establish common academic and social indicators to support attainment of goals established by the [*Oregon Education Investment Board*] **council**.

(e) Establish common program outcome measurements and coordinate data collection across multiple programs and services.

(f) Ensure implementation of best practices that:

(A) Are evidence based;

(B) Are culturally, gender and age appropriate;

(C) Address individual risk factors;

(D) Build upon factors that increase the health and well-being of children and youth; and

(E) Include tribal best practices.

(5) The Governor may designate one member of the council to serve as the chairperson or, if the Governor chooses not to designate a chairperson, the council may elect one of its members to serve as chairperson.

**(6) In accordance with applicable provisions of ORS chapter 183, the council may adopt rules necessary for the administration of the laws that the council is charged with administering.**

**SECTION 24.** The amendments to section 21 of this 2012 Act by section 23 of this 2012 Act become operative on March 15, 2016.

**SECTION 25.** By September 30, 2012, the Youth Development Council shall submit a report to the Oregon Education Investment Board that summarizes existing social services and existing juvenile justice programs and services provided by state government that reduce criminal involvement and support academic success for school-age children through youth 20 years of age. The report shall include summaries of the costs, goals, outcomes and locations of the programs and services.

**SECTION 26.** By November 1, 2013, the Youth Development Council shall submit a report to the Oregon Education Investment Board that establishes funding priorities for gang violence intervention efforts and programs that assist gang-affected youth.

**SECTION 27.** ORS 417.845 is amended to read:

417.845. (1) The Juvenile Crime Prevention Advisory Committee is created within the [*State Commission on Children and Families*] **Youth Development Council**.

(2) The committee shall have the following members:

(a) The Director of the Oregon Youth Authority or a designee of the director;

[(b) *The staff director of the State Commission on Children and Families or a designee of the staff director;*]

**(b) The chairperson of the Youth Development Council or a designee of the chairperson;**

(c) The Director of the Oregon Health Authority or one or more designees of the director, one of whom has expertise in treatment and prevention of substance abuse;

(d) The executive director of the Oregon Criminal Justice Commission or a designee of the executive director;

(e) The Superintendent of Public Instruction or a designee of the superintendent;

(f) The Superintendent of State Police or a designee of the superintendent;

(g) The Director of the Department of Corrections or a designee of the director;

(h) One designee of the Governor;

(i) One member appointed by the President of the Senate, who shall be a member of the Senate and who shall be a nonvoting, advisory member;

(j) One member appointed by the Speaker of the House of Representatives, who shall be a member of the House of Representatives and who shall be a nonvoting, advisory member; and

(k) One designee of the Chief Justice of the Supreme Court from the Judicial Department who serves as a nonvoting member to provide information and support the partnership role of the courts in an effective comprehensive statewide approach to high-risk youth and their families.

(3) In addition to the members listed in subsection (2) of this section, the Governor shall appoint the following members who shall be representative of the geographic and cultural diversity of the state:

(a) To represent local public and private entities:

(A) A county commissioner;

(B) A local juvenile director;

(C) A director of a local commission on children and families;

(D) Two law enforcement officials;

(E) A county mental health director;

(F) An alcohol and drug abuse professional;

(G) A school superintendent;

(H) A private youth service provider; and

(I) An elected city official;

(b) A researcher;

(c) A citizen member; and

(d) Other members as determined by the Governor.

(4) Each member of the committee appointed by the Governor under subsection (3) of this section shall serve a term of four years. Members appointed by the Governor shall serve at the pleasure of the Governor. A vacancy in the office of any member appointed by the Governor under subsection (3) of this section shall be filled by the Governor by appointment for the unexpired term.

(5) The Governor shall select one of the members of the committee as chairperson and one of its members as vice chairperson.

(6) The committee shall meet at times, places and intervals deemed advisable by a majority of the members.

(7) The [*State Commission on Children and Families*] **Youth Development Council** shall provide staff support to the committee.

(8) Members of the committee who are members of the Legislative Assembly are entitled to compensation and reimbursement of expenses as provided in ORS 171.072.

(9) Members of the committee who are not members of the Legislative Assembly are not entitled to compensation, but may be reimbursed for actual and necessary travel and other expenses incurred by them in the performance of their official duties in the manner and amounts provided for in ORS 292.495. Claims for expenses shall be paid out of funds appropriated to the [*State Commission on Children and Families*] **Youth Development Council** for purposes of the committee.

**SECTION 28.** The amendments to ORS 417.485 by section 27 of this 2012 Act become operative on July 1, 2012.

**ABOLISHMENT OF  
STATE COMMISSION ON CHILDREN  
AND FAMILIES**

**SECTION 29.** (1) The State Commission on Children and Families is abolished. On the operative date of this section, all duties, functions and powers of the State Commission on Children and Families are imposed upon, transferred to and vested in:

(a) The Early Learning Council established in section 4, chapter 519, Oregon Laws 2011, for duties, functions and powers related to children zero through six years of age; and

(b) The Youth Development Council established in section 21 of this 2012 Act for duties, functions and powers related to school-age children through youth 20 years of age.

(2) The staff director of the State Commission on Children and Families shall:

(a) Deliver to the Early Learning System Director or the chairperson of the Youth Development Council all records and property within the jurisdiction of the staff director and the state commission that relate to the duties, functions and powers transferred to and assumed by the council under the provisions of this section.

(b) Transfer to the Early Learning Council or the Youth Development Council those employees engaged primarily in the exercise of the duties, functions and powers transferred to and assumed by the council under the provisions of this section.

(3) The Early Learning System Director or the chairperson of the Youth Development Council shall take possession of the records and property, and shall take charge of the employees and employ them in the exercise of the duties, functions and powers transferred by the pro-

visions of this section, without reduction of compensation but subject to change or termination of employment or compensation as provided by law.

(4) The Governor shall resolve any dispute between the State Commission on Children and Families, the Early Learning Council and the Youth Development Council relating to transfers of records, property and employees under this section, and the Governor's decision is final.

**SECTION 30.** (1) The State Commission on Children and Families Account is abolished. Any moneys remaining in the account on the operative date of this section that are unexpended, unobligated and not subject to any conditions shall be transferred as provided by subsection (2) of this section to:

(a) The Youth Development Council Fund established under section 21b of this 2012 Act; and

(b) The Early Learning Council Fund established under section 10 of this 2012 Act.

(2)(a) Moneys to be transferred to the Youth Development Council Fund include any moneys from any source that were specifically donated, appropriated, transferred, granted or otherwise provided to fulfill a duty, function or power of the Youth Development Council, including moneys received under the Social Services Block Grant program, moneys received from the Office of Juvenile Justice and Delinquency Prevention, moneys received under the Foster Care Program and the Adoption Assistance Program, moneys received from the Casey Foundation and any other moneys in the State Commission on Children and Families Account designated by the Governor.

(b) Moneys to be transferred to the Early Learning Council Fund include any moneys from any source in the State Commission on Children and Families Account that are not identified in paragraph (a) of this subsection.

(c) The Governor shall resolve any disputes related to the transfer of funds under this section, and the Governor's decision is final.

**SECTION 31.** (1) The unexpended balances of amounts authorized to be expended by the State Commission on Children and Families for the biennium beginning July 1, 2011, from revenues dedicated, continuously appropriated, appropriated or otherwise made available for the purpose of administering and enforcing the duties, functions and powers transferred by the provisions of section 29 of this 2012 Act are transferred to and are available for expenditure by the Office of the Governor for the Early Learning Council or the Youth Development Council for the biennium beginning July 1, 2011, for the purpose of administering and enforcing

the duties, functions and powers transferred by the provisions of section 29 of this 2012 Act.

(2) The expenditure classifications, if any, established by Acts authorizing or limiting expenditures by the state commission remain applicable to expenditures by the council under this section.

**SECTION 32.** The transfer of duties, functions and powers to the Early Learning Council and the Youth Development Council by the provisions of section 29 of this 2012 Act does not affect any action, proceeding or prosecution involving or with respect to such duties, functions and powers begun before and pending at the time of the transfer, except that the Early Learning Council or the Youth Development Council is substituted for the State Commission on Children and Families in the action, proceeding or prosecution.

**SECTION 33.** ORS 131A.360 is amended to read: 131A.360. (1) The provisions of this section apply only to a forfeiting agency other than the state, and apply only to forfeiture proceeds arising out of prohibited conduct as defined by ORS 131A.005 (12)(a).

(2) If the forfeiting agency is not a county, the forfeiting agency shall enter into an agreement, under ORS chapter 190, with the county in which the property was seized to provide a portion of the forfeiture proceeds to the county.

(3) After entry of a judgment of forfeiture, a forfeiting agency shall first pay from the forfeiture proceeds the costs incurred by seizing and forfeiting agencies in investigating and prosecuting the case, including costs, disbursements and attorney fees as defined in ORCP 68 A, special expenses such as the provision of currency for undercover law enforcement operations, the cost of disabling a hidden compartment in a motor vehicle and the expenses of maintaining the seized property. The forfeiting agency may not pay expenditures made in connection with the ordinary maintenance and operation of a seizing or forfeiting agency under this subsection.

(4) After payment of costs under subsection (3) of this section, the forfeiting agency shall:

(a) Deduct an amount equal to five percent of the forfeiture proceeds and deposit that amount in the Illegal Drug Cleanup Fund established by ORS 475.495 for the purposes specified in ORS 475.495 (5) and (6);

(b) Deduct an amount equal to 2.5 percent of the forfeiture proceeds and deposit that amount in the Asset Forfeiture Oversight Account;

(c) Deduct an amount equal to 20 percent of the forfeiture proceeds and deposit that amount in the Oregon Criminal Justice Commission Account established under ORS 137.662 for disbursement to drug court programs as described in ORS 3.450; and

(d) Deduct an amount equal to 10 percent of the forfeiture proceeds and deposit that amount in the [State Commission on Children and Families Account

established by ORS 417.733] **Early Learning Council Fund established in section 10 of this 2012 Act** for disbursement to relief nurseries as described in ORS 417.788.

(5) If the forfeiting agency has entered into an agreement with a county under subsection (2) of this section, after paying costs under subsection (3) of this section and making the deductions required by subsection (4) of this section, the forfeiting agency shall pay the county the amounts required by the agreement.

(6) After making all payments and deductions required by subsections (3), (4) and (5) of this section, the forfeiting agency may use the remaining forfeiture proceeds, including amounts received by a county under subsection (5) of this section or by a any other public body under an intergovernmental agreement entered into under ORS 131A.355, only for:

(a) The purchase of equipment necessary for the enforcement of laws relating to the unlawful delivery, distribution, manufacture or possession of controlled substances;

(b) Currency for undercover law enforcement operations;

(c) Drug awareness and drug education programs offered in middle schools and high schools;

(d) The expenses of a forfeiting agency in operating joint narcotic operations with other forfeiting agencies pursuant to the terms of an intergovernmental agreement, including paying for rental space, utilities and office equipment;

(e) Expenses of a district attorney in criminal prosecutions for unlawful delivery, distribution, manufacture or possession of controlled substances, as determined through intergovernmental agreement between the forfeiting agency and the district attorney;

(f) Drug treatment and programs that support drug treatment; and

(g) A Court Appointed Special Advocate Volunteer Program.

(7) Notwithstanding subsection (6) of this section, growing equipment and laboratory equipment seized by a forfeiting agency that was used, or intended for use, in the manufacturing of controlled substances may be donated to a public school, community college or institution of higher education.

(8) A forfeiting agency shall sell as much property as may be needed to make the distributions required by this section. Distributions required under subsection (4) of this section must be made once every three months and are due within 20 days of the end of each quarter. No interest shall accrue on amounts that are paid within the period specified by this subsection.

**SECTION 34.** ORS 131A.365 is amended to read: 131A.365. (1) The provisions of this section apply only when the forfeiting agency is the state, and apply only to forfeiture proceeds arising out of prohibited conduct as defined by ORS 131A.005 (12)(a).

(2) After entry of a judgment of forfeiture, a forfeiting agency shall first pay from the forfeiture proceeds the costs incurred by seizing and forfeiting agencies in investigating and prosecuting the case, including costs, disbursements and attorney fees as defined in ORCP 68 A, special expenses such as the provision of currency for undercover law enforcement operations, the cost of disabling a hidden compartment in a motor vehicle and the expenses of maintaining the seized property. The forfeiting agency may not pay expenditures made in connection with the ordinary maintenance and operation of a seizing or forfeiting agency under this subsection. Any amount paid to or retained by the Department of Justice under this subsection shall be deposited in the Criminal Justice Revolving Account in the State Treasury. Any amount paid to or retained by the Oregon State Police under this subsection shall be deposited in the State Police Account.

(3) After payment of costs under subsection (2) of this section, the forfeiting agency shall:

(a) Deduct an amount equal to 10 percent of the forfeiture proceeds and deposit that amount in the Illegal Drug Cleanup Fund established by ORS 475.495 for the purposes specified in ORS 475.495 (5) and (6);

(b) Deduct an amount equal to three percent of the forfeiture proceeds, not to exceed \$50,000 in a biennium, and deposit that amount in the Asset Forfeiture Oversight Account;

(c) Deduct an amount equal to 20 percent of the forfeiture proceeds and deposit that amount in the Oregon Criminal Justice Commission Account established under ORS 137.662 for disbursement to drug court programs as described in ORS 3.450; and

(d) Deduct an amount equal to 10 percent of the forfeiture proceeds and deposit that amount in the *[State Commission on Children and Families Account established by ORS 417.733]* **Early Learning Council Fund established in section 10 of this 2012 Act** for disbursement to relief nurseries as described in ORS 417.788.

(4) If the forfeiting agency has entered into an intergovernmental agreement with another public body under ORS 131A.355, or has entered into an agreement with any other law enforcement agency of the state relating to distribution of forfeiture proceeds, after paying costs under subsection (2) of this section and making the deductions required by subsection (3) of this section, the forfeiting agency shall pay an equitable portion of the forfeiture proceeds to each agency participating in the seizure or forfeiture as provided by the agreement.

(5) After making all payments and deductions required by subsections (2), (3) and (4) of this section, the forfeiting agency shall distribute the remaining forfeiture proceeds as follows:

(a) If no law enforcement agency other than the Department of Justice participated in the seizure or forfeiture, the remaining forfeiture proceeds, and forfeiture proceeds received by the Department of Justice under subsection (4) of this section, shall be

divided between the Criminal Justice Revolving Account and the Special Crime and Forfeiture Account according to the following schedule:

(A) One hundred percent of the first \$200,000 accumulated shall be deposited in the Criminal Justice Revolving Account.

(B) Seventy-five percent of the next \$200,000 shall be deposited in the Criminal Justice Revolving Account and the balance in the Special Crime and Forfeiture Account.

(C) Fifty percent of the next \$200,000 shall be deposited in the Criminal Justice Revolving Account and the balance in the Special Crime and Forfeiture Account.

(D) Twenty-five percent of the next \$200,000 shall be deposited in the Criminal Justice Revolving Account and the balance in the Special Crime and Forfeiture Account.

(E) One hundred percent of all additional sums shall be deposited in the Special Crime and Forfeiture Account.

(b) If no law enforcement agency other than the Department of State Police participated in the seizure or forfeiture, the remaining proceeds, and proceeds received by the Department of State Police under subsection (4) of this section, shall be divided between the State Police Account and the Special Crime and Forfeiture Account according to the following schedule:

(A) One hundred percent of the first \$600,000 accumulated shall be deposited in the State Police Account.

(B) Seventy-five percent of the next \$300,000 shall be deposited in the State Police Account and the balance in the Special Crime and Forfeiture Account.

(C) Fifty percent of the next \$200,000 shall be deposited in the State Police Account and the balance in the Special Crime and Forfeiture Account.

(D) Twenty-five percent of the next \$200,000 shall be deposited in the State Police Account and the balance in the Special Crime and Forfeiture Account.

(E) One hundred percent of all additional sums shall be deposited in the Special Crime and Forfeiture Account.

(6) Forfeiture proceeds distributed under subsection (5) of this section may be used only for:

(a) The purchase of equipment necessary for the enforcement of laws relating to the unlawful delivery, distribution, manufacture or possession of controlled substances;

(b) Currency for undercover law enforcement operations;

(c) Drug awareness and drug education programs offered in middle schools and high schools; and

(d) The expenses of a forfeiting agency in operating joint narcotic operations with other forfeiting agencies pursuant to the terms of an intergovernmental agreement, including paying for rental space, utilities and office equipment.

(7) A forfeiting agency shall sell as much property as may be needed to make the distributions re-

quired by this section. Distributions required under subsection (3) of this section must be made once every three months and are due within 20 days of the end of each quarter. No interest shall accrue on amounts that are paid within the period specified by this subsection.

**SECTION 35.** ORS 181.715 is amended to read:

181.715. (1) The Department of State Police or another criminal justice agency designated by the Director of the Oregon Department of Administrative Services shall operate a Criminal Justice Information Standards program that coordinates information among state criminal justice agencies. The program shall:

(a) Ensure that in developing new information systems, data can be retrieved to support evaluation of criminal justice planning and programs, including, but not limited to, the ability of the programs to reduce future criminal conduct;

(b) Ensure that maximum effort is made for the safety of public safety officers;

(c) Establish methods and standards for data interchange and information access between criminal justice information systems, in compliance with the technology standards and policies of the Oregon Department of Administrative Services;

(d) Design and implement improved applications for exchange of agency information; and

(e) Implement the capability to exchange images between criminal justice agencies.

(2) The program shall develop a plan to accelerate data sharing and information integration among criminal justice agencies. The plan shall include, but is not limited to, priorities, timelines, development costs, resources needed, the projected ongoing cost of support, critical success factors and any known barriers to accomplishing the plan. Representatives of criminal justice agencies and public safety agencies, including but not limited to local law enforcement agencies, courts of criminal jurisdiction, district attorneys, city attorneys with criminal prosecutive functions, public defender organizations established under ORS chapter 151, community corrections directors, jail managers and county juvenile departments, shall be invited to participate in the planning process. The program shall present the plan to the Director of the Oregon Department of Administrative Services no later than May 30 of each even-numbered year for development of the Governor's budget report. The program shall submit the plan to the Joint Legislative Committee on Information Management and Technology no later than December 31 of each even-numbered year.

(3) Notwithstanding the meaning given "criminal justice agency" in ORS 181.010, as used in this section and ORS 181.720, "criminal justice agency" includes, but is not limited to:

- (a) The Judicial Department;
- (b) The Attorney General;
- (c) The Department of Corrections;
- (d) The Department of State Police;

(e) Any other state agency with law enforcement authority designated by order of the Governor;

(f) The Department of Transportation;

(g) The State Board of Parole and Post-Prison Supervision;

(h) The Department of Public Safety Standards and Training;

(i) The State Department of Fish and Wildlife;

(j) The Oregon Liquor Control Commission;

(k) The Oregon Youth Authority;

(l) [The State Commission on Children and Families] **The Youth Development Council**; and

(m) A university that has established a police department under ORS 352.383.

**SECTION 36.** ORS 181.725 is amended to read:

181.725. (1) There is established a Criminal Justice Information Standards Advisory Board to advise the Department of State Police or the criminal justice agency designated by the Director of the Oregon Department of Administrative Services under ORS 181.715 (1) about the department's or the agency's duties under ORS 181.715. The board consists of the following members:

(a) The State Court Administrator or the administrator's designee;

(b) The Director of the Department of Corrections or the director's designee;

(c) The Superintendent of State Police or the superintendent's designee;

(d) The executive director of the Oregon Criminal Justice Commission or the executive director's designee;

(e) The Director of Transportation or the director's designee;

(f) The chairperson of the State Board of Parole and Post-Prison Supervision or the chairperson's designee;

(g) The Director of the Department of Public Safety Standards and Training or the director's designee;

(h) A chief of police designated by the Oregon Association Chiefs of Police;

(i) A sheriff designated by the Oregon State Sheriffs' Association;

(j) A jail manager designated by the Oregon Sheriff's Jail Command Council;

(k) A county juvenile department director designated by the Oregon Juvenile Department Directors' Association;

(l) A community corrections agency director designated by the Oregon Association of Community Corrections Directors;

(m) A district attorney designated by the Oregon District Attorneys Association;

(n) The administrator of the Enterprise Information Strategy and Policy Division of the Oregon Department of Administrative Services or the administrator's designee;

(o) The Director of the Oregon Youth Authority or the director's designee;

(p) The State Fish and Wildlife Director or the director's designee;

(q) The administrator of the Oregon Liquor Control Commission or the administrator's designee; and  
 [(r) *The staff director of the State Commission on Children and Families or the staff director's designee.*]

**(r) The chairperson of the Youth Development Council or the chairperson's designee.**

(2) The board shall meet at such times and places as the board deems necessary.

(3) The members of the board are not entitled to compensation but are entitled to expenses as provided in ORS 292.495.

**SECTION 37.** ORS 182.515 is amended to read: 182.515. As used in this section and ORS 182.525:

(1) "Agency" means:

(a) The Department of Corrections;

(b) The Oregon Youth Authority;

(c) [*The State Commission on Children and Families*] **The Youth Development Council**; and

(d) That part of the Oregon Health Authority that deals with mental health and addiction issues.

(2) "Cost effective" means that cost savings realized over a reasonable period of time are greater than costs.

(3) "Evidence-based program" means a program that:

(a) Incorporates significant and relevant practices based on scientifically based research; and

(b) Is cost effective.

(4)(a) "Program" means a treatment or intervention program or service that is intended to:

(A) Reduce the propensity of a person to commit crimes;

(B) Improve the mental health of a person with the result of reducing the likelihood that the person will commit a crime or need emergency mental health services; or

(C) Reduce the propensity of a person who is less than 18 years of age to engage in antisocial behavior with the result of reducing the likelihood that the person will become a juvenile offender.

(b) "Program" does not include:

(A) An educational program or service that an agency is required to provide to meet educational requirements imposed by state law; or

(B) A program that provides basic medical services.

(5) "Scientifically based research" means research that obtains reliable and valid knowledge by:

(a) Employing systematic, empirical methods that draw on observation or experiment;

(b) Involving rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn; and

(c) Relying on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations and across studies by the same or different investigators.

**SECTION 37a.** ORS 329.145 is amended to read: 329.145. As used in ORS 329.150 and 329.155:

(1) "Families" means a group of individuals related by blood, marriage or adoption, or individuals whose functional relationships are similar to those found in such associations. The family's purpose is the security, support, nurturance, love, transmission of values and facilitation of each member's growth and development, and is the primary social unit affecting a child's well-being.

(2) "Services" means education and all other programs and services addressing one or more of a child's six basic needs as follows: stimulus, nutrition, health, safety, nurturance and shelter.

(3) "Young children" means children zero through [*eight*] **six** years of age.

**SECTION 38.** ORS 329.155 is amended to read:

329.155. (1) State agencies that administer education programs and other programs that provide services for children and families shall:

(a) Evaluate the effectiveness of the program as related to the principles stated in ORS 329.025 and 417.305 in the earliest stages of the budget process, including components within programs as appropriate;

(b) Articulate ways in which the program is:

(A) An effective component of agency and state priorities, goals and strategies[, *such as those developed by the Oregon Progress Board, or to*] **that have been established by the Early Learning Council; and**

(B) Relevant to research and professional standards;

(c) Establish plans, interagency partnerships, implementation practices and interactions with local coordinated comprehensive plans;

(d) [*Utilize*] **Use** the information generated by applicable state advisory groups **and governing boards** [*and by the local planning process administered by the State Commission on Children and Families*] in the program assessment of needs and decisions as to service delivery in a given community; and

(e) Identify barriers to improving program capability to serve the needs of young children and **make** related recommendations, if any, **to the Early Learning Council.**

(2) The processes listed in subsection (1) of this section are for the purpose of generating interagency coordination so as to serve to the greatest extent possible young children and their families in a comprehensive and developmentally appropriate fashion. The information generated by these processes shall be considered as a contribution to subsequent budget decisions by state and local agencies, the Oregon Department of Administrative Services and the Legislative Assembly[, *and as a contribution to the planning and coordination tasks of the State Commission on Children and Families*].

**SECTION 39.** ORS 329.156 is amended to read:

329.156. (1) The Department of Education[,] **and** the Department of Human Services [*and the State Commission on Children and Families*] shall support

the development and implementation of a network of community learning centers across the state.

(2) Within available funding, the [state commission] **Early Learning Council**, in conjunction with local commissions on children and families or other organizations that provide training and technical assistance to schools or community programs, shall provide training and technical assistance to promote the development and implementation of community learning centers. To the extent possible, the [state commission] **council** shall use voluntary organizations to provide the training and technical assistance.

(3) If a community learning center is created by a school district, the school district shall coordinate with the local commission on children and families to ensure that the community learning center is referenced in the local coordinated comprehensive plan, implemented pursuant to ORS 417.775.

(4) Community learning centers created pursuant to this section shall:

(a) Be located in or near a school or a cluster of schools;

(b) Involve parents in the care and education of their children;

(c) Involve the local community in developing and overseeing community learning center programs;

(d) Incorporate the principles of family support services described in ORS 329.150 and 417.342;

(e) In partnership with the local school district board, create or designate an advisory committee to offer guidance on program development and implementation, with membership that is representative of the diversity of community interests, including representatives of businesses, schools, faith-based organizations, social service and health care agencies, cultural groups, recreation groups, municipal governments, community colleges, libraries, child care providers, parents and youths;

(f) Conduct an assessment of strengths, needs and assets within the community to be served by the community learning center that identifies services being delivered in the community, defines and clarifies services that are missing or overlapping and builds on any existing community assessments; and

(g) Coordinate the community assessment with the local commission on children and families.

(5) The Department of Human Services and the Department of Education shall provide technical assistance to community learning centers to develop policies ensuring that confidential information is disclosed only in accordance with state and federal laws.

**SECTION 40.** ORS 329.190 is amended to read: 329.190. The Department of Education shall establish an advisory committee composed of interested parents and representatives from the [State Commission on Children and Families,] health care profession, early childhood education and development staff preparation programs, Oregon Head Start Association, school districts, community colleges, Early Intervention Council, child care and other or-

ganizations. The purpose of the advisory committee is to provide advice to the department **and the Early Learning Council** on matters related to the Oregon prekindergarten program.

**SECTION 41.** ORS 343.499 is amended to read: 343.499. (1)(a) There is created the State Interagency Coordinating Council.

(b) The Governor shall appoint members of the council from a list of eligible appointees provided by the council and agencies described in subsection (2) of this section and shall ensure that the membership of the council reasonably represents the population of this state.

(c) The Governor shall designate one member of the council to serve as the chairperson, or if the Governor chooses not to name a chairperson, the council may elect one of its members to serve as chairperson. However, any member of the council who represents the Department of Education may not serve as the chairperson of the council.

(2) The membership of the council shall be composed as follows:

(a) At least 20 percent of the council members shall be parents, including minority parents, of preschool children with disabilities or of children with disabilities who are 12 years of age or younger who have knowledge of or experience with programs for infants and toddlers with disabilities. At least one council member shall be a parent of an infant or toddler with a disability or of a child with a disability who is six years of age or younger.

(b) At least 20 percent of the council members shall be public or private providers of early intervention and early childhood special education services.

(c) At least one council member shall be a member of the Legislative Assembly.

(d) At least one council member shall be involved in personnel preparation.

(e) At least one council member shall represent the Department of Human Services.

(f) At least one council member shall represent the federal Head Start program.

(g) At least one council member shall represent the Child Care Division of the Employment Department.

(h) At least one council member shall represent the Department of Education.

(i) At least one council member shall represent the Department of Consumer and Business Services.

(j) At least one council member shall represent the [State Commission on Children and Families] **Early Learning Council**.

(k) At least one council member shall represent the Child Development and Rehabilitation Center of the Oregon Health and Science University.

(L) At least one council member shall be a member of the State Advisory Council for Special Education created under ORS 343.287.

(m) At least one council member shall be a representative designated by the state coordinator for homeless education.

(n) At least one council member shall represent the state child welfare agency responsible for foster care.

(o) At least one council member shall represent the state agency responsible for children's mental health.

(p) At least one council member shall be from the Oregon Health Authority.

(q) The council may include other members appointed by the Governor, including but not limited to one representative from the United States Bureau of Indian Affairs or, where there is no school operated or funded by the bureau, from the Indian Health Service or the tribe or tribal council.

(3) An individual appointed to represent a state agency that is involved in the provision of or payment for services for preschool children with disabilities under subsection (2)(e) and (h) to (k) of this section shall have sufficient authority to engage in making and implementing policy on behalf of the agency.

(4) The State Interagency Coordinating Council shall:

(a) Advise the Superintendent of Public Instruction, [and] the State Board of Education **and the Early Learning Council** on unmet needs in the early childhood special education and early intervention programs for preschool children with disabilities, review and comment publicly on any rules proposed by the State Board of Education and the distribution of funds for the programs and assist the state in developing and reporting data on and evaluations of the programs and services.

(b) Advise and assist the represented public agencies regarding the services and programs they provide to preschool children with disabilities and their families, including public comments on any proposed rules affecting the target population and the distribution of funds for such services, and assist each agency in developing services that reflect the overall goals for the target population as adopted by the council.

(c) Advise and assist the Department of Education and other state agencies in the development and implementation of the policies that constitute the statewide system.

(d) Assist all appropriate public agencies in achieving the full participation, coordination and cooperation for implementation of a statewide system that includes but is not limited to:

(A) Seeking information from service providers, service coordinators, parents and others about any federal, state or local policies that impede timely service delivery; and

(B) Taking steps to ensure that any policy problems identified under subparagraph (A) of this paragraph are resolved.

(e) Advise and assist the Department of Education in identifying the sources of fiscal and other support for preschool services, assigning financial responsibility to the appropriate agencies and ensuring that the provisions of interagency agreements under ORS 343.511 are carried out.

(f) Review and comment on each agency's services and policies regarding services for preschool children with disabilities, or preschool children who are at risk of developing disabling conditions, and their families to the maximum extent possible to assure cost-effective and efficient use of resources.

(g) To the extent appropriate, assist the Department of Education in the resolution of disputes.

(h) Advise and assist the Department of Education in the preparation of applications and amendments thereto.

(i) Advise and assist the Department of Education regarding the transition of preschool children with disabilities.

(j) Prepare and submit an annual report to the Governor and to the United States Secretary of Education on the status of early intervention programs operated within this state.

(5) The council may advise appropriate agencies about integration of services for preschool children with disabilities and at-risk preschool children.

(6) Terms of office for council members shall be three years, except that:

(a) The representative from the State Advisory Council for Special Education shall serve a one-year term; and

(b) The representatives from other state agencies and the representative from the Legislative Assembly shall serve indefinite terms.

(7) Subject to approval by the Governor, the council may use federal funds appropriated for this purpose and available to the council to:

(a) Conduct hearings and forums;

(b) Reimburse nonagency council members [pursuant to] **under** ORS 292.495 for attending council meetings, for performing council duties, and for necessary expenses, including child care for parent members;

(c) Pay compensation to a council member if the member is not employed or if the member must forfeit wages from other employment when performing official council business;

(d) Hire staff; and

(e) Obtain the services of such professional, technical and clerical personnel as may be necessary to carry out its functions.

(8) Except as provided in subsection (7) of this section, council members shall serve without compensation.

(9) The Department of Education shall provide clerical and administrative support, including staff, to the council to carry out the performance of the council's function as described in this section.

(10) The council shall meet at least quarterly. The meetings shall be announced publicly and, to the extent appropriate, be open and accessible to the general public.

(11) No member of the council shall cast a vote on any matter that would provide direct financial benefit to that member or otherwise give the appearance of a conflict of interest under state law.

**SECTION 42.** ORS 343.507 is amended to read:

343.507. (1) Each contractor for early childhood special education and early intervention services shall assist in the development of a local early intervention interagency advisory council in every county within the contractor's service area.

(2) Each local early intervention interagency advisory council shall include as members at least 20 percent parents of preschool children with disabilities, 20 percent providers of early childhood special education and early intervention services or other services to preschool children with disabilities, a representative of the [State Commission on Children and Families] **Early Learning Council** and representatives from public and private agencies that serve young children and their families, including but not limited to Head Start and Oregon prekindergartens, community child care, the Child Care Division of the Employment Department, local school districts, education service districts, Department of Education regional special education programs, community mental health programs, community developmental disabilities programs, Department of Human Services health programs, child welfare programs and public assistance programs, Indian education agencies, migrant programs serving young children and community colleges.

(3) Each local early intervention interagency advisory council shall select its own chairperson and vice chairperson and fix the duties of its officers.

(4) The department shall establish procedures pursuant to rules of the State Board of Education for seeking and considering local council advice regarding the selection of contractors, coordination of services and procedures for local resolution of disputes.

**SECTION 42a.** ORS 357.750 is amended to read:

357.750. Units of local government and counties may apply to the Trustees of the State Library for annual establishment and development grants. The grants may be made from funds specifically appropriated therefor and are to be used to establish, develop or improve public library early literacy services for children from birth to [five] **six** years of age and to provide the statewide summer reading program, as defined by rule of the Trustees of the State Library, for children from birth to 14 years of age.

**SECTION 43.** ORS 417.705 is amended to read: 417.705. As used in ORS 417.705 to 417.800:

[(1) "Community mobilization" means government and private efforts to increase community awareness and facilitate the active participation of citizens and organizations in projects and issues that will have positive impact on the well-being of children, families and communities.]

[(2) "Efficiency" means a measurable indicator of the amount of resources required to produce an output.]

[(3) "High-level outcome" means the Oregon benchmarks adopted by the Oregon Progress Board

and any other measurable indicators of societal well-being.]

[(4) "Intermediate outcome" means a measurable indicator of the effort by an agency or other entity toward achieving a high-level outcome target.]

[(5) (1) "Local commission" means a local commission on children and families established pursuant to ORS 417.760.

[(6) (2) "Local coordinated comprehensive plan" or "local plan" means a local coordinated comprehensive plan for children and families that is developed pursuant to ORS 417.775 through a process coordinated and led by a local commission and that consists of:

(a) A community plan that identifies the community's needs, strengths, goals, priorities and strategies for:

(A) Creating positive outcomes for children and families;

(B) Community mobilization;

(C) Coordinating programs, strategies and services for children who are 0 through 18 years of age and their families among community groups, government agencies, private providers and other parties; and

(D) Addressing the needs of target populations; and

(b) The service plans listed in ORS 417.775 (6) that designate specific services for the target populations identified in the community plan.

[(7) (3) "Outcome" means the measure of a desired result.

[(8) "Output" means the amount or frequency of products or services delivered by an agency or other entity.]

[(9) "Performance measure" includes outcomes, outputs and efficiencies that indicate how well an agency or other entity is carrying out its mission and achieving its goals.]

[(10) (4) "Services for children and families" does not include services provided by the Department of Education or school districts that are related to curriculum or instructional programs.

[(11) "State commission" means the State Commission on Children and Families established under ORS 417.730.]

[(12) (5) "Target" means a specific level of achievement desired for a specific time, expressed numerically.

**SECTION 44.** ORS 417.710 is amended to read:

417.710. Subject to the availability of funds therefor and the specific provisions of ORS 417.705 to 417.800 and 419A.170, it is the purpose of ORS 417.705 to 417.800 and 419A.170 to:

(1) Authorize the [State Commission on Children and Families] **Early Learning Council** to set statewide guidelines for the planning, coordination and delivery of services for children and families in conjunction with other state agencies and other planning bodies;

(2) Vest in local commissions on children and families the authority to distribute state and federal

funds allocated to the local commissions to supervise services or to purchase services for children and families in the local area and to supervise the development of the local coordinated comprehensive plan;

(3) Provide a process for comprehensive local planning for services for children and families to provide local services that are consistent with statewide guidelines;

(4) Retain in the state the responsibility for funding of services for children and families through a combination of local, state and federal funding, including the leveraging of public and private funds available under ORS 417.705 to 417.800 and 419A.170; and

(5) Retain state supervision of child protection and other services that should be uniform throughout the state and that are necessarily the state's responsibility.

**SECTION 44a.** ORS 417.727 is amended to read: 417.727. Based on the findings expressed in ORS 417.708, there is created the Oregon Early [*Childhood*] **Learning System**. The goals of the system are to:

- (1) Prevent child abuse and neglect;
- (2) Improve the health and development of young children;
- (3) Promote bonding and attachment in the early years of a child's life;
- (4) Support parents in providing the optimum environment for their young children;
- (5) Link and integrate services and supports in the voluntary statewide early [*childhood*] **learning system** pursuant to ORS 417.728;
- (6) Link and integrate services and supports in the voluntary local early childhood system pursuant to ORS 417.777;
- (7) Ensure that children are entering school ready to learn; and
- (8) Ensure that [*children receive*] **parents have access to affordable, quality child care.**

**SECTION 44b.** ORS 417.728 is amended to read: 417.728. (1) The [*State Commission on Children and Families, the Department of Education, the Employment Department, the Department of Human Services and the Oregon Health Authority*] **Early Learning Council** shall lead a joint effort with other state and local early childhood partners to establish the policies necessary for a voluntary statewide early [*childhood*] **learning system** that shall be incorporated into the local coordinated comprehensive plan.

(2) The voluntary statewide early [*childhood*] **learning system** shall be designed to achieve:

(a) The appropriate [*early childhood benchmarks jointly identified by the State Commission on Children and Families, the Department of Education, the Employment Department, the Department of Human Services and the Oregon Health Authority,*] **outcomes identified by the Early Learning Council**

with input from early childhood partners[, *as the appropriate benchmarks*]; and

(b) Any other early childhood benchmark or [*intermediate outcome jointly identified by the State Commission on Children and Families, the Department of Education, the Employment Department, the Department of Human Services and the Oregon Health Authority,*] **outcome that demonstrates progress toward meeting a target and that is identified by the Early Learning Council** with input from early childhood partners[, *as an appropriate benchmark or outcome*].

(3) The voluntary statewide early [*childhood*] **learning system** shall include the following components:

(a) A process to identify as early as possible children and families who would benefit from early [*childhood*] **learning services**;

(b) A plan to support the identified needs of the child and family that coordinates case management personnel and the delivery of services to the child and family; and

(c) Services to support children who are zero through [*eight*] **six** years of age and their families who give their express written consent, including:

(A) Screening, assessment and home visiting services pursuant to ORS 417.795;

(B) Specialized or targeted home visiting services;

(C) Community-based services such as relief nurseries, family support programs and parent education programs;

(D) [*High*] **Affordable, quality child care**, as defined by the [*Commission for Child Care*] **Early Learning Council**;

(E) Preschool and other early education services;

(F) Health services for children and pregnant women;

(G) Mental health services;

(H) Alcohol and drug treatment programs that meet the standards promulgated by the Oregon Health Authority pursuant to ORS 430.357;

(I) Developmental disability services; and

(J) Other state and local services.

[(4) *The State Commission on Children and Families, the Department of Education, the Employment Department, the Department of Human Services and the Oregon Health Authority shall jointly:*]

(4) **In establishing the definition of affordable, quality child care under subsection (3)(c)(D) of this section, the Early Learning Council shall consult with child care providers and early childhood educators. The definition established by the council shall support parental choice of child care provider and shall consider differences in settings and services, including but not limited to child care for school-aged children, part-time care, odd-hour and respite care and factors of cultural appropriateness and competence.**

(5) **The Early Learning Council shall:**

(a) Consolidate administrative functions relating to the voluntary statewide early [*childhood*] **learn-**

ing system, to the extent practicable, including but not limited to training and technical assistance, planning and budgeting. This paragraph does not apply to the administrative functions of the Department of Education relating to education programs[;].

(b) Adopt policies to establish training and technical assistance programs to ensure that personnel have skills in appropriate areas, including screening, family assessment, competency-based home visiting skills, cultural and gender differences and other areas as needed[;].

(c) Identify research-based age-appropriate and culturally and gender appropriate screening and assessment tools that would be used as appropriate in programs and services of the voluntary statewide early [childhood] **learning** system[;].

(d) Develop a plan for the implementation of a common data system for voluntary early childhood programs [as provided in section 7, chapter 831, Oregon Laws 2001;].

(e) Coordinate existing and new early childhood programs to provide a range of community-based supports[;].

(f) Establish a common set of quality assurance standards to guide local implementation of all elements of the voluntary statewide early [childhood] **learning** system, including voluntary universal screening and assessment, home visiting, staffing, evaluation and community-based services[;].

(g) Ensure that all plans for voluntary early childhood services are coordinated and consistent with federal and state law, including but not limited to plans for Oregon prekindergarten programs, federal Head Start programs, early childhood special education services, early intervention services and public health services[;].

(h) Identify how the voluntary statewide early [childhood] **learning** system for children who are zero through [eight] **six** years of age will link with systems of support for older children and their families[;].

[(i) *Contract for an evaluation of the outcomes of the voluntary statewide early childhood system; and*]

[(j) (i) During January of each odd-numbered year, report to the Governor and the Legislative Assembly on the voluntary statewide early [childhood] **learning** system. [The report shall include the evaluation described in paragraph (i) of this subsection.]

[(5)] (6) [The State Commission on Children and Families,] The State Board of Education, the Employment Department, the Department of Human Services and the Oregon Health Authority when adopting rules to administer voluntary early childhood programs under their individual authority shall adopt rules:

(a) That are consistent with the requirements of the voluntary statewide early [childhood] **learning** system created under this section; and

(b) **With the direction of the Early Learning Council.**

[(6)] (7) Information gathered in conjunction with the voluntary comprehensive screening and as-

essment of children and their families may be used only for the following purposes:

(a) Providing services to children and families who give their express written consent;

(b) Providing statistical data that are not personally identifiable;

(c) Accomplishing other purposes for which the family has given express written consent; and

(d) Meeting the requirements of mandatory state and federal disclosure laws.

**SECTION 45.** ORS 417.760 is amended to read:

417.760. (1) The board of county commissioners of a county or the boards of county commissioners of contiguous counties that agree to appoint a regional commission:

(a) Shall appoint a chairperson and a minimum of eight members to a local commission on children and families in the manner described in ORS 417.765.

(b) Shall appoint a local staff director. The staff director shall hire and supervise any other support staff necessary for operation of the local commission. The staff director and staff are subject to county personnel policies and other administration policies and ordinances. The staff director shall be responsible for all management functions of the local commission.

(c) Must approve the local coordinated comprehensive plan before it may be submitted to the [State Commission on Children and Families] **Early Learning Council**. If the local plan has been revised or is amended, the revised or amended local plan must be submitted to the board or boards for approval before it is submitted to the [state commission] **council**.

(2) The board or boards of county commissioners must approve any transfer of responsibility for a state service and its funding to a local commission.

(3) Funds payable to implement local coordinated comprehensive plans shall be paid to the county. The board or boards of county commissioners are responsible for the expenditure of such funds subject to county budget and fiscal operating procedures.

**SECTION 45a.** ORS 417.765 is amended to read:

417.765. (1) A majority of a local commission on children and families, including the chairperson, shall be laypersons [as defined in ORS 417.730 (6)(b)]. Appointments to the local commission shall reflect the county's or counties' diverse populations and shall reflect expertise along the full spectrum of developmental stages of a child, from the prenatal stage through 18 years of age. Members shall include persons who have knowledge of the issues relating to children and families in the affected communities, including education, municipal government and the court system.

(2) Members of the local commission shall be appointed to four-year terms. The appointing board or boards of county commissioners may appoint a member for additional terms or may limit the number of terms that a member may serve.

**SECTION 46.** ORS 417.775 is amended to read:

417.775. (1) Under the direction of the board or boards of county commissioners, and in conjunction with the guidelines set by the [State Commission on Children and Families] **Early Learning Council**, the local commission on children and families shall promote wellness for children of all ages and their families in the county or region, if the families have given their express written consent, mobilize communities and develop policy and oversee the implementation of a local coordinated comprehensive plan described in this section. A local commission shall:

- (a) Inform and involve citizens;
- (b) Identify and map the range of resources in the community;
- (c) Plan, advocate and fund research-based and tribal-based initiatives for children who are 18 years of age or younger, including prenatal, and their families;
- (d) Develop local policies, priorities, outcomes and targets;
- (e) Prioritize activities identified in the local plan and mobilize the community to take action;
- (f) Prioritize the use of nondedicated resources;
- (g) Monitor implementation of the local plan; and
- (h) Monitor and evaluate the intermediate outcome targets identified in the local plan that are reviewed under ORS 417.797, and report on the progress in addressing priorities and achieving outcomes.

(2)(a) A local commission may not provide direct services for children and their families.

(b) Notwithstanding paragraph (a) of this subsection, a local commission may provide direct services for children and their families for a period not to exceed six months if:

- (A)(i) The local commission determines that there is an emergency;
- (ii) A provider of services discontinues providing the services in the county or region; or
- (iii) No provider is able to offer the services in the county or region; and
- (B) The family has given its express written consent.

(3) The local commission shall lead and coordinate a process to assess needs, strengths, goals, priorities and strategies, and identify county or regional outcomes to be achieved. The process shall be in conjunction with other coordinating bodies for services for children and their families and shall include representatives of education, mental health services, developmental disability services, alcohol and drug treatment programs, public health programs, local child care resource and referral agencies, child care providers, law enforcement and corrections agencies, private nonprofit entities, local governments, faith-based organizations, businesses, families, youth and the local community. The process shall include populations representing the diversity of the county or region.

(4) Through the process described in subsection (3) of this section, the local commission shall coordinate

the development of a single local plan for coordinating community programs, strategies and services for children who are 18 years of age or younger, including prenatal, and their families among community groups, government agencies, private providers and other parties. The local plan shall be a comprehensive area-wide service delivery plan for all services to be provided for children and their families in the county or region, if the families have given their express written consent. The local plan shall be designed to achieve state and county or regional outcomes based on state policies and guidelines and to maintain a level of services consistent with state and federal requirements.

(5) The local commission shall prepare the local coordinated comprehensive plan and applications for funds to implement ORS 417.705 to 417.800 and 419A.170. The local plan, policies and proposed service delivery systems shall be submitted to the board or boards of county commissioners for approval prior to submission to the [state commission] **Early Learning Council**. The local plan shall be based on identifying the most effective service delivery system allowing for the continuation of current public and private programs where appropriate. The local plan shall address needs, strengths and assets of all children, their families and communities, including those children and their families at highest risk.

(6) Subject to the availability of funds:

(a) The local coordinated comprehensive plan shall include:

(A) Identification of ways to connect all state and local planning processes related to services for children and their families into the local coordinated comprehensive plan to create positive outcomes for children and their families; and

(B) Provisions for a continuum of social supports at the community level for children from the prenatal stage through 18 years of age, and their families, that takes into account areas of need, service overlap, asset building and community strengths as outlined in ORS 417.305 (2).

(b) The local coordinated comprehensive plan shall reference:

(A) A voluntary local early childhood system plan created pursuant to ORS 417.777;

(B) Local alcohol and other drug prevention and treatment plans developed pursuant to ORS 430.242;

(C) Local service plans, developed pursuant to ORS 430.630, for the delivery of mental health services for children and their families;

(D) Local public health plans, developed pursuant to ORS 431.385, that include public health issues such as prenatal care, immunizations, well-child checkups, tobacco use, nutrition, teen pregnancy, maternal and child health care and suicide prevention; and

(E) The local high-risk juvenile crime prevention plan developed pursuant to ORS 417.855.

(7) The local coordinated comprehensive plan shall include a list of staff positions budgeted to support the local commission on children and families. The list shall indicate the status of each posi-

tion as a percentage of full-time equivalency dedicated to the implementation of the local coordinated comprehensive plan. The county board or boards of commissioners shall be responsible for providing the level of staff support detailed in the local plan and shall ensure that funds provided for these purposes are used to carry out the local plan.

(8) The local coordinated comprehensive plan shall:

(a) Improve results by addressing the needs, strengths and assets of all children, their families and communities in the county or region, including those children and their families at highest risk;

(b) Improve results by identifying the methods that work best at the state and local levels to coordinate resources, reduce paperwork and simplify processes, including data gathering and planning;

(c) Be based on local, state and federal resources;

(d) Be based on proven practices of effectiveness for the specific community;

(e) Contribute to a voluntary statewide system of formal and informal services and supports that is provided at the community level, that is integrated in local communities and that promotes improved outcomes for Oregon's children;

(f) Be presented to the citizens in each county for public review, comment and adjustment;

(g) Be designed to achieve outcomes based on research-identified proven practices of effectiveness; and

(h) Address other issues, local needs or children and family support areas as determined by the local commission [pursuant to ORS 417.735].

(9) In developing the local coordinated comprehensive plan, the local commission shall:

(a) Secure active participation pursuant to subsection (3) of this section;

(b) Provide for community participation in the planning process, including media notification;

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

(d) Identify opportunities for service integration; and

(e) Develop a local coordinated comprehensive plan and budget to meet the priority needs of a county or region.

(10) The [state commission] **Early Learning Council** may disapprove the part of the local coordinated comprehensive plan relating to the planning process required by this section and the voluntary local early childhood system plan.

(11)(a) The [state commission] **Early Learning Council** may disapprove the planning process and the voluntary local early childhood system plan only upon making specific findings that the local plan substantially fails to conform to the principles, characteristics and values identified in ORS 417.708 to 417.725 [and 417.735 (4)] or that the local plan fails to conform with the planning process requirements of this section. The staff of the [state commission] **Early Learning Council** shall assist the local commission in remedying the deficiencies in the

planning process or the voluntary local early childhood system plan. The [state commission] **Early Learning Council** shall set a date by which any deficient portions of the planning process or the voluntary local early childhood system plan must be revised and resubmitted to the [state commission] **Early Learning Council** by the local commission.

(b) The [state commission] **Early Learning Council** does not have approval authority over the following service plans referenced in the local coordinated comprehensive plan:

(A) The local alcohol and other drug prevention and treatment plans developed pursuant to ORS 430.242;

(B) Local service plans, developed pursuant to ORS 430.630, relating to the delivery of mental health services;

(C) Local public health plans developed pursuant to ORS 431.385; and

(D) Local high-risk juvenile crime prevention plans developed pursuant to ORS 417.855.

(12) The [state commission] **Early Learning Council**, the Department of Human Services and the Juvenile Crime Prevention Advisory Committee may jointly approve the community plan that is part of the local coordinated comprehensive plan, but may not jointly approve the service plans that are referenced in the local plan. If the community plan is disapproved in whole, the agencies shall identify with particularity the manner in which the community plan is deficient and the service plans may be implemented. If only part of the community plan is disapproved, the remainder of the community plan and the service plans may be implemented. The staff of the agencies shall assist the local commission in remedying the disapproved portions of the community plan. The agencies shall jointly set a date by which the deficient portions of the community plan shall be revised and resubmitted to the agencies by the local commission. In reviewing the community plan, the agencies shall consider the impact of state and local budget reductions on the community plan.

(13) If a local commission determines that the needs of the county or region it serves differ from those identified by the [state commission] **Early Learning Council**, it may ask the [state commission] **Early Learning Council** to waive specific requirements in its list of children's support areas. The process for granting waivers shall be developed by the [state commission] **Early Learning Council** prior to the start of the review and approval process for the local coordinated comprehensive plan [described in ORS 417.735 (4)] and shall be based primarily on a determination of whether the absence of a waiver would prevent the local commission from best meeting the needs of the county or region.

(14) From time to time, the local commission may amend the local coordinated comprehensive plan and applications for funds to implement ORS 417.705 to 417.800 and 419A.170. The local commission must amend the local plan to reflect current community needs, strengths, goals, priorities and

strategies. Amendments become effective upon approval of the board or boards of county commissioners and the [state commission] **Early Learning Council**.

(15) The local commission shall keep an official record of any amendments to the local coordinated comprehensive plan under subsection (14) of this section.

(16) The local commission shall provide an opportunity for public and private contractors to review the components of the local coordinated comprehensive plan and any amendments to the local plan, to receive notice of any component that the county or counties intend to provide through a county agency and to comment publicly to the board or boards of county commissioners if they disagree with the proposed service delivery plan.

(17) Alcohol and drug prevention and treatment services included in the local coordinated comprehensive plan must meet minimum standards adopted by the Oregon Health Authority under ORS 430.357.

**SECTION 46a. The Early Learning Council may waive the requirements of ORS 417.775 applicable to local coordinated comprehensive plans of local commissions on children and families in order for local commissions to transition away from oversight by the State Commission on Children and Families.**

**SECTION 47.** ORS 417.777 is amended to read:

417.777. (1) Each local commission on children and families, as part of the local coordinated comprehensive plan developed under ORS 417.775 for the county or region, shall lead and coordinate the development of a voluntary local early childhood system plan that shall focus on the needs of children who are zero through eight years of age and their families. Local Oregon prekindergarten programs, early childhood special education programs and early intervention services shall collaborate and participate with the local commission in the development and implementation of the voluntary early childhood system plan.

(2) In the process of developing the voluntary local early childhood system plan, a local commission shall include parents, youth, community representatives and representatives of local providers of early childhood services that reflect the diversity of the county or region, including but not limited to representatives from:

- (a) Hospitals and the health professions;
- (b) Local interagency coordinating councils;
- (c) Oregon prekindergarten programs;
- (d) Contractors who are designated by the Superintendent of Public Instruction to be responsible for the administration of early childhood special education and early intervention services in a service area;
- (e) Community corrections agencies;
- (f) Mental health services;
- (g) County health departments;

(h) Healthy Start Family Support Services programs;

(i) Alcohol and drug treatment programs;

(j) Local child care resource and referral agencies;

(k) Child care providers;

(L) Developmental disability services;

(m) The kindergarten through grade 12 education community;

(n) Faith-based organizations; and

(o) Other providers of prenatal and perinatal services.

(3) A voluntary local early childhood system plan shall:

(a) Provide for the coordination of early childhood programs by creating a process to connect children and families with the most appropriate supports;

(b) Include a description of how the components of the voluntary statewide early [childhood] **learning** system specified in ORS 417.728 will be implemented in the county or region;

(c) Build on existing programs;

(d) Identify ways to maximize the use of volunteers and other community resources; and

(e) Ensure that the diverse populations within a community receive services that are culturally and gender appropriate.

(4) Local communities are encouraged to:

(a) Use private nonprofit organizations to raise community awareness and support for the voluntary local early childhood system; and

(b) Involve the medical community to ensure appropriate referrals to services and supports that are provided through the voluntary local early childhood system.

**SECTION 47a.** ORS 417.780 is amended to read:

417.780. Funds received by a county or counties from the state to implement ORS 417.705 to 417.800 and 419A.170 shall not be used to replace county general fund moneys, other than federal or state funds, currently being used by the county for existing programs for children and youth. However, in case of severe financial hardship demonstrated by a county or counties, the [State Commission on Children and Families] **Early Learning Council** may waive the requirements of this section in approving the local coordinated comprehensive plan.

**SECTION 48.** ORS 417.785 is amended to read:

417.785. A local commission is the recommended local structure for implementation of ORS 417.705 to 417.800 and 419A.170. However, a county or counties may elect to offer another structure but shall submit only one local coordinated comprehensive plan. The alternative structure must be approved by the [State Commission on Children and Families] **Early Learning Council**.

**SECTION 49.** ORS 417.787 is amended to read:

417.787. The [State Commission on Children and Families] **Early Learning Council** shall:

(1) Determine when funds for services for children and families not described in ORS 409.010 (2)(a) and 430.215 are to be transferred to the local commission. If a local commission with an approved local coordinated comprehensive plan requests a transfer, the [state commission] **Early Learning Council** shall determine whether funds can be transferred.

(2) Determine which, if any, services for children and families that are not described in ORS 409.010 (2)(a) and 430.215 are not to be transferred to local commissions but are to remain state responsibilities.

**SECTION 50.** ORS 417.788 is amended to read:

417.788. (1) The [State Commission on Children and Families] **Early Learning Council** shall support relief nurseries statewide through **both** local commissions on children and families **and tribes**, as funding becomes available. Local commissions **and tribes** may establish relief nurseries for young children who are at risk and their families. Local commissions in adjoining counties may choose to establish regional relief nurseries. The relief nurseries shall:

(a) Be consistent with the voluntary early childhood system plan that is part of the local coordinated comprehensive plan; and

(b) Involve the parents of children served by the relief nurseries.

(2) Programs at the relief nurseries shall include:

(a) Therapeutic early childhood education programs; and

(b) Parent education, training and support.

(3) Each relief nursery that receives state funding shall have financial support from the community that is at least equal to 25 percent of any state allocation.

**SECTION 51.** ORS 417.790 is amended to read:

417.790. The [State Commission on Children and Families] **Early Learning Council** shall:

(1) Make grants to local commissions on children and families to fund research-based services and initiatives to improve outcomes for children, youth or families. The [state commission] **council** shall assist counties in the implementation of community services that are efficient, accountable, coordinated and readily available. Grants for services and initiatives to support children, youth or families shall be used at the local level according to the county's local coordinated comprehensive plan. These services shall be provided in accordance with ORS 417.715 and 417.720.

(2) Make Great Start grants to local commissions on children and families to fund community-based programs for children [who are newborn] **zero** through [eight] **six** years of age. A county or region shall use Great Start grant funds to provide research-based early childhood programs in community settings and to provide services that have proven to be successful and that meet the needs of the community as described in the county's local

coordinated comprehensive plan. These services shall be provided in accordance with ORS 417.728.

**SECTION 52.** ORS 417.793 is amended to read:

417.793. The [State Commission on Children and Families] **Early Learning Council** shall support parents-as-teachers programs statewide through local commissions on children and families as funding becomes available. If a local commission offers a program, the program shall be part of a comprehensive, research-based approach to parent education and support. The program shall be consistent with the voluntary early childhood system plan that is part of the local coordinated comprehensive plan.

**SECTION 53.** ORS 417.795 is amended to read:

417.795. (1) The [State Commission on Children and Families established under ORS 417.730] **Early Learning Council** shall establish Healthy Start Family Support Services programs through contracts entered into by local commissions on children and families in all counties of this state as funding becomes available.

(2) These programs shall be nonstigmatizing, voluntary and designed to achieve the appropriate early childhood benchmarks and shall:

(a) Ensure that express written consent is obtained from the family prior to any release of information that is protected by federal or state law and before the family receives any services;

(b) Ensure that services are voluntary and that, if a family chooses not to accept services or ends services, there are no adverse consequences for those decisions;

(c) Offer a voluntary comprehensive screening and risk assessment of all newly born children and their families;

(d) Ensure that the disclosure of information gathered in conjunction with the voluntary comprehensive screening and risk assessment of children and their families is limited pursuant to ORS 417.728 [(6)] (7) to the following purposes:

(A) Providing services under the programs to children and families who give their express written consent;

(B) Providing statistical data that are not personally identifiable;

(C) Accomplishing other purposes for which the family has given express written consent; and

(D) Meeting the requirements of mandatory state and federal disclosure laws;

(e) Ensure that risk factors used in the risk assessment are limited to those risk factors that have been shown by research to be associated with poor outcomes for children and families;

(f) Identify, as early as possible, families that would benefit most from the programs;

(g) Provide parenting education and support services, including but not limited to community-based home visiting services and primary health care services;

(h) Provide other supports, including but not limited to referral to and linking of community and

public services for children and families such as mental health services, alcohol and drug treatment programs that meet the standards promulgated by the Oregon Health Authority [pursuant to] **under** ORS 430.357, child care, food, housing and transportation;

(i) Coordinate services for children consistent with the voluntary local early childhood system plan developed pursuant to ORS 417.777;

(j) Provide follow-up services and supports from [birth through five] **zero through six** years of age;

(k) Integrate data with any common data system for early childhood programs [implemented pursuant to section 7, chapter 831, Oregon Laws 2001];

(L) Be included in a statewide independent evaluation to document:

- (A) Level of screening and assessment;
- (B) Incidence of child abuse and neglect;
- (C) Change in parenting skills; and
- (D) Rate of child development;

(m) Be included in a statewide training program in the dynamics of the skills needed to provide early childhood services, such as assessment and home visiting; and

(n) Meet voluntary statewide and local early childhood system quality assurance and quality improvement standards.

(3) The Healthy Start Family Support Services programs, local health departments and other providers of prenatal and perinatal services in counties, as part of the voluntary local early childhood system, shall:

(a) Identify existing services and describe and prioritize additional services necessary for a voluntary home visit system;

(b) Build on existing programs;

(c) Maximize the use of volunteers and other community resources that support all families;

(d) Target, at a minimum, all first birth families in the county; and

(e) Ensure that home visiting services provided by local health departments for children and pregnant women support and are coordinated with local Healthy Start Family Support Services programs.

(4) Through a Healthy Start Family Support Services program, a trained family support worker or nurse shall be assigned to each family assessed as at risk that consents to receive services through the worker or nurse. The worker or nurse shall conduct home visits and assist the family in gaining access to needed services.

(5) The services required by this section shall be provided by hospitals, public or private entities or organizations, or any combination thereof, capable of providing all or part of the family risk assessment and the follow-up services. In granting a contract, a local commission may utilize collaborative contracting or requests for proposals and shall take into consideration the most effective and consistent service delivery system.

(6) The family risk assessment and follow-up services for families at risk shall be provided by trained family support workers or nurses organized

in teams supervised by a manager and including a family services coordinator who is available to consult.

(7) Each Healthy Start Family Support Services program shall adopt disciplinary procedures for family support workers, nurses and other employees of the program. The procedures shall provide appropriate disciplinary actions for family support workers, nurses and other employees who violate federal or state law or the policies of the program.

**SECTION 54.** ORS 417.797 is amended to read:

417.797. (1) Each state agency or other entity that is responsible for a component of the local coordinated comprehensive plan shall ensure that a biennial evaluation of the plan component is conducted according to a consistent framework. The program evaluation shall include:

(a) An identified goal and associated Oregon benchmarks;

(b) Proven practices of effectiveness and related Oregon data;

(c) A target population and a description of local service systems that may be used in identifying, screening, recruiting and serving the target population;

(d) Specific intermediate outcomes that measure progress in addressing risk contributors or developing core supports and competencies and specific tools and data sources to measure the intermediate outcomes;

(e) Baseline data about the incidence of risk and asset and support factors with the goal of measuring change over time, including an assessment of local need;

(f) Measures of fiscal accountability;

(g) Identified roles and responsibilities for state agencies and local partners and performance measures to evaluate effectiveness in agreed-upon roles; and

(h) Measures of the change in coordination among service providers and programs as a result of the local plan, including increases in access to services.

(2) The [State Commission on Children and Families] **Early Learning Council** shall disclose the results of the evaluations to any person upon request.

(3) The [Oregon Progress Board] **Early Learning Council** shall conduct a review of the [intermediate] outcome targets achieved by local coordinated comprehensive plans [in accordance with ORS 417.735 (3)(c)] for the purpose of identifying progress in achieving outcomes specified in local plans. The [Oregon Progress Board] **Early Learning Council** shall coordinate the review with the evaluations conducted according to subsection (1) of this section.

**SECTION 55.** ORS 417.855 is amended to read:

417.855. (1) Each board of county commissioners shall designate an agency or organization to serve as the lead planning organization to facilitate the creation of a partnership among state and local public and private entities in each county. The part-

nership shall include, but is not limited to, local commissions on children and families, education representatives, public health representatives, local alcohol and drug planning committees, representatives of the court system, local mental health planning committees, city or municipal representatives and local public safety coordinating councils. The partnership shall develop a local high-risk juvenile crime prevention plan that shall be incorporated into the local coordinated comprehensive plans created pursuant to ORS 417.775.

(2) The local high-risk juvenile crime prevention plans shall use services and activities to meet the needs of a targeted population of youths who:

(a) Have more than one of the following risk factors:

(A) Antisocial behavior;

(B) Poor family functioning or poor family support;

(C) Failure in school;

(D) Substance abuse problems; or

(E) Negative peer association; and

(b) Are clearly demonstrating at-risk behaviors that have come to the attention of government or community agencies, schools or law enforcement and will lead to imminent or increased involvement in the juvenile justice system.

(3)(a) The [State Commission on Children and Families] **Youth Development Council** shall allocate funds available to support the local high-risk juvenile crime prevention plans to counties based on the youth population age 18 or younger in those counties.

(b) The [state commission] **Youth Development Council** shall award a minimum grant to small counties. The minimum grant level shall be determined by the Juvenile Crime Prevention Advisory Committee through a public process and reviewed by the committee biennially.

**SECTION 56.** ORS 417.857 is amended to read: 417.857. (1) Deschutes County may place greater emphasis on early intervention and work with younger children than required by the Juvenile Crime Prevention Advisory Committee if the county has been granted a waiver pursuant to this section.

(2) The Juvenile Crime Prevention Advisory Committee shall develop an objective process, review criteria and timetable for consideration of a waiver request. A waiver granted under this section applies to the requirements for basic services grants described in ORS 417.850 (8) and high-risk juvenile crime prevention resources managed by the [State Commission on Children and Families] **Youth Development Council**. The waiver shall be consistent with the goals of ORS 417.705 to 417.800, 417.850 and 417.855.

(3) Any documentation required for a waiver under this section shall be obtained to the greatest extent possible from material contained in the county's juvenile crime prevention plan and from material as determined through biennial intergovernmental agreements. The Juvenile Crime Prevention Advisory

Committee may ask the county to submit additional information regarding how the county intends to use crime prevention funds under the waiver.

(4) The Juvenile Crime Prevention Advisory Committee shall grant a waiver or continue a waiver based on criteria that include:

(a) The rate of Oregon Youth Authority discretionary bed usage compared to other counties;

(b) The county's rates of first-time juvenile offenders, chronic juvenile offenders and juvenile recidivism compared to other counties;

(c) The amount and allocation of expenditures from all funding sources for juvenile crime prevention, including prevention and early intervention strategies, and how the requested waiver addresses the needs and priorities for the target population described in ORS 417.855 and for the target population described in the waiver;

(d) Inclusion of prevention or early intervention strategies in the juvenile crime prevention plan;

(e) Investments in evidence-based crime prevention programs and practices;

(f) Support of the local public safety coordinating council, local commission on children and families and the board of county commissioners;

(g) Local integration practices including citizens, victims, courts, law enforcement, business and schools;

(h) Identification of the risk factors for the target population described in the waiver; and

(i) Changes in the risk factors for the target population described in the waiver.

(5) The committee shall review and act on any request for a waiver within 90 days after receipt of the request.

(6) The duration of a waiver granted under this section is four years. Before the expiration of a waiver granted under this section, the county may submit a request for another waiver.

**SECTION 57.** ORS 418.751 is amended to read: 418.751. (1) The Department of Human Services, as provided in ORS 418.702, and the Department of Justice shall ensure that training and education are provided for persons, other than law enforcement officers, who are required to investigate allegations of child abuse. [The Department of Human Services and the Department of Justice shall consult with the State Commission on Children and Families in assessing the grant funding that might be distributed to enhance and support training and continuing education for the county multidisciplinary child abuse teams.]

(2) The Department of Human Services and the Department of Justice shall work with the Board on Public Safety Standards and Training to ensure that the training that is offered to persons under subsection (1) of this section and ORS 418.702 is coordinated with the training given to law enforcement officers.

**SECTION 58.** ORS 418.975 is amended to read: 418.975. As used in ORS 418.975 to 418.985:

(1) “Cultural competence” means accepting and respecting diversity and differences in a continuous process of self-assessment and reflection on one’s personal and organizational perceptions of the dynamics of culture.

(2) “Family” includes, with respect to a youth:

- (a) A biological or legal parent;
- (b) A sibling;
- (c) An individual related by blood, marriage or adoption;
- (d) A foster parent;
- (e) A legal guardian;
- (f) A caregiver;
- (g) An individual with a significant social relationship with the youth; and

(h) Any person who provides natural, formal or informal support to the youth that the youth identifies as important.

(3) “Family-run organization” means a private nonprofit entity organized for the purpose of serving families with a youth who has a serious emotional disorder. The entity must:

(a) Have a governing board in which a majority of the members are family members of a youth with a serious emotional disorder; and

(b) Give a preference to family members in hiring decisions for the entity.

(4) “Identified population” means youth who have or are at risk of developing emotional, behavioral or substance use related needs, and who are involved with two or more systems of care.

(5) “Partner agency” includes the Department of Education, Oregon Youth Authority, Department of Human Services, [State Commission on Children and Families] **Early Learning Council, Youth Development Council**, Oregon Health Authority and other appropriate agencies involved in the system of care.

(6) “Services and supports” means public, private and community resources that assist youth in the achievement of positive outcomes.

(7) “System of care” means a coordinated network of services including education, child welfare, public health, primary care, pediatric care, juvenile justice, mental health treatment, substance use treatment, developmental disability services and any other services and supports to the identified population that integrates care planning and management across multiple levels, that is culturally and linguistically competent, that is designed to build meaningful partnerships with families and youth in the delivery and management of services and the development of policy and that has a supportive policy and management infrastructure.

(8) “Wraparound” means a definable, team-based planning process involving a youth and the youth’s family that results in a unique set of community services and services and supports individualized for that youth and family to achieve a set of positive outcomes.

(9) “Youth” means an individual 18 years of age or younger.

**SECTION 59.** ORS 419A.170 is amended to read:

419A.170. (1) In every case under ORS chapter 419B, the court shall appoint a court appointed special advocate. The court appointed special advocate is deemed a party in these proceedings, and in the furtherance thereof, may be represented by counsel, file pleadings and request hearings and may subpoena, examine and cross-examine witnesses. If the court appointed special advocate is represented by counsel, counsel shall be paid from funds available to the Court Appointed Special Advocate Volunteer Program. No funds from the Public Defense Services Account or Judicial Department operating funds may be used for this purpose.

(2) Subject to the direction of the court, the duties of the court appointed special advocate are to:

(a) Investigate all relevant information about the case;

(b) Advocate for the child or ward, ensuring that all relevant facts are brought before the court;

(c) Facilitate and negotiate to ensure that the court, Department of Human Services, if applicable, and the child or ward’s attorney, if any, fulfill their obligations to the child or ward in a timely fashion; and

(d) Monitor all court orders to ensure compliance and to bring to the court’s attention any change in circumstances that may require a modification of the court’s order.

(3) If a juvenile court does not have available to it a CASA Volunteer Program, or a sufficient number of qualified CASA volunteers, the court may, in fulfillment of the requirements of this section, appoint a juvenile department employee or other suitable person to represent the child or ward’s interest in court [pursuant to] **under** ORS 419A.012 or 419B.195.

(4) Any person appointed as a court appointed special advocate in any judicial proceeding on behalf of the child or ward is immune from any liability for defamation or statements made in good faith by that person, orally or in writing, in the course of the case review or judicial proceeding.

(5) Any person appointed as a court appointed special advocate, CASA Volunteer Program director, CASA Volunteer Program employee or member of the board of directors or trustees of any CASA Volunteer Program is immune from any liability for acts or omissions or errors in judgment made in good faith in the course or scope of that person’s duties or employment as part of a CASA Volunteer Program.

(6) Whenever the court appoints a court appointed special advocate or other person under subsections (1) to (3) of this section to represent the child or ward, it may require a parent, if able, or guardian of the estate, if the estate is able, to pay, in whole or in part, the reasonable costs of CASA services including reasonable attorney fees. The court’s order of payment is enforceable in the same manner as an order of support under ORS 419B.408.

(7) Upon presentation of the order of appointment by the court appointed special advocate, any

agency, hospital, school organization, division, office or department of the state, doctor, nurse or other health care provider, psychologist, psychiatrist, police department or mental health clinic shall permit the court appointed special advocate to inspect and copy, and may consult with the court appointed special advocate regarding, any records relating to the child or ward involved in the case, without the consent of the child, ward or parents.

(8) All records and information acquired or reviewed by a court appointed special advocate during the course of official duties are deemed confidential under ORS 419A.255.

(9) For the purposes of a Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) grant to this state under Public Law No. 93-247, or any related state or federal legislation, a court appointed special advocate or other person appointed [pursuant to] **under** subsections (1) to (3) of this section is deemed a guardian ad litem to represent the interests of the child or ward in proceedings before the court.

(10) There is created a Court Appointed Special Advocate (CASA) Fund in the General Fund. The fund consists of all moneys credited to it. Moneys in the Court Appointed Special Advocate Fund are continuously appropriated to the [State Commission on Children and Families] **Early Learning Council** and may be used only to carry out the purposes of this section. The [commission] **council** may apply for and receive funds from federal and private sources for carrying out the provisions of this section.

(11) The [state commission] **Early Learning Council** may expend moneys from the Court Appointed Special Advocate Fund directly or indirectly through contracts or grants for the creation, supervision and operation of CASA Volunteer Programs statewide. The [commission] **council** may also expend moneys from the Court Appointed Special Advocate Fund to pay the reasonable costs of its administration of the Court Appointed Special Advocate Fund. The [commission] **council** shall adopt rules for carrying out its responsibilities under this section.

**SECTION 60.** ORS 419B.005 is amended to read: 419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

(1)(a) "Abuse" means:

(A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child which has been caused by other than accidental means, including any injury which appears to be at variance with the explanation given of the injury.

(B) Any mental injury to a child, which shall include only observable and substantial impairment of the child's mental or psychological ability to function caused by cruelty to the child, with due regard to the culture of the child.

(C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual penetration and incest, as those acts are described in ORS chapter 163.

(D) Sexual abuse, as described in ORS chapter 163.

(E) Sexual exploitation, including but not limited to:

(i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any other conduct which allows, employs, authorizes, permits, induces or encourages a child to engage in the performing for people to observe or the photographing, filming, tape recording or other exhibition which, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or described in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not including any conduct which is part of any investigation conducted pursuant to ORS 419B.020 or which is designed to serve educational or other legitimate purposes; and

(ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution or to patronize a prostitute, as defined in ORS chapter 167.

(F) Negligent treatment or maltreatment of a child, including but not limited to the failure to provide adequate food, clothing, shelter or medical care that is likely to endanger the health or welfare of the child.

(G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm to the child's health or welfare.

(H) Buying or selling a person under 18 years of age as described in ORS 163.537.

(I) Permitting a person under 18 years of age to enter or remain in or upon premises where methamphetamines are being manufactured.

(J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, that subjects a child to a substantial risk of harm to the child's health or safety.

(b) "Abuse" does not include reasonable discipline unless the discipline results in one of the conditions described in paragraph (a) of this subsection.

(2) "Child" means an unmarried person who is under 18 years of age.

(3) "Law enforcement agency" means:

(a) A city or municipal police department.

(b) A county sheriff's office.

(c) The Oregon State Police.

(d) A police department established by a university under ORS 352.383.

(e) A county juvenile department.

(4) "Public or private official" means:

(a) Physician, osteopathic physician, physician assistant, naturopathic physician, podiatric physician and surgeon, including any intern or resident.

(b) Dentist.

(c) School employee.

(d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide or employee of an in-home health service.

(e) Employee of the Department of Human Services, Oregon Health Authority, [State Commission on Children and Families] **Early Learning Council**, **Youth Development Council**, Child Care Division of the Employment Department, the Oregon Youth

Authority, a county health department, a community mental health program, a community developmental disabilities program, a county juvenile department, a licensed child-caring agency or an alcohol and drug treatment program.

- (f) Peace officer.
- (g) Psychologist.
- (h) Member of the clergy.
- (i) Regulated social worker.
- (j) Optometrist.
- (k) Chiropractor.
- (L) Certified provider of foster care, or an employee thereof.
- (m) Attorney.
- (n) Licensed professional counselor.
- (o) Licensed marriage and family therapist.
- (p) Firefighter or emergency medical services provider.
- (q) A court appointed special advocate, as defined in ORS 419A.004.
- (r) A child care provider registered or certified under ORS 657A.030 and 657A.250 to 657A.450.
- (s) Member of the Legislative Assembly.
- (t) Physical, speech or occupational therapist.
- (u) Audiologist.
- (v) Speech-language pathologist.
- (w) Employee of the Teacher Standards and Practices Commission directly involved in investigations or discipline by the commission.
- (x) Pharmacist.
- (y) An operator of a preschool recorded program under ORS 657A.255.
- (z) An operator of a school-age recorded program under ORS 657A.257.
- (aa) Employee of a private agency or organization facilitating the provision of respite services, as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS 109.056.

**SECTION 61.** ORS 419C.453 is amended to read: 419C.453. (1) Pursuant to a hearing, the juvenile court may order a youth offender placed in a detention facility for a specific period of time not to exceed eight days, in addition to time already spent in the facility, unless a program plan that is in conformance with standards established by the [State Commission on Children and Families] **Youth Development Council** has been filed with and approved by the [commission] **council**, in which case the youth offender may be held in detention for a maximum of 30 days in addition to time already spent in the facility, when:

- (a) The youth offender has been found to be within the jurisdiction of the juvenile court by reason of having committed an act [which] **that** would be a crime if committed by an adult; or
  - (b) The youth offender has been placed on formal probation for an act [which] **that** would be a crime if committed by an adult, and has been found to have violated a condition of that probation.
- (2) Pursuant to a hearing, the juvenile court may order a youth offender who is at least 18 years of

age placed in a jail or other place where adults are detained. The placement must be for a specific period of time and may not exceed eight days in addition to time already spent in a juvenile detention facility or jail. The court may order placement under this subsection when:

- (a) The youth offender has been found to be within the jurisdiction of the juvenile court by reason of having committed an act [which] **that** would be a crime if committed by an adult; or
  - (b) The youth offender has been placed on formal probation for an act [which] **that** would be a crime if committed by an adult, and has been found to have violated a condition of that probation.
- (3) In order to detain a youth offender under subsection (2) of this section, the court shall make case-specific findings that placement in a jail or other place where adults are detained meets the specific needs of the youth offender.
- (4) As used in this section, "adult" does not include a person who is 18 years of age or older and is alleged to be, or has been found to be, within the jurisdiction of the juvenile court under ORS 419C.005.

**SECTION 62.** ORS 430.241 is amended to read: 430.241. (1) As used in this section and ORS 430.242:

- (a) "Local government" means a local government as defined in ORS 174.116 that receives state or federal funding for programs that provide alcohol or drug prevention or treatment services.
  - (b) "Participating state agency" means the [State Commission on Children and Families] **Youth Development Council**, the Department of Corrections, the Department of Human Services, the Oregon Health Authority, the Department of Education, the Oregon Criminal Justice Commission, the Oregon State Police, the Oregon Youth Authority or any other state agency that is approved by the Alcohol and Drug Policy Commission to license, contract for, provide or coordinate alcohol or drug prevention or treatment services.
  - (c) "Provider" means any person that is licensed by the Oregon Health Authority to provide alcohol or drug prevention or treatment services.
- (2) There is created the Alcohol and Drug Policy Commission, which is charged with planning, evaluating and coordinating policies for the funding and effective delivery of alcohol and drug prevention and treatment services.
- (3) The membership of the commission consists of:
- (a) Sixteen members appointed by the Governor, subject to confirmation by the Senate in the manner prescribed in ORS 171.562 and 171.565, including:
    - (A) An elected district attorney;
    - (B) An elected county sheriff;
    - (C) A county commissioner;
    - (D) A representative of an Indian tribe;
    - (E) A provider;
    - (F) A chief of police;

(G) An alcohol or drug treatment researcher or epidemiologist;

(H) A criminal defense attorney;

(I) A representative of the health insurance industry;

(J) A representative of hospitals;

(K) An alcohol or treatment professional who is highly experienced in the treatment of persons with a dual diagnosis of mental illness and substance abuse;

(L) An alcohol or drug abuse prevention representative;

(M) A consumer of alcohol or drug treatment who is in recovery;

(N) A representative of the business community;

(O) An alcohol or drug prevention representative who specializes in youth; and

(P) A person with expertise in and experience working with information technology systems used in complex intergovernmental or corporate settings.

(b) Two members of the Legislative Assembly appointed to the commission as nonvoting members of the commission, acting in an advisory capacity only and including:

(A) One member from among members of the Senate appointed by the President of the Senate; and

(B) One member from among members of the House of Representatives appointed by the Speaker of the House of Representatives.

(c) The following voting ex officio members:

(A) The Governor or the Governor's designee;

(B) The Attorney General;

(C) The Director of the Oregon Health Authority;

(D) The Director of the Department of Corrections;

(E) The Deputy Superintendent of Public Instruction or the deputy superintendent's designee;

(F) The Director of Human Services;

(G) The Director of the Oregon Youth Authority;

(H) The chairperson of the [State Commission on Children and Families] **Youth Development Council**; and

(I) The administrator of the Oregon Liquor Control Commission.

(d) A judge of a circuit court appointed to the commission as a nonvoting member by the Chief Justice of the Supreme Court.

(4) The Alcohol and Drug Policy Commission shall select one of its members as chairperson and another as vice chairperson, for such terms and with duties and powers necessary for the performance of the functions of such offices as the commission determines.

(5) A majority of the voting members of the commission constitutes a quorum for the transaction of business.

(6) Official action of the commission requires the approval of a majority of a quorum.

(7) The commission may establish a steering committee and subcommittees. These committees may be continuing or temporary.

(8) The term of office of each commission member appointed by the Governor is four years, but a member serves at the pleasure of the Governor. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective.

(9) The Oregon Health Authority shall provide staff support to the commission. Subject to available funding, the commission may contract with a public or private entity to provide staff support.

(10) Members of the commission who are not members of the Legislative Assembly are entitled to compensation and expenses incurred by them in the performance of their official duties in the manner and amounts provided for in ORS 292.495. Claims for compensation and expenses shall be paid out of funds appropriated to the Oregon Health Authority or funds appropriated to the commission for purposes of the commission.

(11) The commission shall establish a budget advisory committee composed of the individuals listed in subsection (3)(a)(C), (c)(B) to (I) and (d) of this section. The individual described in subsection (3)(d) of this section is a nonvoting member of the committee. The committee shall recommend budget policy priorities to the commission:

(a) Regarding the allocation of funding for alcohol and drug prevention and treatment services across state agencies and throughout this state;

(b) That identify additional funding from federal and private sources for alcohol and drug prevention and treatment services; and

(c) For authorizing a suspension of the payment of state funds, or funds administered by this state, to programs that do not comply with the commission's rules or the budget priority policy or that do not provide effective prevention or treatment services.

(12)(a) The Governor shall appoint a Director of the Alcohol and Drug Policy Commission who shall serve at the pleasure of the Governor and be responsible for the dissemination and implementation of the commission's policies and the performance of the duties, functions and powers of the commission that are delegated to the director by the commission.

(b) The director shall be paid a salary as provided by law or, if not so provided, as prescribed by the Governor.

**SECTION 63.** ORS 430.242 is amended to read:

430.242. (1) The Alcohol and Drug Policy Commission established under ORS 430.241 shall:

(a) Establish priorities and policies for alcohol and drug prevention and treatment services as part of a long-term strategic prevention and treatment plan for this state.

(b) In consultation with the budget advisory committee described in ORS 430.241, adopt budget policy priorities including recommendations for state agency budget allocations, in the Governor's proposed budget, for alcohol and drug prevention and treatment services.

(c) For alcohol and drug prevention and treatment services that use state funds or that use private or federal funds administered by this state, establish, as the commission deems appropriate, minimum standards for licensing, contracting for, providing and coordinating the services.

(2) To promote the effective and efficient use of resources and to reduce unnecessary administrative requirements, the commission, in consultation with participating state agencies, the Judicial Department, local governments, providers and the Oregon Department of Administrative Services, shall develop and implement a plan for structuring Oregon's data collection and reporting systems for alcohol and drug prevention and treatment programs to enable participating state agencies, the Judicial Department, local governments and providers to share data to:

- (a) Improve client care;
- (b) Improve and ensure the fidelity of evidence-based treatment practices;
- (c) Improve alcohol and drug prevention and treatment programs;
- (d) Ensure the accountability of publicly funded programs;
- (e) Establish high-level, statewide performance measures for Oregon's alcohol and drug prevention and treatment programs; and
- (f) Advance the science of alcohol and drug prevention and treatment.

(3) The plan established under subsection (2) of this section must:

- (a) Include protocols and procedures to improve data collection, sharing and analysis and the interoperability of data and information systems;
- (b) Include safeguards for protecting the confidentiality of information consistent with state and federal privacy and security requirements;
- (c) Include safeguards for protecting trade secret information of providers;
- (d) Include a review of the data collection, sharing and analysis functions of participating state agencies with respect to alcohol and drug prevention and treatment programs to identify duplicative, inefficient, wasteful or unnecessary functions and include recommendations for improvements to the functions described in this paragraph; and
- (e) Be published no later than six months after the appointment, under ORS 430.241, of the first Director of the Alcohol and Drug Policy Commission and shall be revised as frequently as the commission determines is appropriate.

(4) Consistent with the plan established under subsection (2) of this section, the commission may:

- (a) Designate a statewide data repository for data related to alcohol and drug prevention and treatment services and require participating state agencies, local governments and providers to furnish data to the designated statewide data repository in the form and manner prescribed by the commission.
- (b) Direct participating state agencies, local governments and providers to furnish other data, infor-

mation and reports that the commission considers necessary to perform its duties.

(c) Furnish data to participating state agencies, local governments, providers and the Judicial Department.

(d) Direct the unit within the Oregon Health Authority that conducts analyses and evaluations of alcohol and drug prevention and treatment programs to:

(A) Modify systems and business processes to conform to the plan established under subsection (2) of this section; and

(B) Change or stop data collection, data sharing or data analysis functions that are duplicative, inefficient, wasteful or unnecessary.

(5) All participating state agencies shall:

(a) Provide staff support and financial resources to assist the commission in the performance of its duties, which may include making reasonable modifications to the information systems of the state agencies to conform the systems to the plan established under subsection (2) of this section.

(b) Furnish such information, assistance and advice as the commission considers necessary to perform its duties.

(c) Coordinate grant applications that seek funding for alcohol or drug prevention or treatment programs.

(d) Coordinate with research entities to obtain current information about issues related to alcohol and drug use and to encourage research to evaluate and refine prevention and treatment efforts.

(e) Educate the general public about issues related to alcohol and drug use and the effectiveness of evidence-based prevention and treatment services, to increase public awareness and the allocation of resources.

(f) Promote a treatment delivery infrastructure that will meet anticipated increases in demand for services, ensure a skilled addictions treatment workforce and provide effective treatment assessment mechanisms.

(g) Assess funding priorities and explore opportunities for additional federal resources for alcohol and drug prevention and treatment services.

(h) Solicit from agencies, associations, individuals and all political subdivisions of this state program proposals that address identified priorities.

(i) Evaluate and report to the commission, in the manner and at intervals prescribed by the commission, on the cost and effectiveness of the state agency's treatment programs.

(6) The commission may:

(a) Establish up to 10 pilot programs, located in diverse Oregon communities including at least one tribe, to:

(A) Phase in the long-term strategic prevention and treatment plan developed under subsection (1)(a) of this section; and

(B) Implement prevention programs developed under subsection (7) of this section.

(b) Delegate to the Director of the Alcohol and Drug Policy Commission the authority to carry out the provisions of this section.

(c) Apply for and receive gifts and grants from any public or private source. All moneys received by the commission under this paragraph are continuously appropriated to the commission for the purposes of carrying out the duties, functions and powers of the commission.

(d) Award grants from funds appropriated to the commission by the Legislative Assembly, or from funds otherwise available from any other source, for the purpose of carrying out the duties of the commission.

(7) No later than six months after the appointment of the first Director of the Alcohol and Drug Policy Commission, the director shall develop a science-based model alcohol and drug prevention program for use in conjunction with the pilot programs, if any, established under subsection (6) of this section and as otherwise directed by the commission. The director shall develop the model program in consultation with:

- (a) The Oregon Health Authority;
- (b) The Department of Human Services;
- (c) The Department of Education;
- (d) The Oregon Liquor Control Commission;
- [(e) *The State Commission on Children and Families;*]

**(e) The Youth Development Council;**

(f) Organizations that represent or advocate on behalf of consumers of alcohol and drug prevention and treatment programs; and

(g) Behavioral scientists.

(8) The commission and participating state agencies shall enter into interagency agreements to:

(a) Provide staff and financial resources to assist the commission in carrying out its duties;

(b) Share computer systems and technologies between participating state agencies' staff;

(c) Collect and analyze data related to the performance of alcohol and drug prevention and treatment programs; and

(d) Investigate the impacts of drug and alcohol abuse on Oregonians.

(9) The commission may adopt rules to carry out its duties under this section.

**SECTION 64.** Section 16, chapter 418, Oregon Laws 2011, is amended to read:

**Sec. 16.** (1) As used in this section, "regional health improvement plan" means a four-year comprehensive, coordinated regional plan incorporating and replacing all health and human service plans prescribed by the Oregon Health Authority, including but not limited to plans required under ORS 430.630, 430.640, 431.385 and 624.510 [*and plans required by the State Commission on Children and Families under ORS 417.705 to 417.801*].

(2)(a) The Central Oregon Health Council shall conduct a regional health assessment and adopt a regional health improvement plan to serve as a strategic population health and health care system

service plan for the region served by the council. The plan must define the scope of the activities, services and responsibilities that the council proposes to assume upon implementation of the plan.

(b) The activities, services and responsibilities that the council proposes to assume under the plan may include, but are not limited to:

(A) Analysis and development of public and private resources, capacities and metrics based on ongoing regional health assessment activities and population health priorities;

(B) Health policy;

(C) System design;

(D) Outcome and quality improvement;

(E) Integration of service delivery; and

(F) Workforce development.

(3) The council shall submit the plan adopted under subsection (2) of this section to the authority for approval. The authority may approve the plan or return it to the council for modification prior to approval.

(4) The regional health improvement plan adopted under this section shall serve as a guide for entities serving medical assistance recipients, public health authorities, mental health authorities, health care systems, payer groups, provider groups and health coalitions in the counties served by the council.

**SECTION 65.** ORS 458.525 is amended to read:

458.525. (1) The Interagency Council on Hunger and Homelessness is established. The Director of the Housing and Community Services Department shall chair the council. In addition to the director, the council shall consist of 15 members as follows:

(a) One member representing each of the following:

(A) The Housing and Community Services Department.

(B) The Department of Corrections.

(C) The Oregon Business Development Department.

[(D) *The State Commission on Children and Families.*]

**(D) The Early Learning Council.**

(E) The Department of Education.

(F) The State Department of Agriculture.

(G) The Employment Department.

(H) The Department of Veterans' Affairs.

(I) The Department of Transportation.

(J) The Oregon Youth Authority.

(K) The Department of Community Colleges and Workforce Development.

(L) The Department of Justice.

(M) The Oregon Health Authority.

(b) Two members representing the Department of Human Services. Of the two members representing that department:

(A) One shall have expertise on issues affecting services to adults and families.

(B) One shall have expertise on issues affecting services to seniors and to persons with disabilities.

(2) Each council member must be the administrative head of the listed agency or an employee of that agency who is designated by the administrative head and who has an agency policy-making role affecting hunger, food programs, nutrition, homelessness or related issues.

(3) The Hunger Relief Task Force shall adopt recommendations and proposals as the task force deems appropriate. The council shall be responsible for receiving the recommendations and proposals adopted by the task force and the recommendations of any state body relating to the issue of homelessness, and for forwarding the recommendations and proposals to state agencies or other public or private organizations for action that the council deems appropriate:

(a) To ensure the coordination of state agency hunger relief efforts and homelessness relief efforts;

(b) To ensure that food and nutrition programs, other hunger relief efforts and homelessness relief efforts operate efficiently and effectively;

(c) To monitor the utilization of federal hunger relief efforts and homelessness relief efforts and provide outreach to expand underutilized programs; and

(d) To encourage the coordination of state and local programs, public and private antipoverty programs affecting food distribution and programs for assisting the homeless.

(4) The Director of the Housing and Community Services Department, in collaboration with the Director of Human Services, shall convene council meetings at least quarterly.

(5) The Director of the Housing and Community Services Department shall provide the council with staff support the director deems appropriate, by using Housing and Community Services Department employees or by contract. The director shall also provide the council with supplies as the director deems appropriate.

**SECTION 66.** ORS 609.652 is amended to read: 609.652. As used in ORS 609.654:

(1)(a) "Aggravated animal abuse" means any animal abuse as described in ORS 167.322.

(b) "Aggravated animal abuse" does not include:

(A) Good animal husbandry, as defined in ORS 167.310; or

(B) Any exemption listed in ORS 167.335.

(2) "Law enforcement agency" means:

(a) Any city or municipal police department.

(b) A police department established by a university under ORS 352.383.

(c) Any county sheriff's office.

(d) The Oregon State Police.

(e) A law enforcement division of a county or municipal animal control agency that employs sworn officers.

(3) "Public or private official" means:

(a) A physician, including any intern or resident.

(b) A dentist.

(c) A school employee.

(d) A licensed practical nurse or registered nurse.

(e) An employee of the Department of Human Services, Oregon Health Authority, [State Commission on Children and Families,] **Early Learning Council, Youth Development Council**, Child Care Division of the Employment Department, the Oregon Youth Authority, a county health department, a community mental health program, a community developmental disabilities program, a county juvenile department, a licensed child-caring agency or an alcohol and drug treatment program.

(f) A peace officer.

(g) A psychologist.

(h) A member of the clergy.

(i) A regulated social worker.

(j) An optometrist.

(k) A chiropractor.

(L) A certified provider of foster care, or an employee thereof.

(m) An attorney.

(n) A naturopathic physician.

(o) A licensed professional counselor.

(p) A licensed marriage and family therapist.

(q) A firefighter or emergency medical services provider.

(r) A court appointed special advocate, as defined in ORS 419A.004.

(s) A child care provider registered or certified under ORS 657A.030 and 657A.250 to 657A.450.

(t) A member of the Legislative Assembly.

**SECTION 67.** ORS 657A.490 is amended to read: 657A.490. If the Department of Education is able to find adequate funding under ORS 657A.493, the department, in partnership with organizations including, but not limited to, the Institute on Violence and Destructive Behavior at the University of Oregon, the Child Care Division of the Employment Department, the [State Commission on Children and Families] **Early Learning Council, the Youth Development Council** and the Oregon Center for Career Development in Childhood Care and Education:

(1) Shall establish, in coordination with existing training systems, a statewide child care provider training program that will educate child care providers on:

(a) The importance of healthy brain development in the first three years of a child's life.

(b) The identification of risk factors and behaviors that indicate that a child:

(A) Needs special education or mental health treatment; or

(B) Is at risk of becoming involved in the criminal justice system.

(c) Appropriate referrals for intervention for the behaviors identified under paragraph (b) of this subsection.

(2) Shall establish an application process for child care providers who wish to attend the program and may charge child care providers a fee for attending the program.

(3) May adopt any rules necessary to implement this section.

**SECTION 68.** ORS 805.205 is amended to read:

805.205. (1) The Department of Transportation shall provide for issuance of registration plates described in subsections (3), (7) and (8) of this section for nonprofit groups meeting the qualifications for tax exempt status under section 501(c)(3) of the Internal Revenue Code and for institutions of higher education. Plates issued under this section may be issued to owners of motor vehicles registered under the provisions of ORS 803.420 (1). Plates issued under this section may not contain expressions of political opinion or religious belief. Rules adopted under this section shall include, but need not be limited to, rules that:

(a) Describe general qualifications to be met by any group in order to be eligible for plates issued under this section.

(b) Specify circumstances under which the department may cease to issue plates for any particular group.

(c) Require each group for which plates are issued to file an annual statement on a form designed by the department showing that the group is a nonprofit group or is an institution of higher education and that the group or institution otherwise meets the qualifications imposed for eligibility for plates issued under this section. The statement shall include names and addresses of current directors or officers of the group or institution or of other persons authorized to speak for the group or institution on matters affecting plates issued under this section.

(2)(a) Except as otherwise provided in paragraphs (b) and (c) of this subsection, in addition to any other fee authorized by law, upon issuance of a plate under this section and upon renewal of registration for a vehicle that has plates issued under this section, the department shall collect a surcharge for each year of the registration period. The surcharge shall be determined by the department by rule and may not be less than \$2.50 per plate or more than \$16 per plate. In setting the amount of the surcharge, the department shall consult with the nonprofit group for which the plates are issued.

(b) In addition to any other fee authorized by law, upon issuance of a plate under this section that recognizes an institution of higher education in this state, and upon renewal of registration for a vehicle that has such plates, the department shall collect a surcharge of \$8 per plate for each year of the registration period.

(c) In addition to any other fee authorized by law, upon issuance of a Share the Road registration plate, as described in subsection (7) of this section, the department shall collect a surcharge of \$5 per year of registration.

(3) Plates issued under this section shall be from the current regular issue of plates except that:

(a) If the group requesting the plates is an institution of higher education, the plates shall, upon request, contain words that indicate the plates are

issued to recognize the institution or shall contain the institution's logo or an image of the institution's mascot; or

(b) If the group requesting the plates is a group that recognizes fallen public safety officers, the plates shall, upon request, contain a decal that indicates the plates are issued to recognize fallen public safety officers.

(4) Except as otherwise required by the design chosen, the plates shall comply with the requirements of ORS 803.535. The department shall determine how many sets of plates shall be manufactured for each group approved under this section. If the department does not sell or issue renewal for 500 sets of plates for a particular group in any one year, the department shall cease production of those plates.

(5) Except as otherwise provided in subsection (6) of this section, each group that is found by the department to be eligible for plates issued under this section may designate an account into which the net proceeds of the surcharge collected by the department under subsection (2) of this section are to be deposited. The department shall keep accurate records of the number of plates issued for each group that qualifies. After payment of administrative expenses of the department, moneys collected under this section for each group shall be deposited by the department into an account specified by that group. If any group does not specify an account for the moneys collected from the sale of plates issued under this section, the department shall deposit moneys collected for those plates into the Passenger Rail Transportation Account established under ORS 802.100 to be used as other moneys in the account are used. Deposits under this subsection shall be made at least quarterly.

(6)(a) Each institution of higher education that requests a plate under this section shall designate an account in the general fund of the institution, and the proceeds in the account shall be used for the purpose of academic enrichment at the institution.

(b) Net proceeds of the surcharge collected by the department for Share the Road registration plates shall be deposited into two accounts designated by the Bicycle Transportation Alliance and Cycle Oregon. The department shall evenly distribute the net proceeds to each account. Deposits under this paragraph shall be made at least quarterly. At any time that the department determines that the accounts designated by the Bicycle Transportation Alliance and Cycle Oregon cease to exist, the department may deposit the proceeds into the Passenger Rail Transportation Account established under ORS 802.100.

(c) Net proceeds of the surcharge collected by the department for Keep Kids Safe registration plates shall be deposited into an account designated by the Children's Trust Fund of Oregon Foundation to fund strategies and approaches shown to prevent or reduce child abuse. Deposits made under this paragraph shall be made at least quarterly. At any time that the department determines that the ac-

count designated by the Children's Trust Fund of Oregon Foundation ceases to exist, the department may deposit the proceeds into the Passenger Rail Transportation Account established under ORS 802.100 to be used as other moneys in the account are used.

(7) Notwithstanding subsection (3) of this section, the department shall design a Share the Road registration plate in consultation with the Bicycle Transportation Alliance and Cycle Oregon.

(8) Notwithstanding subsection (3) of this section, the department shall design a Keep Kids Safe registration plate in consultation with the [State Commission on Children and Families] **Children's Trust Fund of Oregon Foundation and the regional entity that provides services to children and families in Deschutes County.**

**SECTION 68a.** ORS 805.205, as amended by section 68 of this 2012 Act, is amended to read:

805.205. (1) The Department of Transportation shall provide for issuance of registration plates described in subsections (3), (7) and (8) of this section for nonprofit groups meeting the qualifications for tax exempt status under section 501(c)(3) of the Internal Revenue Code and for institutions of higher education. Plates issued under this section may be issued to owners of motor vehicles registered under the provisions of ORS 803.420 (1). Plates issued under this section may not contain expressions of political opinion or religious belief. Rules adopted under this section shall include, but need not be limited to, rules that:

(a) Describe general qualifications to be met by any group in order to be eligible for plates issued under this section.

(b) Specify circumstances under which the department may cease to issue plates for any particular group.

(c) Require each group for which plates are issued to file an annual statement on a form designed by the department showing that the group is a nonprofit group or is an institution of higher education and that the group or institution otherwise meets the qualifications imposed for eligibility for plates issued under this section. The statement shall include names and addresses of current directors or officers of the group or institution or of other persons authorized to speak for the group or institution on matters affecting plates issued under this section.

(2)(a) Except as otherwise provided in paragraphs (b) and (c) of this subsection, in addition to any other fee authorized by law, upon issuance of a plate under this section and upon renewal of registration for a vehicle that has plates issued under this section, the department shall collect a surcharge for each year of the registration period. The surcharge shall be determined by the department by rule and may not be less than \$2.50 per plate or more than \$16 per plate. In setting the amount of the surcharge, the department shall consult with the nonprofit group for which the plates are issued.

(b) In addition to any other fee authorized by law, upon issuance of a plate under this section that recognizes an institution of higher education in this state, and upon renewal of registration for a vehicle that has such plates, the department shall collect a surcharge of \$8 per plate for each year of the registration period.

(c) In addition to any other fee authorized by law, upon issuance of a Share the Road registration plate, as described in subsection (7) of this section, the department shall collect a surcharge of \$5 per year of registration.

(3) Plates issued under this section shall be from the current regular issue of plates except that:

(a) If the group requesting the plates is an institution of higher education, the plates shall, upon request, contain words that indicate the plates are issued to recognize the institution or shall contain the institution's logo or an image of the institution's mascot; or

(b) If the group requesting the plates is a group that recognizes fallen public safety officers, the plates shall, upon request, contain a decal that indicates the plates are issued to recognize fallen public safety officers.

(4) Except as otherwise required by the design chosen, the plates shall comply with the requirements of ORS 803.535. The department shall determine how many sets of plates shall be manufactured for each group approved under this section. If the department does not sell or issue renewal for 500 sets of plates for a particular group in any one year, the department shall cease production of those plates.

(5) Except as otherwise provided in subsection (6) of this section, each group that is found by the department to be eligible for plates issued under this section may designate an account into which the net proceeds of the surcharge collected by the department under subsection (2) of this section are to be deposited. The department shall keep accurate records of the number of plates issued for each group that qualifies. After payment of administrative expenses of the department, moneys collected under this section for each group shall be deposited by the department into an account specified by that group. If any group does not specify an account for the moneys collected from the sale of plates issued under this section, the department shall deposit moneys collected for those plates into the Passenger Rail Transportation Account established under ORS 802.100 to be used as other moneys in the account are used. Deposits under this subsection shall be made at least quarterly.

(6)(a) Each institution of higher education that requests a plate under this section shall designate an account in the general fund of the institution, and the proceeds in the account shall be used for the purpose of academic enrichment at the institution.

(b) Net proceeds of the surcharge collected by the department for Share the Road registration plates shall be deposited into two accounts designated by the Bicycle Transportation Alliance and

Cycle Oregon. The department shall evenly distribute the net proceeds to each account. Deposits under this paragraph shall be made at least quarterly. At any time that the department determines that the accounts designated by the Bicycle Transportation Alliance and Cycle Oregon cease to exist, the department may deposit the proceeds into the Passenger Rail Transportation Account established under ORS 802.100.

(c) Net proceeds of the surcharge collected by the department for Keep Kids Safe registration plates shall be deposited into an account designated by the Children's Trust Fund of Oregon Foundation to fund strategies and approaches shown to prevent or reduce child abuse. Deposits made under this paragraph shall be made at least quarterly. At any time that the department determines that the account designated by the Children's Trust Fund of Oregon Foundation ceases to exist, the department shall deposit the proceeds into the Keep Kids Safe Registration Plate Account established in section 68b of this 2012 Act. *[may deposit the proceeds into the Passenger Rail Transportation Account established under ORS 802.100 to be used as other moneys in the account are used.]* At the beginning of each biennium, the Early Learning Council shall evenly distribute the moneys in the Keep Kids Safe Registration Plate Account to the counties in this state, until each county receives \$1,000. After each county has received \$1,000, the council shall distribute any remaining moneys to each county in an amount equal to the percentage of Keep Kids Safe registration plates sold in that county. Each county shall use the moneys received under this paragraph solely for the purpose of funding strategies and approaches shown to prevent or reduce child abuse.

(7) Notwithstanding subsection (3) of this section, the department shall design a Share the Road registration plate in consultation with the Bicycle Transportation Alliance and Cycle Oregon.

(8) Notwithstanding subsection (3) of this section, the department shall design a Keep Kids Safe registration plate in consultation with the Children's Trust Fund of Oregon Foundation and the regional entity that provides services to children and families in Deschutes County.

**SECTION 68b.** The Keep Kids Safe Registration Plate Account is established within the Early Learning Council Fund. All moneys received by the Early Learning Council from the sale of Keep Kids Safe registration plates shall be deposited into the account and are continuously appropriated to the council to be distributed to counties as provided in ORS 805.205.

**SECTION 68c.** Section 68b of this 2012 Act and the amendments to ORS 805.205 by section 68a of this 2012 Act become operative January 1, 2014.

**SECTION 69.** ORS 417.730, 417.733, 417.735, 417.740, 417.745, 417.750 and 419A.047 are repealed.

**SECTION 70.** (1) Sections 29 to 32 of this 2012 Act and the amendments to statutes and session law by sections 33 to 46 and 47 to 68 of this 2012 Act become operative on July 1, 2012.

(2) The Early Learning System Director or the chairperson of the Youth Development Council may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the director or chairperson to exercise, on and after the operative date specified in subsection (1) of this section, the duties, functions and powers of the director or chairperson transferred by the provisions of section 29 of this 2012 Act.

**SECTION 71.** The repeal of ORS 417.730, 417.733, 417.735, 417.740, 417.745, 417.750 and 419A.047 by section 69 of this 2012 Act becomes operative on July 1, 2012.

**SECTION 72.** (1) Nothing in the amendments to statutes and session law by sections 33 to 46 and 47 to 68 of this 2012 Act and the repeal of statutes by section 69 of this 2012 Act relieves a person of a liability, duty or obligation accruing under or with respect to the duties, functions and powers transferred by the provisions of section 29 of this 2012 Act. The Early Learning Council or the Youth Development Council may undertake the collection or enforcement of any such liability, duty or obligation.

(2) The rights and obligations of the State Commission on Children and Families legally incurred under contracts, leases and business transactions executed, entered into or begun before the operative date specified in section 70 of this 2012 Act are transferred to the Early Learning Council or the Youth Development Council. For the purpose of succession to these rights and obligations, the Early Learning Council or the Youth Development Council is a continuation of the state commission and not a new authority.

**SECTION 73.** Notwithstanding the transfer of duties, functions and powers by the provisions of section 29 of this 2012 Act, the rules of the State Commission on Children and Families in effect on the operative date specified in section 70 of this 2012 Act continue in effect until superseded or repealed by rules of the Early Learning Council or the Youth Development Council. References in rules of the state commission to the state commission or an officer or employee of the state commission are considered to be references to:

(1) The Early Learning Council, or an officer or employee of the council, for services related to children zero through six years of age.

(2) The Youth Development Council, or an officer or employee of the council, for services related to school-age children through youth 20 years of age.

**SECTION 74.** Whenever, in any uncodified law or resolution of the Legislative Assembly or in any rule, document, record or proceeding authorized by the Legislative Assembly, reference is made to the State Commission on Children and Families or an officer or employee of the state commission, the reference is considered to be a reference to:

(1) The Early Learning Council, or an officer or employee of the council, for services related to children zero through six years of age.

(2) The Youth Development Council, or an officer or employee of the council, for services related to school-age children through youth 20 years of age.

**SECTION 75.** (1) Section 29 of this 2012 Act and the repeal of ORS 417.730 by section 69 of this 2012 Act are intended to change the name of the "State Commission on Children and Families" to:

(a) The "Early Learning Council" for services related to children zero through six years of age; and

(b) The "Youth Development Council" for services related to school-age children through youth 20 years of age.

(2) For the purpose of harmonizing and clarifying statutory law, the Legislative Counsel may substitute for words designating the "State Commission on Children and Families," wherever they occur in statutory law, other words designating:

(a) The "Early Learning Council" for services related to children zero through six years of age; and

(b) The "Youth Development Council" for services related to school-age children through youth 20 years of age.

**SECTION 76.** (1) Sections 10 and 21b of this 2012 Act and the repeal of ORS 417.733 by section 69 of this 2012 Act are intended to change the name of the "State Commission on Children and Families Account" to the "Early Learning Council Fund" and the "Youth Development Council Fund."

(2) For the purpose of harmonizing and clarifying statutory law, the Legislative Counsel may substitute for words designating the "State Commission on Children and Families Account," wherever they occur in statutory law, other words designating the "Early Learning Council Fund" or the "Youth Development Council Fund," as appropriate, based on the transfer of funds from the State Commission on Children and Families Account as provided by section 30 of this 2012 Act.

## COMMUNITY-BASED COORDINATORS OF EARLY LEARNING SERVICES

**SECTION 77.** (1) As used in this section, "community-based coordinator of early learning services" means counties, cities, school districts, education service districts, community colleges, public universities, private educational institutions, faith-based organizations, nonprofit service providers, tribes and any other entity that meets the minimum criteria to be a community-based coordinator of early learning services, as determined by the Early Learning Council.

(2) The Early Learning Council shall implement and oversee a system that coordinates the delivery of early learning services to the communities of this state through the use of community-based coordinators of early learning services.

(3) The system implemented and overseen by the council must ensure that:

(a) Providers of early learning services are accountable;

(b) Services are provided in a cost-efficient manner; and

(c) The services provided, and the means by which those services are provided, are focused on the outcomes of the services.

(4) An entity may become a community-based coordinator of early learning services by submitting to the council an application that demonstrates the following:

(a) The entity is able to coordinate the provision of early learning services to the community that will be served by the entity. An entity may make the demonstration required by this paragraph by submitting evidence that local stakeholders, including but not limited to service providers, parents, community members, county governments, local governments and school districts, have participated in the development of the application.

(b) The services coordinated by the entity will be in alignment with the services provided by the public schools of the community that will be served by the entity.

(c) The entity will make advantageous use of the system of public health care and services available through county health departments and other publicly supported programs delivered through, or in partnership with, counties.

(d) The entity has a governing body or an advisory body that:

(A) Has the authority to initiate audits, recommend the terms of a contract and provide reports to the public and to the Early Learning Council on the outcomes of the provision of early learning services to the community served by the entity.

(B) Has members selected through a transparent process.

(e) The entity will collaborate on documentation related to coordinated services with public and private entities that are identified by the Early Learning Council as providers of services that advance the early learning of children.

(f) The entity will serve a community that is based on the population and service needs of the community.

(g) The entity is able to raise significant funds from public and private sources to support early learning services coordinated by the entity.

(h) The entity meets any other qualifications established by the Early Learning Council.

(5) The Early Learning Council may develop requirements in addition to the requirements described in subsections (3) and (4) of this section that an entity must meet to qualify as a community-based coordinator of early learning services. When developing the requirements, the council must use a statewide public process of community engagement that is consistent with the requirements of the federal Head Start Act.

(6) When determining whether to designate an entity as a community-based coordinator of early learning services, the Early Learning Council shall balance the following factors:

(a) The entity's ability to engage the community and be involved in the community.

(b) The entity's ability to produce outcomes that benefit children.

(c) The entity's resourcefulness.

(d) The entity's use, or proposed use, of evidence-based practices.

(7) The Early Learning Council may alter the lines of the territory served by a community-based coordinator of early learning services only to ensure that all children of this state are served by a community-based coordinator of early learning services.

(8) An entity designated as a community-based coordinator of early learning services may not use more than 15 percent of the moneys received by the entity from the Early Learning Council to pay administrative costs of the entity.

**SECTION 77a.** (1) In order to ensure an orderly transition from the local system of commissions on children and families, an entity submitting an application under section 77 of this 2012 Act must show inclusion of, and coordination with, county governments.

(2) On and after January 1, 2014, an entity submitting an application under section 77 of this 2012 Act is required to show that county governments participated in the development of the application as provided by section 77 (4) of this 2012 Act.

**SECTION 77b.** Section 77a of this 2012 Act is repealed on January 1, 2014.

**SECTION 78.** The Early Learning Council shall establish a process for designating entities as community-based coordinators of early learning services that allows the entities to begin functioning as community-based coordinators of early learning services no later than January 1, 2014.

**SECTION 79.** ORS 417.705, as amended by section 43 of this 2012 Act, is amended to read:

417.705. As used in ORS 417.705 to 417.800:

[(1) "Local commission" means a local commission on children and families established pursuant to ORS 417.760.]

[(2) "Local coordinated comprehensive plan" or "local plan" means a local coordinated comprehensive plan for children and families that is developed pursuant to ORS 417.775 through a process coordinated and led by a local commission and that consists of:]

[(a) A community plan that identifies the community's needs, strengths, goals, priorities and strategies for:]

[(A) Creating positive outcomes for children and families;]

[(B) Community mobilization;]

[(C) Coordinating programs, strategies and services for children who are 0 through 18 years of age and their families among community groups, government agencies, private providers and other parties; and]

[(D) Addressing the needs of target populations; and]

[(b) The service plans listed in ORS 417.775 (6) that designate specific services for the target populations identified in the community plan.]

(1) "Community-based coordinator of early learning services" means an entity designated under section 77 of this 2012 Act.

[(3)] (2) "Outcome" means the measure of a desired result.

[(4)] (3) "Services for children and families" does not include services provided by the Department of Education or school districts that are related to curriculum or instructional programs.

[(5)] (4) "Target" means a specific level of achievement desired for a specific time, expressed numerically.

**SECTION 80.** ORS 417.710, as amended by section 44 of this 2012 Act, is amended to read:

417.710. Subject to the availability of funds therefor and the specific provisions of ORS 417.705 to 417.800 and 419A.170, it is the purpose of ORS 417.705 to 417.800 and 419A.170 to:

(1) Authorize the Early Learning Council to set statewide guidelines for the planning, coordination and delivery of services for children and families in conjunction with other state agencies and other planning bodies;

(2) Vest in [local commissions on children and families] **community-based coordinators of early learning services** the authority to distribute state and federal funds, [allocated to the local commissions to supervise] **to coordinate** services [or] **and** to purchase services for children and families in the local area [and to supervise the development of the local coordinated comprehensive plan];

(3) Provide a process for [comprehensive local planning for services for children and families to provide] **providing** local services that are consistent with statewide guidelines;

(4) Retain in the state the responsibility for funding of services for children and families through a combination of local, state and federal funding, including the leveraging of public and private funds available under ORS 417.705 to 417.800 and 419A.170; and

(5) Retain state supervision of child protection and other services that should be uniform throughout the state and that are necessarily the state's responsibility.

**SECTION 81.** ORS 417.725 is amended to read:

417.725. (1) Key elements of the service system developed and implemented under ORS 417.705 to 417.800 and 419A.170 are:

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

(b) An implementation process resulting in a voluntary system based on nurturing human development; and

(c) A service continuum based on promoting wellness for the children of Oregon whose parents have given their express written consent. Family resource centers and community learning centers as defined in ORS 329.007 are a viable, but not the exclusive, structure for delivering a service continuum.

(2) If a system of family resource centers and community learning centers is selected by a [local commission on children and families established pursuant to ORS 417.760] **community-based coordinator of early learning services** to deliver services, the centers:

(a) May serve as the prevention arm of the voluntary delivery system and may link and integrate neighborhood-based services with the intent that services be available to all families who have given their express written consent to promote their children's wellness;

(b) Shall involve parents in the care and education of their children;

(c) Shall involve the local community in developing and overseeing family resource center programs and community learning center programs; **and** [d) Shall be consistent with the local coordinated comprehensive plan; and]

[e)] (d) Shall incorporate the requirements specified for community learning centers under ORS 329.156.

**SECTION 82.** The amendments to ORS 417.705, 417.710 and 417.725 by sections 79 to 81

of this 2012 Act become operative on January 1, 2014.

**REMOVAL OF  
STATUTORY REQUIREMENT FOR  
LOCAL COMMISSIONS ON CHILDREN  
AND FAMILIES**

**SECTION 83.** ORS 315.259 is amended to read: 315.259. (1) The tax credits provided under this section may be referred to as the First Break Program.

(2) As used in this section:

(a) "Certificate" means a certificate issued by a community-based organization under subsection (5) of this section that certifies an individual as a qualified youth.

(b) "Community-based organization" means an organization designated by the Employment Department by rule as an organization authorized to certify individuals as qualified youths for purposes of this section, including all [local commissions on children and families,] schools or class groups offering alternative education programs under ORS 336.615 to 336.675, the federal Job Corps, school districts and the Youth Employment and Empowerment Coalition.

(c) "Employer" means an employer subject to taxation under ORS chapter 316, 317 or 318.

(d) "Hiring date" means the date on which the individual begins work for the first employer after becoming a qualified youth.

(e) "Qualified youth" or "qualified youth employee" means an individual who is 14 to 23 years of age on the hiring date and who has received a certificate pursuant to subsection (5) of this section from a community-based organization identifying the youth as eligible to participate in the First Break Program according to rules adopted by the Employment Department.

(f) "Sustained employment" means employment:

(A)(i) Of at least six months during the 12-month period following the hiring date; and

(ii) By three or fewer employers during the 12-month period following the hiring date; or

(B) Of a full-time student for at least two months during the period between May 1 and September 15.

(3)(a) A credit against the taxes otherwise due under ORS chapter 316 (or, if the taxpayer is a corporation that is an employer, under ORS chapter 317 or 318) is allowed to a resident employer, based upon wages actually paid by the employer to a qualified youth employee.

(b) The credit allowed under this subsection shall be allowed for the tax year in which ends the 12-month period following the hiring date of the qualified youth employee. Nothing in this paragraph shall be interpreted to require the employer to employ the qualified youth for the entire 12-month period in order to be eligible for the credit under this subsection.

(4) The amount of the credit provided under subsection (3) of this section shall be equal to the lesser of:

(a) \$1,000;

(b) The amount of credit provided for in paragraph (a) of this subsection that has not already been taken into account by a previous employer of the qualified youth employee; or

(c) 50 percent of the wages paid to the qualified youth employee during the 12-month period following the qualified youth employee's hiring date.

(5)(a) The Employment Department shall authorize each community-based organization to issue only a fixed number of certificates, the amount to be determined by the Employment Department, but not to exceed 1,500 certificates.

(b) Each certificate is valid only for a two-year period from the date it is issued to a qualified youth by a community-based organization.

(c) A community-based organization shall track the use of each certificate issued by it to a qualified youth and, if the youth is employed by more than one employer during the time the certificate is issued, shall calculate the amount of maximum credit allowable under subsection (4) of this section and shall inform each subsequent employer of the maximum amount of credit under this section to which the employer may be entitled.

(d) If the community-based organization determines that the qualified youth is unable or unwilling to find or maintain sustained employment, the community-based organization shall cancel the certificate and inform the Employment Department of the cancellation. Upon cancellation of a certificate, the Employment Department may authorize any community-based organization to issue a new certificate to a qualified youth, provided that the total number of outstanding certificates and unissued certificates authorized to be issued does not exceed 1,500.

(e) If the community-based organization determines that all of the employers of a qualified youth are collectively entitled to 80 percent or more of the tax credit provided under this section at the time the qualified youth becomes unemployed, the community-based organization shall withdraw the certificate, and any subsequent employer shall not be entitled to a credit under this section for employment of the qualified youth. A certificate that is withdrawn under this paragraph shall not be reissued.

(f) No certificate may be issued under this subsection on or after January 1, 2005.

(6) Wages taken into account for purposes of subsection (4) of this section shall not include any amount paid by the employer to an individual for whom the employer receives federal funds for on-the-job training of the individual.

(7) Only one employer at a time shall be eligible for the credit provided under this section for the employment of a qualified youth employee.

(8)(a) A nonresident shall be allowed the credit provided under subsection (3) of this section com-

puted in the same manner and subject to the same limitations as the credit allowed to a resident of this state. However, the credit shall be prorated using the proportion provided in ORS 316.117.

(b) If a change in the taxable year of a taxpayer occurs as described in ORS 314.085, or if the Department of Revenue terminates the taxpayer's taxable year under ORS 314.440, the credit allowed by subsection (3) of this section shall be prorated or computed in a manner consistent with ORS 314.085.

(c) If a change in the status of a taxpayer from resident to nonresident or from nonresident to resident occurs, the credit allowed by subsection (3) of this section shall be determined in a manner consistent with ORS 316.117.

(9) Any tax credit otherwise allowable under this section that is not used by the taxpayer in a particular tax year may be carried forward and offset against the taxpayer's tax liability for the next succeeding tax year. Any credit remaining unused in such next succeeding tax year may be carried forward and used in the second succeeding tax year, and likewise any credit not used in that second succeeding tax year may be carried forward and used in the third succeeding tax year, and any credit not used in that third succeeding tax year may be carried forward and used in the fourth succeeding tax year, and any credit not used in that fourth succeeding tax year may be carried forward and used in the fifth succeeding tax year, but may not be carried forward for any tax year thereafter.

(10)(a) The credit allowed under subsection (3) of this section is in addition to any deduction otherwise allowable under ORS chapter 316, 317 or 318.

(b) No other credit allowed under this chapter or ORS chapter 316, 317 or 318 shall be based upon all or any portion of amounts upon which the credit allowed under subsection (3) of this section is based.

(11) An employer receiving a credit under subsection (3) of this section shall maintain records for each qualified youth employee establishing that the employee was certified by a community-based organization as a qualified youth on or before the hiring date. The records shall be retained for a period of four years after the tax year in which a credit provided under subsection (3) of this section is taken.

(12) The Employment Department shall adopt rules that:

(a) Provide the criteria by which a youth may be identified as eligible to participate in the First Break Program.

(b) Designate community-based organizations that may issue the certificates described in subsection (5) of this section, including all [*local commissions on children and families,*] schools and class groups offering alternative education programs, the federal Jobs Corps, school districts and the Youth Employment and Empowerment Coalition.

**SECTION 84.** ORS 329.150 is amended to read:  
329.150. A school district may provide services for children and families at the school site, which may include a community learning center. If the

district chooses to provide services, the design of educational and other services to children and their families shall be the responsibility of the school district. School districts may coordinate services with programs provided through *[the local commissions on children and families to provide]* **and overseen by the Early Learning Council for the purpose of providing** services to families. To ensure that all educational and other services for young children and their families offer the maximum opportunity possible for the personal success of the child and family members, it is the policy of this state that the following principles for serving children should be observed to the maximum extent possible in all of its educational and other programs serving young children and their families, including those programs delivered at community learning centers:

(1) Services for young children and their families should be located as close to the child and the family's community as possible, encouraging community support and ownership of such services;

(2) Services for young children and their families should reflect the importance of integration and diversity to the maximum extent possible in regard to characteristics such as race, economics, gender, creed, capability and cultural differences;

(3) Services should be designed to support and strengthen the welfare of the child and the family and be planned in consideration of the individual family's values;

(4) Services should be designed to ensure continuity of care among care givers in a given day and among service plans from year to year;

(5) Service systems should address the most urgent needs in a timely manner including health, intervention and support services; and

(6) Service providers and sources of support should be coordinated and collaborative, to reflect the knowledge that no single system can serve all of the needs of the child and family.

**SECTION 85.** ORS 329.155, as amended by section 38 of this 2012 Act, is amended to read:

329.155. (1) State agencies that administer education programs and other programs that provide services for children and families shall:

(a) Evaluate the effectiveness of the program as related to the principles stated in ORS 329.025 and 417.305 in the earliest stages of the budget process, including components within programs as appropriate;

(b) Articulate ways in which the program is:

(A) An effective component of agency and state priorities, goals and strategies that have been established by the Early Learning Council; and

(B) Relevant to research and professional standards;

(c) Establish plans, interagency partnerships[,] **and** implementation practices *[and interactions with local coordinated comprehensive plans]*;

(d) Use the information generated by applicable state advisory groups and governing boards in the

program assessment of needs and decisions as to service delivery in a given community; and

(e) Identify barriers to improving program capability to serve the needs of young children and make related recommendations, if any, to the Early Learning Council.

(2) The processes listed in subsection (1) of this section are for the purpose of generating interagency coordination so as to serve to the greatest extent possible young children and their families in a comprehensive and developmentally appropriate fashion. The information generated by these processes shall be considered as a contribution to subsequent budget decisions by state and local agencies, the Oregon Department of Administrative Services and the Legislative Assembly.

**SECTION 86.** ORS 329.156, as amended by section 39 of this 2012 Act, is amended to read:

329.156. (1) The Department of Education and the Department of Human Services shall support the development and implementation of a network of community learning centers across the state.

(2) Within available funding, the Early Learning Council, in conjunction with *[local commissions on children and families or]* other organizations that provide training and technical assistance to schools or community programs, shall provide training and technical assistance to promote the development and implementation of community learning centers. To the extent possible, the council shall use voluntary organizations to provide the training and technical assistance.

*[(3) If a community learning center is created by a school district, the school district shall coordinate with the local commission on children and families to ensure that the community learning center is referenced in the local coordinated comprehensive plan, implemented pursuant to ORS 417.775.]*

*[(4)]* (3) Community learning centers created pursuant to this section shall:

(a) Be located in or near a school or a cluster of schools;

(b) Involve parents in the care and education of their children;

(c) Involve the local community in developing and overseeing community learning center programs;

(d) Incorporate the principles of family support services described in ORS 329.150 and 417.342;

(e) In partnership with the local school district board, create or designate an advisory committee to offer guidance on program development and implementation, with membership that is representative of the diversity of community interests, including representatives of businesses, schools, faith-based organizations, social service and health care agencies, cultural groups, recreation groups, municipal governments, community colleges, libraries, child care providers, parents and youths; **and**

(f) Conduct an assessment of strengths, needs and assets within the community to be served by the community learning center that identifies services being delivered in the community, defines and clari-

fies services that are missing or overlapping and builds on any existing community assessments.[: and]

*[(g) Coordinate the community assessment with the local commission on children and families.]*

*[(5)]* (4) The Department of Human Services and the Department of Education shall provide technical assistance to community learning centers to develop policies ensuring that confidential information is disclosed only in accordance with state and federal laws.

**SECTION 87.** ORS 329.175 is amended to read:

329.175. (1) The Department of Education shall administer the Oregon prekindergarten program to assist eligible children with comprehensive services including educational, social, health and nutritional development to enhance their chances for success in school and life. Eligible children, upon request of parent or guardian, shall be admitted to approved Oregon prekindergartens to the extent that the Legislative Assembly provides funds.

(2) Nonsectarian organizations including school districts and Head Start grantees are eligible to compete for funds to establish an Oregon prekindergarten. Grant recipients shall serve children eligible according to federal Head Start guidelines and other children who meet criteria of eligibility adopted by rule by the State Board of Education. However, not more than 20 percent of the total enrollment shall consist of children who do not meet Head Start guidelines. School districts may contract with other governmental or nongovernmental nonsectarian organizations to conduct a portion of the program. Funds appropriated for the program shall be used to establish and maintain new or expanded Oregon prekindergartens and shall not be used to supplant federally supported Head Start programs. Oregon prekindergartens also may accept gifts, grants and other funds for the purposes of this section.

(3) Applicants shall identify how they will serve the target population and provide all components as specified in the federal Head Start performance standards and guidelines, including staff qualifications and training, facilities and equipment, transportation and fiscal management.

(4) Oregon prekindergartens shall coordinate with each other and with federal Head Start programs to ensure efficient delivery of services and prevent overlap. Oregon prekindergartens shall also work with local organizations such as local education associations serving young children and make the maximum use of local resources.

(5) Oregon prekindergartens shall[:]

*[(a) Participate in the planning process under ORS 417.777 to develop a voluntary local early childhood system plan; and]*

*[(b)]* coordinate services with other services *[that are coordinated through the plan]* **provided through the Oregon Early Learning System.** The coordination of services shall be consistent with federal and state law.

**SECTION 88.** ORS 329.195, as amended by section 18 of this 2012 Act, is amended to read:

329.195. (1)(a) The State Board of Education shall adopt rules for the establishment of the Oregon prekindergarten program.

(b) Rules adopted under this section specifically shall require:

(A) Performance standards and operating standards that are at a level no less than the level required under the federal Head Start program guidelines.

(B) Processes and procedures for recertification that are substantially similar to the processes and procedures required under the **rules and guidelines adopted under the** federal Head Start Act.

(c) Federal Head Start program guidelines shall be considered as guidelines for the Oregon prekindergarten program.

(2) In developing rules for the Oregon prekindergarten program, the board shall consult with the advisory committee established under ORS 329.190 and shall consider such factors as coordination with existing programs, the preparation necessary for instructors, qualifications of instructors, training of staff, adequate space and equipment and special transportation needs.

(3) The Department of Education shall review applications for the Oregon prekindergarten program received and designate those programs as eligible to commence operation by July 1 of each year. When approving grant applications, to the extent practicable, the board shall distribute funds regionally based on percentages of unmet needs *[as identified in the voluntary local early childhood system plans that are part of the local coordinated comprehensive plans developed under ORS 417.775]* for the county or region.

**SECTION 89.** ORS 343.475 is amended to read:

343.475. (1) In accordance with rules adopted by the State Board of Education, the Superintendent of Public Instruction shall develop and administer a statewide, comprehensive, coordinated, multidisciplinary, interagency program of early childhood special education and early intervention services for preschool children with disabilities and may:

(a) Establish and designate service areas throughout the state for the delivery of early childhood special education and early intervention services that shall meet state and federal guidelines and be delivered to all eligible children.

(b) Designate in each service area a primary contractor that shall be responsible for the administration and coordination of early childhood special education and early intervention services to all eligible preschool children and their families residing in the service area.

(2) Early childhood special education and early intervention services shall[:]

*[(a) Participate in the planning process under ORS 417.777 to develop a voluntary local early childhood system plan; and]*

[(b)] coordinate services with other services [*that are coordinated through the plan*] **provided through the Oregon Early Learning System.** The coordination of services shall be consistent with federal and state law.

(3) Preschool children with disabilities shall be considered residents of the service area where the children are currently living, including children living in public or private residential programs, hospitals and similar facilities.

(4) In addition to any other remedy or sanction that may be available, the Superintendent of Public Instruction may withhold funds and terminate the contract of any contractor that fails to comply with any provisions of the contract.

**SECTION 90.** ORS 343.495 is amended to read:

343.495. (1) If no contractor is designated for a service area, and no qualified county agency is available to manage the necessary services or to subcontract the services, the Department of Education may provide early childhood special education and early intervention services in a local, county or service area.

(2) Contractors designated under this section shall[.]

[(a) *Participate in the planning process under ORS 417.777 to develop a voluntary local early childhood system plan; and*]

[(b)] coordinate services with other services [*that are coordinated through the plan*] **provided through the Oregon Early Learning System.** The coordination of services shall be consistent with federal and state law.

(3) Programs operated by the Department of Education must comply with rules adopted by the State Board of Education for early childhood special education and early intervention contractors.

**SECTION 90a.** ORS 417.727, as amended by section 44a of this 2012 Act, is amended to read:

417.727. Based on the findings expressed in ORS 417.708, there is created the Oregon Early Learning System. The goals of the system are to:

(1) Prevent child abuse and neglect;  
(2) Improve the health and development of young children;

(3) Promote bonding and attachment in the early years of a child's life;

(4) Support parents in providing the optimum environment for their young children;

(5) Link and integrate services and supports in the voluntary statewide early learning system pursuant to ORS 417.728;

[(6) *Link and integrate services and supports in the voluntary local early childhood system pursuant to ORS 417.777;*]

[(7)] (6) Ensure that children are entering school ready to learn; and

[(8)] (7) Ensure that parents have access to affordable, quality child care.

**SECTION 91.** ORS 417.728, as amended by section 44b of this 2012 Act, is amended to read:

417.728. (1) The Early Learning Council shall lead a joint effort with other state and local early childhood partners to establish the policies necessary for a voluntary statewide early learning system [*that shall be incorporated into the local coordinated comprehensive plan*].

(2) The voluntary statewide early learning system shall be designed to achieve:

(a) The appropriate outcomes identified by the Early Learning Council with input from early childhood partners; and

(b) Any other early childhood benchmark or outcome that demonstrates progress toward meeting a target and that is identified by the Early Learning Council with input from early childhood partners.

(3) The voluntary statewide early learning system shall include the following components:

(a) A process to identify as early as possible children and families who would benefit from early learning services;

(b) A plan to support the identified needs of the child and family that coordinates case management personnel and the delivery of services to the child and family; and

(c) Services to support children who are zero through six years of age and their families who give their express written consent, including:

(A) Screening, assessment and home visiting services pursuant to ORS 417.795;

(B) Specialized or targeted home visiting services;

(C) Community-based services such as relief nurseries, family support programs and parent education programs;

(D) Affordable, quality child care, as defined by the Early Learning Council;

(E) Preschool and other early education services;

(F) Health services for children and pregnant women;

(G) Mental health services;

(H) Alcohol and drug treatment programs that meet the standards promulgated by the Oregon Health Authority pursuant to ORS 430.357;

(I) Developmental disability services; and

(J) Other state and local services.

(4) In establishing the definition of affordable, quality child care under subsection (3)(c)(D) of this section, the Early Learning Council shall consult with child care providers and early childhood educators. The definition established by the council shall support parental choice of child care provider and shall consider differences in settings and services, including but not limited to child care for school-aged children, part-time care, odd-hour and respite care and factors of cultural appropriateness and competence.

(5) The Early Learning Council shall:

(a) Consolidate administrative functions relating to the voluntary statewide early learning system, to the extent practicable, including but not limited to training and technical assistance, planning and

budgeting. This paragraph does not apply to the administrative functions of the Department of Education relating to education programs.

(b) Adopt policies to establish training and technical assistance programs to ensure that personnel have skills in appropriate areas, including screening, family assessment, competency-based home visiting skills, cultural and gender differences and other areas as needed.

(c) Identify research-based age-appropriate and culturally and gender appropriate screening and assessment tools that would be used as appropriate in programs and services of the voluntary statewide early learning system.

(d) Develop a plan for the implementation of a common data system for voluntary early childhood programs.

(e) Coordinate existing and new early childhood programs to provide a range of community-based supports.

(f) Establish a common set of quality assurance standards to guide local implementation of all elements of the voluntary statewide early learning system, including voluntary universal screening and assessment, home visiting, staffing, evaluation and community-based services.

(g) Ensure that all plans for voluntary early childhood services are coordinated and consistent with federal and state law, including but not limited to plans for Oregon prekindergarten programs, federal Head Start programs, early childhood special education services, early intervention services and public health services.

(h) Identify how the voluntary statewide early learning system for children who are zero through six years of age will link with systems of support for older children and their families.

(i) During January of each odd-numbered year, report to the Governor and the Legislative Assembly on the voluntary statewide early learning system.

(6) The State Board of Education, the Employment Department, the Department of Human Services and the Oregon Health Authority when adopting rules to administer voluntary early childhood programs under their individual authority shall adopt rules:

(a) That are consistent with the requirements of the voluntary statewide early learning system created under this section; and

(b) With the direction of the Early Learning Council.

(7) Information gathered in conjunction with the voluntary comprehensive screening and assessment of children and their families may be used only for the following purposes:

(a) Providing services to children and families who give their express written consent;

(b) Providing statistical data that are not personally identifiable;

(c) Accomplishing other purposes for which the family has given express written consent; and

(d) Meeting the requirements of mandatory state and federal disclosure laws.

**SECTION 92.** ORS 417.788, as amended by section 50 of this 2012 Act, is amended to read:

417.788. (1) The Early Learning Council shall support relief nurseries statewide [*through both local commissions on children and families and tribes*] as funding becomes available. [*Local commissions and tribes may*] **The council may encourage communities** to establish relief nurseries for young children who are at risk and their families. [*Local commissions in*] Adjoining counties may choose to establish regional relief nurseries. The relief nurseries shall:

(a) Be consistent with the voluntary early [*childhood*] **learning** system [*plan that is part of the local coordinated comprehensive plan*] **overseen by the Early Learning Council;** and

(b) Involve the parents of children served by the relief nurseries.

(2) Programs at the relief nurseries shall include:

(a) Therapeutic early childhood education programs; and

(b) Parent education, training and support.

(3) Each relief nursery that receives state funding shall have financial support from the community that is at least equal to 25 percent of any state allocation.

**SECTION 93.** ORS 417.790, as amended by section 51 of this 2012 Act, is amended to read:

417.790. The Early Learning Council shall:

(1) Make grants [*to local commissions on children and families*] to fund research-based services and initiatives to improve outcomes for children, youth or families. The council **and community-based coordinators of early learning services** shall assist counties in the implementation of community services that are efficient, accountable, coordinated and readily available. [*Grants for services and initiatives to support children, youth or families shall be used at the local level according to the county's local coordinated comprehensive plan.*] These services shall be provided in accordance with ORS 417.715 and 417.720.

(2) Make Great Start grants [*to local commissions on children and families*] to fund community-based programs for children zero through six years of age. A county or region shall use Great Start grant funds to provide research-based early childhood programs in community settings and to provide services that have proven to be successful and that meet the needs of the community [*as described in the county's local coordinated comprehensive plan*]. These services shall be provided in accordance with ORS 417.728.

**SECTION 94.** ORS 417.793, as amended by section 52 of this 2012 Act, is amended to read:

417.793. The Early Learning Council shall support parents-as-teachers programs statewide [*through local commissions on children and families*] as funding becomes available. If [*a local commission offers*] a program **is offered**, the program shall be part of

a comprehensive, research-based approach to parent education and support. The program shall be consistent with the voluntary early [childhood] **learning** system plan [that is part of the local coordinated comprehensive plan] **overseen by the Early Learning Council.**

**SECTION 95.** ORS 417.795, as amended by section 53 of this 2012 Act, is amended to read:

417.795. (1) The Early Learning Council shall establish Healthy Start Family Support Services programs [through contracts entered into by local commissions on children and families] in all counties of this state as funding becomes available.

(2) These programs shall be nonstigmatizing, voluntary and designed to achieve the appropriate early childhood benchmarks and shall:

(a) Ensure that express written consent is obtained from the family prior to any release of information that is protected by federal or state law and before the family receives any services;

(b) Ensure that services are voluntary and that, if a family chooses not to accept services or ends services, there are no adverse consequences for those decisions;

(c) Offer a voluntary comprehensive screening and risk assessment of all newly born children and their families;

(d) Ensure that the disclosure of information gathered in conjunction with the voluntary comprehensive screening and risk assessment of children and their families is limited pursuant to ORS 417.728

(7) to the following purposes:

(A) Providing services under the programs to children and families who give their express written consent;

(B) Providing statistical data that are not personally identifiable;

(C) Accomplishing other purposes for which the family has given express written consent; and

(D) Meeting the requirements of mandatory state and federal disclosure laws;

(e) Ensure that risk factors used in the risk assessment are limited to those risk factors that have been shown by research to be associated with poor outcomes for children and families;

(f) Identify, as early as possible, families that would benefit most from the programs;

(g) Provide parenting education and support services, including but not limited to community-based home visiting services and primary health care services;

(h) Provide other supports, including but not limited to referral to and linking of community and public services for children and families such as mental health services, alcohol and drug treatment programs that meet the standards promulgated by the Oregon Health Authority under ORS 430.357, child care, food, housing and transportation;

(i) Coordinate services for children consistent with [the voluntary local early childhood system plan developed pursuant to ORS 417.777] **other services**

**provided through the Oregon Early Learning System;**

(j) Provide follow-up services and supports from zero through six years of age;

(k) Integrate data with any common data system for early childhood programs;

(L) Be included in a statewide independent evaluation to document:

(A) Level of screening and assessment;

(B) Incidence of child abuse and neglect;

(C) Change in parenting skills; and

(D) Rate of child development;

(m) Be included in a statewide training program in the dynamics of the skills needed to provide early childhood services, such as assessment and home visiting; and

(n) Meet [voluntary statewide and local early childhood system] **statewide** quality assurance and quality improvement standards.

(3) The Healthy Start Family Support Services programs, local health departments and other providers of prenatal and perinatal services in counties[, as part of the voluntary local early childhood system,] shall:

(a) Identify existing services and describe and prioritize additional services necessary for a voluntary home visit system;

(b) Build on existing programs;

(c) Maximize the use of volunteers and other community resources that support all families;

(d) Target, at a minimum, all first birth families in the county; and

(e) Ensure that home visiting services provided by local health departments for children and pregnant women support and are coordinated with local Healthy Start Family Support Services programs.

(4) Through a Healthy Start Family Support Services program, a trained family support worker or nurse shall be assigned to each family assessed as at risk that consents to receive services through the worker or nurse. The worker or nurse shall conduct home visits and assist the family in gaining access to needed services.

(5) The services required by this section shall be provided by hospitals, public or private entities or organizations, or any combination thereof, capable of providing all or part of the family risk assessment and the follow-up services. In granting a contract, [a local commission may utilize] collaborative contracting or requests for proposals [and shall take into consideration] **may be used and must include** the most effective and consistent service delivery system.

(6) The family risk assessment and follow-up services for families at risk shall be provided by trained family support workers or nurses organized in teams supervised by a manager and including a family services coordinator who is available to consult.

(7) Each Healthy Start Family Support Services program shall adopt disciplinary procedures for family support workers, nurses and other employees of the program. The procedures shall provide appropri-

ate disciplinary actions for family support workers, nurses and other employees who violate federal or state law or the policies of the program.

**SECTION 95a.** ORS 417.850, as amended by section 110 of this 2012 Act, is amended to read:

417.850. The Youth Development Council established by section 21 of this 2012 Act shall:

(1) Review the budget and allocation formula for appropriations for the purpose of juvenile crime prevention;

(2) Review the components of [*the local coordinated comprehensive plans for children and families created pursuant to ORS 417.775 that address*] local high-risk juvenile crime prevention plans developed under ORS 417.855 and make recommendations to the Governor about the local plans;

(3) Ensure that high-risk juvenile crime prevention planning criteria are met by state and local public and private entities;

(4) Recommend high-risk juvenile justice and juvenile crime prevention policies to the Governor and the Legislative Assembly;

(5) Ensure initiation of contracts based on approved local high-risk juvenile crime prevention plans and oversee contract changes;

(6) Review data and outcome information;

(7) Establish and publish review and assessment criteria for the local high-risk juvenile crime prevention plans. The criteria shall include, but not be limited to, measuring changes in juvenile crime and juvenile recidivism;

(8) Review and coordinate county youth diversion plans and basic services grants with the local high-risk juvenile crime prevention plans. Basic services grants may be used for detention and other juvenile department services including:

(a) Shelter care;

(b) Treatment services;

(c) Graduated sanctions; and

(d) Aftercare for youth offenders;

(9) Work to ensure broad-based citizen involvement in the planning and execution of high-risk juvenile crime prevention plans at both the state and local levels;

(10) Develop a funding policy that provides incentives for flexible programming and promotes strategies that stress reinvestment in youth;

(11) Periodically report to the Governor and the Legislative Assembly on the progress of the council;

(12) Oversee and approve funding and policy recommendations of the state advisory group as required by the federal Juvenile Justice and Delinquency Prevention Act of 1974, 42 U.S.C. 5601 et seq.; and

(13) Work with tribal governments to develop tribal high-risk juvenile crime prevention plans.

**SECTION 96.** ORS 417.855, as amended by sections 55 and 110a of this 2012 Act, is amended to read:

417.855. (1) Each board of county commissioners shall designate an agency or organization to serve

as the lead planning organization to facilitate the creation of a partnership among state and local public and private entities in each county. The partnership shall include, but is not limited to, [*local commissions on children and families,*] education representatives, public health representatives, local alcohol and drug planning committees, representatives of the court system, local mental health planning committees, city or municipal representatives and local public safety coordinating councils. The partnership shall develop a local high-risk juvenile crime prevention plan [*that shall be incorporated into the local coordinated comprehensive plans created pursuant to ORS 417.775*].

(2) The local high-risk juvenile crime prevention plans shall use services and activities to meet the needs of a targeted population of youths who:

(a) Have more than one of the following risk factors:

(A) Antisocial behavior;

(B) Poor family functioning or poor family support;

(C) Failure in school;

(D) Substance abuse problems; or

(E) Negative peer association; and

(b) Are clearly demonstrating at-risk behaviors that have come to the attention of government or community agencies, schools or law enforcement and will lead to imminent or increased involvement in the juvenile justice system.

(3)(a) The Youth Development Council shall allocate funds available to support the local high-risk juvenile crime prevention plans to counties based on the youth population age 18 or younger in those counties.

(b) The Youth Development Council shall award a minimum grant to small counties. The minimum grant level shall be determined by the council through a public process and reviewed by the council biennially.

**SECTION 97.** ORS 417.857, as amended by sections 56 and 110b of this 2012 Act, is amended to read:

417.857. (1) Deschutes County may place greater emphasis on early intervention and work with younger children than required by the Youth Development Council if the county has been granted a waiver pursuant to this section.

(2) The Youth Development Council shall develop an objective process, review criteria and timetable for consideration of a waiver request. A waiver granted under this section applies to the requirements for basic services grants described in ORS 417.850 (8) and high-risk juvenile crime prevention resources managed by the Youth Development Council. The waiver shall be consistent with the goals of ORS 417.705 to 417.800, 417.850 and 417.855.

(3) Any documentation required for a waiver under this section shall be obtained to the greatest extent possible from material contained in the county's juvenile crime prevention plan and from material as determined through biennial intergovernmental

agreements. The Youth Development Council may ask the county to submit additional information regarding how the county intends to use crime prevention funds under the waiver.

(4) The Youth Development Council shall grant a waiver or continue a waiver based on criteria that include:

(a) The rate of Oregon Youth Authority discretionary bed usage compared to other counties;

(b) The county's rates of first-time juvenile offenders, chronic juvenile offenders and juvenile recidivism compared to other counties;

(c) The amount and allocation of expenditures from all funding sources for juvenile crime prevention, including prevention and early intervention strategies, and how the requested waiver addresses the needs and priorities for the target population described in ORS 417.855 and for the target population described in the waiver;

(d) Inclusion of prevention or early intervention strategies in the juvenile crime prevention plan;

(e) Investments in evidence-based crime prevention programs and practices;

(f) Support of the local public safety coordinating council, *local commission on children and families* and the board of county commissioners;

(g) Local integration practices including citizens, victims, courts, law enforcement, business and schools;

(h) Identification of the risk factors for the target population described in the waiver; and

(i) Changes in the risk factors for the target population described in the waiver.

(5) The Youth Development Council shall review and act on any request for a waiver within 90 days after receipt of the request.

(6) The duration of a waiver granted under this section is four years. Before the expiration of a waiver granted under this section, the county may submit a request for another waiver.

**SECTION 98.** ORS 420.017 is amended to read:

420.017. (1) The Oregon Youth Authority shall develop annually a plan for diversion of delinquent youth from commitment to the youth correction facilities to alternative community services.

(2) *[In consultation with the local commissions on children and families established under ORS 417.760,]* The juvenile departments shall develop a plan for services needed to divert the commitment of youth from the youth correction facilities, and how these services are to be administered if funds are provided. *[Following review and comment by local commissions,]* The plan must be approved in the form of a resolution by the governing body of the appropriate county and of a letter of concurrence from the presiding judge for the judicial district in which the juvenile court is located.

(3) The youth authority shall develop and implement a statewide diversion plan after taking the local juvenile departments' plans into consideration and after consulting with affected service providers.

**SECTION 99.** ORS 423.565 is amended to read:

423.565. In addition to the duties assigned to it under ORS 423.560, the local public safety coordinating council convened by the board of commissioners shall, at a minimum:

(1) Develop and recommend to the county board of commissioners the plan for use of state resources to serve the local youth offender population.

(2) Coordinate local juvenile justice policy among affected juvenile justice entities.

(3) *[In consultation with the local commission on children and families,]* Develop and recommend to the county board of commissioners a plan designed to prevent criminal involvement by youth. The plan must provide for coordination of community-wide services involving treatment, education, employment and intervention strategies aimed at crime prevention.

(4) Create a facility advisory subcommittee when provided with the information described in ORS 169.690. The subcommittee shall be composed of the following persons:

(a) The affected law enforcement officer described in ORS 423.560 (1)(a) or (b);

(b) A district attorney;

(c) A mental health director;

(d) A designee of the city council or county board of commissioners, whichever is affected;

(e) A representative of an organization that advocates on behalf of persons with mental illness; and

(f) A consumer as defined in ORS 430.073.

(5) If a written plan of action has been provided to the council under ORS 165.127, annually review the plan and, if appropriate, make written recommendations to the affected district attorney for plan improvements.

**SECTION 100.** ORS 430.420 is amended to read:

430.420. (1) In collaboration with local seizing agencies, the district attorney, the local public safety coordinating council and the local mental health advisory committee, a local planning committee appointed or designated pursuant to ORS 430.342 shall develop a plan to integrate drug treatment services, meeting minimum standards established pursuant to ORS 430.357, into the criminal justice system for offenders who commit nonviolent felony drug possession offenses. The plan may also include property offenders as provided for under ORS 475.245. *[The plan developed under this subsection must be incorporated into the local coordinated comprehensive plan required by ORS 417.775.]*

(2)(a) A plan may include, but need not be limited to, programs that occur before adjudication, after adjudication as part of a sentence of probation or as part of a conditional discharge.

(b) A plan must include, but need not be limited to:

(A) A description of local criminal justice and treatment coordination efforts;

(B) A description of the method by which local, state and federal treatment resources are prioritized

and allocated to meet the needs of the drug abusing offender population;

(C) The principles that guide criminal justice strategies for supervision and treatment of drug abusing offenders and the purchase of treatment services from local community providers;

(D) The desired outcomes for criminal justice strategies for supervision and treatment of drug abusing offenders and the provision of treatment services and identification of a method for monitoring and reporting the outcomes; and

(E) Consistent standards for measuring the success of criminal justice strategies for supervision and treatment of drug abusing offenders and the provision of treatment.

(3) A program must include, but need not be limited to:

(a) Ongoing oversight of the participant;

(b) Frequent monitoring to determine whether a participant is using controlled substances unlawfully; and

(c) A coordinated strategy governing responses to a participant's compliance or noncompliance with the program.

(4) The local planning committee shall submit the plan to the Oregon Health Authority and shall provide the county board of commissioners with a copy of the plan.

**SECTION 101.** ORS 430.630 is amended to read:

430.630. (1) In addition to any other requirements that may be established by rule by the Oregon Health Authority, each community mental health program, subject to the availability of funds, shall provide the following basic services to persons with alcoholism or drug dependence, and persons who are alcohol or drug abusers:

(a) Outpatient services;

(b) Aftercare for persons released from hospitals;

(c) Training, case and program consultation and education for community agencies, related professions and the public;

(d) Guidance and assistance to other human service agencies for joint development of prevention programs and activities to reduce factors causing alcohol abuse, alcoholism, drug abuse and drug dependence; and

(e) Age-appropriate treatment options for older adults.

(2) As alternatives to state hospitalization, it is the responsibility of the community mental health program to ensure that, subject to the availability of funds, the following services for persons with alcoholism or drug dependence, and persons who are alcohol or drug abusers, are available when needed and approved by the Oregon Health Authority:

(a) Emergency services on a 24-hour basis, such as telephone consultation, crisis intervention and prehospital screening examination;

(b) Care and treatment for a portion of the day or night, which may include day treatment centers, work activity centers and after-school programs;

(c) Residential care and treatment in facilities such as halfway houses, detoxification centers and other community living facilities;

(d) Continuity of care, such as that provided by service coordinators, community case development specialists and core staff of federally assisted community mental health centers;

(e) Inpatient treatment in community hospitals; and

(f) Other alternative services to state hospitalization as defined by the Oregon Health Authority.

(3) In addition to any other requirements that may be established by rule of the Oregon Health Authority, each community mental health program, subject to the availability of funds, shall provide or ensure the provision of the following services to persons with mental or emotional disturbances:

(a) Screening and evaluation to determine the client's service needs;

(b) Crisis stabilization to meet the needs of persons with acute mental or emotional disturbances, including the costs of investigations and prehearing detention in community hospitals or other facilities approved by the authority for persons involved in involuntary commitment procedures;

(c) Vocational and social services that are appropriate for the client's age, designed to improve the client's vocational, social, educational and recreational functioning;

(d) Continuity of care to link the client to housing and appropriate and available health and social service needs;

(e) Psychiatric care in state and community hospitals, subject to the provisions of subsection (4) of this section;

(f) Residential services;

(g) Medication monitoring;

(h) Individual, family and group counseling and therapy;

(i) Public education and information;

(j) Prevention of mental or emotional disturbances and promotion of mental health;

(k) Consultation with other community agencies;

(L) Preventive mental health services for children and adolescents, including primary prevention efforts, early identification and early intervention services. Preventive services should be patterned after service models that have demonstrated effectiveness in reducing the incidence of emotional, behavioral and cognitive disorders in children. As used in this paragraph:

(A) "Early identification" means detecting emotional disturbance in its initial developmental stage;

(B) "Early intervention services" for children at risk of later development of emotional disturbances means programs and activities for children and their families that promote conditions, opportunities and experiences that encourage and develop emotional stability, self-sufficiency and increased personal competence; and

(C) "Primary prevention efforts" means efforts that prevent emotional problems from occurring by

addressing issues early so that disturbances do not have an opportunity to develop; and

(m) Preventive mental health services for older adults, including primary prevention efforts, early identification and early intervention services. Preventive services should be patterned after service models that have demonstrated effectiveness in reducing the incidence of emotional and behavioral disorders and suicide attempts in older adults. As used in this paragraph:

(A) "Early identification" means detecting emotional disturbance in its initial developmental stage;

(B) "Early intervention services" for older adults at risk of development of emotional disturbances means programs and activities for older adults and their families that promote conditions, opportunities and experiences that encourage and maintain emotional stability, self-sufficiency and increased personal competence and that deter suicide; and

(C) "Primary prevention efforts" means efforts that prevent emotional problems from occurring by addressing issues early so that disturbances do not have an opportunity to develop.

(4) A community mental health program shall assume responsibility for psychiatric care in state and community hospitals, as provided in subsection (3)(e) of this section, in the following circumstances:

(a) The person receiving care is a resident of the county served by the program. For purposes of this paragraph, "resident" means the resident of a county in which the person maintains a current mailing address or, if the person does not maintain a current mailing address within the state, the county in which the person is found, or the county in which a court-committed person with a mental illness has been conditionally released.

(b) The person has been hospitalized involuntarily or voluntarily, pursuant to ORS 426.130 or 426.220, except for persons confined to the Secure Child and Adolescent Treatment Unit at Oregon State Hospital, or has been hospitalized as the result of a revocation of conditional release.

(c) Payment is made for the first 60 consecutive days of hospitalization.

(d) The hospital has collected all available patient payments and third-party reimbursements.

(e) In the case of a community hospital, the authority has approved the hospital for the care of persons with mental or emotional disturbances, the community mental health program has a contract with the hospital for the psychiatric care of residents and a representative of the program approves voluntary or involuntary admissions to the hospital prior to admission.

(5) Subject to the review and approval of the Oregon Health Authority, a mental health program may initiate additional services after the services defined in this section are provided.

(6) Each community mental health program and the state hospital serving the program's geographic area shall enter into a written agreement concerning the policies and procedures to be followed by the program and the hospital when a patient is admitted

to, and discharged from, the hospital and during the period of hospitalization.

(7) Each community mental health program shall have a mental health advisory committee, appointed by the board of county commissioners or the county court or, if two or more counties have combined to provide mental health services, the boards or courts of the participating counties or, in the case of a Native American reservation, the tribal council.

(8) A community mental health program may request and the authority may grant a waiver regarding provision of one or more of the services described in subsection (3) of this section upon a showing by the county and a determination by the authority that persons with mental or emotional disturbances in that county would be better served and unnecessary institutionalization avoided.

(9)(a) As used in this subsection, "local mental health authority" means one of the following entities:

(A) The board of county commissioners of one or more counties that establishes or operates a community mental health program;

(B) The tribal council, in the case of a federally recognized tribe of Native Americans that elects to enter into an agreement to provide mental health services; or

(C) A regional local mental health authority comprising two or more boards of county commissioners.

(b) Each local mental health authority that provides mental health services shall determine the need for local mental health services and adopt a comprehensive local plan for the delivery of mental health services for children, families, adults and older adults that describes the methods by which the local mental health authority shall provide those services. The local mental health authority shall review and revise the local plan biennially. The purpose of the local plan is to create a blueprint to provide mental health services that are directed by and responsive to the mental health needs of individuals in the community served by the local plan.

(c) The local plan shall identify ways to:

(A) Coordinate and ensure accountability for all levels of care described in paragraph (e) of this subsection;

(B) Maximize resources for consumers and minimize administrative expenses;

(C) Provide supported employment and other vocational opportunities for consumers;

(D) Determine the most appropriate service provider among a range of qualified providers;

(E) Ensure that appropriate mental health referrals are made;

(F) Address local housing needs for persons with mental health disorders;

(G) Develop a process for discharge from state and local psychiatric hospitals and transition planning between levels of care or components of the system of care;

(H) Provide peer support services, including but not limited to drop-in centers and paid peer support;

(I) Provide transportation supports; and  
 (J) Coordinate services among the criminal and juvenile justice systems, adult and juvenile corrections systems and local mental health programs to ensure that persons with mental illness who come into contact with the justice and corrections systems receive needed care and to ensure continuity of services for adults and juveniles leaving the corrections system.

(d) When developing a local plan, a local mental health authority shall:

(A) Coordinate with the budgetary cycles of state and local governments that provide the local mental health authority with funding for mental health services;

(B) Involve consumers, advocates, families, service providers, schools and other interested parties in the planning process;

(C) Coordinate with the local public safety coordinating council to address the services described in paragraph (c)(J) of this subsection;

(D) Conduct a population based needs assessment to determine the types of services needed locally;

(E) Determine the ethnic, age-specific, cultural and diversity needs of the population served by the local plan;

(F) Describe the anticipated outcomes of services and the actions to be achieved in the local plan;

(G) Ensure that the local plan coordinates planning, funding and services with:

(i) The educational needs of children, adults and older adults;

(ii) Providers of social supports, including but not limited to housing, employment, transportation and education; and

(iii) Providers of physical health and medical services;

(H) Describe how funds, other than state resources, may be used to support and implement the local plan;

(I) Demonstrate ways to integrate local services and administrative functions in order to support integrated service delivery in the local plan; and

(J) Involve the local mental health advisory committees described in subsection (7) of this section.

(e) The local plan must describe how the local mental health authority will ensure the delivery of and be accountable for clinically appropriate services in a continuum of care based on consumer needs. The local plan shall include, but not be limited to, services providing the following levels of care:

(A) Twenty-four-hour crisis services;  
 (B) Secure and nonsecure extended psychiatric care;

(C) Secure and nonsecure acute psychiatric care;  
 (D) Twenty-four-hour supervised structured treatment;

(E) Psychiatric day treatment;  
 (F) Treatments that maximize client independence;

(G) Family and peer support and self-help services;

(H) Support services;

(I) Prevention and early intervention services;

(J) Transition assistance between levels of care;

(K) Dual diagnosis services;

(L) Access to placement in state-funded psychiatric hospital beds;

(M) Precommitment and civil commitment in accordance with ORS chapter 426; and

(N) Outreach to older adults at locations appropriate for making contact with older adults, including senior centers, long term care facilities and personal residences.

(f) In developing the part of the local plan referred to in paragraph (c)(J) of this subsection, the local mental health authority shall collaborate with the local public safety coordinating council to address the following:

(A) Training for all law enforcement officers on ways to recognize and interact with persons with mental illness, for the purpose of diverting them from the criminal and juvenile justice systems;

(B) Developing voluntary locked facilities for crisis treatment and follow-up as an alternative to custodial arrests;

(C) Developing a plan for sharing a daily jail and juvenile detention center custody roster and the identity of persons of concern and offering mental health services to those in custody;

(D) Developing a voluntary diversion program to provide an alternative for persons with mental illness in the criminal and juvenile justice systems; and

(E) Developing mental health services, including housing, for persons with mental illness prior to and upon release from custody.

(g) Services described in the local plan shall:

(A) Address the vision, values and guiding principles described in the Report to the Governor from the Mental Health Alignment Workgroup, January 2001;

(B) Be provided to children, older adults and families as close to their homes as possible;

(C) Be culturally appropriate and competent;

(D) Be, for children, older adults and adults with mental health needs, from providers appropriate to deliver those services;

(E) Be delivered in an integrated service delivery system with integrated service sites or processes, and with the use of integrated service teams;

(F) Ensure consumer choice among a range of qualified providers in the community;

(G) Be distributed geographically;

(H) Involve consumers, families, clinicians, children and schools in treatment as appropriate;

(I) Maximize early identification and early intervention;

(J) Ensure appropriate transition planning between providers and service delivery systems, with an emphasis on transition between children and adult mental health services;

(K) Be based on the ability of a client to pay;

- (L) Be delivered collaboratively;
- (M) Use age-appropriate, research-based quality indicators;
- (N) Use best-practice innovations; and
- (O) Be delivered using a community-based, multisystem approach.

(h) A local mental health authority shall submit to the Oregon Health Authority a copy of the local plan and biennial revisions adopted under paragraph (b) of this subsection at time intervals established by the authority.

*[(i) Each local commission on children and families shall reference the local plan for the delivery of mental health services in the local coordinated comprehensive plan created pursuant to ORS 417.775.]*

**SECTION 102.** ORS 431.385 is amended to read:

431.385. (1) The local public health authority shall submit an annual plan to the Oregon Health Authority for performing services pursuant to ORS 431.375 to 431.385 and 431.416. The annual plan shall be submitted on a date established by the Oregon Health Authority by rule or on a date mutually agreeable to the authority and the local public health authority.

(2) If the local public health authority decides not to submit an annual plan under the provisions of ORS 431.375 to 431.385 and 431.416, the authority shall become the local public health authority for that county or health district.

(3) The authority shall review and approve or disapprove each plan. Variances to the local public health plan must be approved by the authority. In consultation with the Conference of Local Health Officials, the authority shall establish the elements of a plan and an appeals process whereby a local health authority may obtain a hearing if its plan is disapproved.

*[(4) Each local commission on children and families shall reference the local public health plan in the local coordinated comprehensive plan created pursuant to ORS 417.775.]*

**SECTION 103.** ORS 417.747, 417.760, 417.765, 417.770, 417.775, 417.777, 417.780, 417.785, 417.787, 417.797, 417.830, 417.833, 417.836, 417.839 and 417.842 are repealed.

**SECTION 104.** The amendments to statutes by sections 83 to 102 of this 2012 Act and the repeal of statutes by section 103 of this 2012 Act become operative on January 1, 2014.

**ABOLISHMENT OF  
JUVENILE CRIME PREVENTION  
ADVISORY COMMITTEE**

**SECTION 105.** (1) The Juvenile Crime Prevention Advisory Committee is abolished. On the operative date of this section, the tenure of office of the members of the Juvenile Crime Prevention Advisory Committee ceases.

(2) All the duties, functions and powers of the Juvenile Crime Prevention Advisory Committee are imposed upon, transferred to and vested in the Youth Development Council established by section 21 of this 2012 Act.

**SECTION 106.** (1) The chairperson of the Juvenile Crime Prevention Advisory Committee shall deliver to the chairperson of the Youth Development Council all records and property within the jurisdiction of the chairperson that relate to the duties, functions and powers transferred by section 105 of this 2012 Act.

(2) The chairperson of the Youth Development Council shall take possession of the records and property transferred by the provisions of this section.

(3) The Governor shall resolve any dispute between the Juvenile Crime Prevention Advisory Committee and the Youth Development Council relating to transfers of records and property under this section and the Governor's decision is final.

**SECTION 107.** (1) Section 105 of this 2012 Act and the repeal of ORS 417.845 by section 111 of this 2012 Act are intended to change the name of the "Juvenile Crime Prevention Advisory Committee" to the "Youth Development Council."

(2) For the purpose of harmonizing and clarifying statutory law, the Legislative Counsel may substitute for words designating the "Juvenile Crime Prevention Advisory Committee" or its officers, wherever they occur in statutory law, words designating the "Youth Development Council" or its officers.

**SECTION 108.** ORS 169.090 is amended to read:

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

(2) The [Juvenile Crime Prevention Advisory Committee] Youth Development Council established by section 21 of this 2012 Act and the Department of Corrections shall develop guidelines pertaining to the operation of juvenile detention facilities, as defined in ORS 169.005. Guidelines shall be revised by the [Juvenile Crime Prevention Advisory Committee] Youth Development Council and the Department of Corrections, whenever appropriate. The guidelines shall be included in the manual published and distributed under subsection (1) of this section. However, the [Juvenile Crime Prevention

*Advisory Committee*] **Youth Development Council** may choose to publish and distribute the guidelines independently.

**SECTION 108a.** ORS 417.775, as amended by section 46 of this 2012 Act, is amended to read:

417.775. (1) Under the direction of the board or boards of county commissioners, and in conjunction with the guidelines set by the Early Learning Council, the local commission on children and families shall promote wellness for children of all ages and their families in the county or region, if the families have given their express written consent, mobilize communities and develop policy and oversee the implementation of a local coordinated comprehensive plan described in this section. A local commission shall:

- (a) Inform and involve citizens;
- (b) Identify and map the range of resources in the community;
- (c) Plan, advocate and fund research-based and tribal-based initiatives for children who are 18 years of age or younger, including prenatal, and their families;
- (d) Develop local policies, priorities, outcomes and targets;
- (e) Prioritize activities identified in the local plan and mobilize the community to take action;
- (f) Prioritize the use of nondedicated resources;
- (g) Monitor implementation of the local plan; and
- (h) Monitor and evaluate the intermediate outcome targets identified in the local plan that are reviewed under ORS 417.797, and report on the progress in addressing priorities and achieving outcomes.

(2)(a) A local commission may not provide direct services for children and their families.

(b) Notwithstanding paragraph (a) of this subsection, a local commission may provide direct services for children and their families for a period not to exceed six months if:

- (A)(i) The local commission determines that there is an emergency;
- (ii) A provider of services discontinues providing the services in the county or region; or
- (iii) No provider is able to offer the services in the county or region; and

(B) The family has given its express written consent.

(3) The local commission shall lead and coordinate a process to assess needs, strengths, goals, priorities and strategies, and identify county or regional outcomes to be achieved. The process shall be in conjunction with other coordinating bodies for services for children and their families and shall include representatives of education, mental health services, developmental disability services, alcohol and drug treatment programs, public health programs, local child care resource and referral agencies, child care providers, law enforcement and corrections agencies, private nonprofit entities, local governments, faith-based organizations, businesses,

families, youth and the local community. The process shall include populations representing the diversity of the county or region.

(4) Through the process described in subsection (3) of this section, the local commission shall coordinate the development of a single local plan for coordinating community programs, strategies and services for children who are 18 years of age or younger, including prenatal, and their families among community groups, government agencies, private providers and other parties. The local plan shall be a comprehensive area-wide service delivery plan for all services to be provided for children and their families in the county or region, if the families have given their express written consent. The local plan shall be designed to achieve state and county or regional outcomes based on state policies and guidelines and to maintain a level of services consistent with state and federal requirements.

(5) The local commission shall prepare the local coordinated comprehensive plan and applications for funds to implement ORS 417.705 to 417.800 and 419A.170. The local plan, policies and proposed service delivery systems shall be submitted to the board or boards of county commissioners for approval prior to submission to the Early Learning Council. The local plan shall be based on identifying the most effective service delivery system allowing for the continuation of current public and private programs where appropriate. The local plan shall address needs, strengths and assets of all children, their families and communities, including those children and their families at highest risk.

(6) Subject to the availability of funds:

(a) The local coordinated comprehensive plan shall include:

(A) Identification of ways to connect all state and local planning processes related to services for children and their families into the local coordinated comprehensive plan to create positive outcomes for children and their families; and

(B) Provisions for a continuum of social supports at the community level for children from the prenatal stage through 18 years of age, and their families, that takes into account areas of need, service overlap, asset building and community strengths as outlined in ORS 417.305 (2).

(b) The local coordinated comprehensive plan shall reference:

(A) A voluntary local early childhood system plan created pursuant to ORS 417.777;

(B) Local alcohol and other drug prevention and treatment plans developed pursuant to ORS 430.242;

(C) Local service plans, developed pursuant to ORS 430.630, for the delivery of mental health services for children and their families;

(D) Local public health plans, developed pursuant to ORS 431.385, that include public health issues such as prenatal care, immunizations, well-child checkups, tobacco use, nutrition, teen pregnancy, maternal and child health care and suicide prevention; and

(E) The local high-risk juvenile crime prevention plan developed pursuant to ORS 417.855.

(7) The local coordinated comprehensive plan shall include a list of staff positions budgeted to support the local commission on children and families. The list shall indicate the status of each position as a percentage of full-time equivalency dedicated to the implementation of the local coordinated comprehensive plan. The county board or boards of commissioners shall be responsible for providing the level of staff support detailed in the local plan and shall ensure that funds provided for these purposes are used to carry out the local plan.

(8) The local coordinated comprehensive plan shall:

(a) Improve results by addressing the needs, strengths and assets of all children, their families and communities in the county or region, including those children and their families at highest risk;

(b) Improve results by identifying the methods that work best at the state and local levels to coordinate resources, reduce paperwork and simplify processes, including data gathering and planning;

(c) Be based on local, state and federal resources;

(d) Be based on proven practices of effectiveness for the specific community;

(e) Contribute to a voluntary statewide system of formal and informal services and supports that is provided at the community level, that is integrated in local communities and that promotes improved outcomes for Oregon's children;

(f) Be presented to the citizens in each county for public review, comment and adjustment;

(g) Be designed to achieve outcomes based on research-identified proven practices of effectiveness; and

(h) Address other issues, local needs or children and family support areas as determined by the local commission.

(9) In developing the local coordinated comprehensive plan, the local commission shall:

(a) Secure active participation pursuant to subsection (3) of this section;

(b) Provide for community participation in the planning process, including media notification;

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

(d) Identify opportunities for service integration; and

(e) Develop a local coordinated comprehensive plan and budget to meet the priority needs of a county or region.

(10) The Early Learning Council may disapprove the part of the local coordinated comprehensive plan relating to the planning process required by this section and the voluntary local early childhood system plan.

(11)(a) The Early Learning Council may disapprove the planning process and the voluntary local early childhood system plan only upon making specific findings that the local plan substantially fails to conform to the principles, characteristics and

values identified in ORS 417.708 to 417.725 or that the local plan fails to conform with the planning process requirements of this section. The staff of the Early Learning Council shall assist the local commission in remedying the deficiencies in the planning process or the voluntary local early childhood system plan. The Early Learning Council shall set a date by which any deficient portions of the planning process or the voluntary local early childhood system plan must be revised and resubmitted to the Early Learning Council by the local commission.

(b) The Early Learning Council does not have approval authority over the following service plans referenced in the local coordinated comprehensive plan:

(A) The local alcohol and other drug prevention and treatment plans developed pursuant to ORS 430.242;

(B) Local service plans, developed pursuant to ORS 430.630, relating to the delivery of mental health services;

(C) Local public health plans developed pursuant to ORS 431.385; and

(D) Local high-risk juvenile crime prevention plans developed pursuant to ORS 417.855.

(12) The Early Learning Council, the Department of Human Services and the [*Juvenile Crime Prevention Advisory Committee*] **Youth Development Council** may jointly approve the community plan that is part of the local coordinated comprehensive plan, but may not jointly approve the service plans that are referenced in the local plan. If the community plan is disapproved in whole, the agencies shall identify with particularity the manner in which the community plan is deficient and the service plans may be implemented. If only part of the community plan is disapproved, the remainder of the community plan and the service plans may be implemented. The staff of the agencies shall assist the local commission in remedying the disapproved portions of the community plan. The agencies shall jointly set a date by which the deficient portions of the community plan shall be revised and resubmitted to the agencies by the local commission. In reviewing the community plan, the agencies shall consider the impact of state and local budget reductions on the community plan.

(13) If a local commission determines that the needs of the county or region it serves differ from those identified by the Early Learning Council, it may ask the Early Learning Council to waive specific requirements in its list of children's support areas. The process for granting waivers shall be developed by the Early Learning Council prior to the start of the review and approval process for the local coordinated comprehensive plan and shall be based primarily on a determination of whether the absence of a waiver would prevent the local commission from best meeting the needs of the county or region.

(14) From time to time, the local commission may amend the local coordinated comprehensive plan and applications for funds to implement ORS 417.705 to 417.800 and 419A.170. The local commis-

sion must amend the local plan to reflect current community needs, strengths, goals, priorities and strategies. Amendments become effective upon approval of the board or boards of county commissioners and the Early Learning Council.

(15) The local commission shall keep an official record of any amendments to the local coordinated comprehensive plan under subsection (14) of this section.

(16) The local commission shall provide an opportunity for public and private contractors to review the components of the local coordinated comprehensive plan and any amendments to the local plan, to receive notice of any component that the county or counties intend to provide through a county agency and to comment publicly to the board or boards of county commissioners if they disagree with the proposed service delivery plan.

(17) Alcohol and drug prevention and treatment services included in the local coordinated comprehensive plan must meet minimum standards adopted by the Oregon Health Authority under ORS 430.357.

**SECTION 109.** ORS 417.799 is amended to read:

417.799. (1) The Department of Human Services is responsible for coordinating statewide planning for delivery of services to runaway and homeless youth and their families.

(2) The department shall recommend policies that integrate a system of services and support for runaway and homeless youth into the state's continuum of care for children who are 0 through 18 years of age.

(3) The department may work with the [*Juvenile Crime Prevention Advisory Committee*] **Youth Development Council**, the Employment Department, the Housing and Community Services Department, the Department of Community Colleges and Workforce Development, the Department of Education and the Oregon Youth Authority to develop a comprehensive and coordinated approach for services and support for runaway and homeless youth and their families.

(4) In addition to the [*state agencies*] **entities** listed in subsection (3) of this section, the department shall include representatives of youth, non-profit organizations and statewide coalitions related to runaway and homeless youth services and supports in the joint process described in subsection (3) of this section.

(5) The department may enter into and renew contracts with providers for the provision of services to runaway and homeless youth and their families.

**SECTION 110.** ORS 417.850 is amended to read:

417.850. The [*Juvenile Crime Prevention Advisory Committee*] **Youth Development Council established by section 21 of this 2012 Act** shall:

(1) Review the budget and allocation formula for appropriations for the purpose of juvenile crime prevention;

(2) Review the components of the local coordinated comprehensive plans for children and families

created pursuant to ORS 417.775 that address local high-risk juvenile crime prevention plans developed under ORS 417.855 and make recommendations to the Governor about the local plans;

(3) Ensure that high-risk juvenile crime prevention planning criteria are met by state and local public and private entities;

(4) Recommend high-risk juvenile justice and juvenile crime prevention policies to the Governor and the Legislative Assembly;

(5) Ensure initiation of contracts based on approved local high-risk juvenile crime prevention plans and oversee contract changes;

(6) Review data and outcome information;

(7) Establish and publish review and assessment criteria for the local high-risk juvenile crime prevention plans. The criteria shall include, but not be limited to, measuring changes in juvenile crime and juvenile recidivism;

(8) Review and coordinate county youth diversion plans and basic services grants with the local high-risk juvenile crime prevention plans. Basic services grants may be used for detention and other juvenile department services including:

(a) Shelter care;

(b) Treatment services;

(c) Graduated sanctions; and

(d) Aftercare for youth offenders;

(9) Work to ensure broad-based citizen involvement in the planning and execution of high-risk juvenile crime prevention plans at both the state and local levels;

(10) Develop a funding policy that provides incentives for flexible programming and promotes strategies that stress reinvestment in youth;

(11) Periodically report to the Governor and the Legislative Assembly on the progress of the [*committee*] **council**;

(12) Oversee and approve funding and policy recommendations of the state advisory group as required by the federal Juvenile Justice and Delinquency Prevention Act of 1974, 42 U.S.C. 5601 et seq.; and

(13) Work with tribal governments to develop tribal high-risk juvenile crime prevention plans.

**SECTION 110a.** ORS 417.855, as amended by section 55 of this 2012 Act, is amended to read:

417.855. (1) Each board of county commissioners shall designate an agency or organization to serve as the lead planning organization to facilitate the creation of a partnership among state and local public and private entities in each county. The partnership shall include, but is not limited to, local commissions on children and families, education representatives, public health representatives, local alcohol and drug planning committees, representatives of the court system, local mental health planning committees, city or municipal representatives and local public safety coordinating councils. The partnership shall develop a local high-risk juvenile crime prevention plan that shall be incorporated

into the local coordinated comprehensive plans created pursuant to ORS 417.775.

(2) The local high-risk juvenile crime prevention plans shall use services and activities to meet the needs of a targeted population of youths who:

(a) Have more than one of the following risk factors:

(A) Antisocial behavior;

(B) Poor family functioning or poor family support;

(C) Failure in school;

(D) Substance abuse problems; or

(E) Negative peer association; and

(b) Are clearly demonstrating at-risk behaviors that have come to the attention of government or community agencies, schools or law enforcement and will lead to imminent or increased involvement in the juvenile justice system.

(3)(a) The Youth Development Council shall allocate funds available to support the local high-risk juvenile crime prevention plans to counties based on the youth population age 18 or younger in those counties.

(b) The Youth Development Council shall award a minimum grant to small counties. The minimum grant level shall be determined by the [*Juvenile Crime Prevention Advisory Committee*] **council** through a public process and reviewed by the [*committee*] **council** biennially.

**SECTION 110b.** ORS 417.857, as amended by section 56 of this 2012 Act, is amended to read:

417.857. (1) Deschutes County may place greater emphasis on early intervention and work with younger children than required by the [*Juvenile Crime Prevention Advisory Committee*] **Youth Development Council** if the county has been granted a waiver pursuant to this section.

(2) The [*Juvenile Crime Prevention Advisory Committee*] **Youth Development Council** shall develop an objective process, review criteria and timetable for consideration of a waiver request. A waiver granted under this section applies to the requirements for basic services grants described in ORS 417.850 (8) and high-risk juvenile crime prevention resources managed by the Youth Development Council. The waiver shall be consistent with the goals of ORS 417.705 to 417.800, 417.850 and 417.855.

(3) Any documentation required for a waiver under this section shall be obtained to the greatest extent possible from material contained in the county's juvenile crime prevention plan and from material as determined through biennial intergovernmental agreements. The [*Juvenile Crime Prevention Advisory Committee*] **Youth Development Council** may ask the county to submit additional information regarding how the county intends to use crime prevention funds under the waiver.

(4) The [*Juvenile Crime Prevention Advisory Committee*] **Youth Development Council** shall grant a waiver or continue a waiver based on criteria that include:

(a) The rate of Oregon Youth Authority discretionary bed usage compared to other counties;

(b) The county's rates of first-time juvenile offenders, chronic juvenile offenders and juvenile recidivism compared to other counties;

(c) The amount and allocation of expenditures from all funding sources for juvenile crime prevention, including prevention and early intervention strategies, and how the requested waiver addresses the needs and priorities for the target population described in ORS 417.855 and for the target population described in the waiver;

(d) Inclusion of prevention or early intervention strategies in the juvenile crime prevention plan;

(e) Investments in evidence-based crime prevention programs and practices;

(f) Support of the local public safety coordinating council, local commission on children and families and the board of county commissioners;

(g) Local integration practices including citizens, victims, courts, law enforcement, business and schools;

(h) Identification of the risk factors for the target population described in the waiver; and

(i) Changes in the risk factors for the target population described in the waiver.

(5) The [*committee*] **Youth Development Council** shall review and act on any request for a waiver within 90 days after receipt of the request.

(6) The duration of a waiver granted under this section is four years. Before the expiration of a waiver granted under this section, the county may submit a request for another waiver.

**SECTION 111. ORS 417.845 is repealed.**

**SECTION 112.** (1) Sections 105 to 107 of this 2012 Act, the amendments to statutes by sections 108 to 110b of this 2012 Act and the repeal of ORS 417.845 by section 111 of this 2012 Act become operative on July 1, 2013.

(2) The chairperson of the Youth Development Council may take any action before the operative date specified in subsection (1) of this section that is necessary to enable to the chairperson to exercise, on and after the operative date specified in subsection (1) of this section, the duties, functions and powers of the chairperson under the provisions of section 105 of this 2012 Act.

**ABOLISHMENT OF  
COMMISSION FOR CHILD CARE**

**SECTION 113.** (1) The Commission for Child Care is abolished. On the operative date of this section, all duties, functions and powers of the Commission for Child Care are imposed upon, transferred to and vested in the Early Learning Council established in section 4, chapter 519, Oregon Laws 2011.

(2) The chairperson of the Commission for Child Care shall deliver to the Early Learning System Director all records and property within the jurisdiction of the chairperson that relate to the duties, functions and powers transferred by this section.

(3) The Early Learning System Director shall take possession of the records and property transferred by the provisions of this section.

(4) The Governor shall resolve any dispute between the Commission for Child Care and the Early Learning Council relating to transfers of records and property under this section and the Governor's decision is final.

**SECTION 114.** The Commission for Child Care Account is abolished. Any moneys remaining in the account on June 30, 2012, that are unexpended, unobligated and not subject to any conditions shall be transferred to the Early Learning Council Fund established by section 10 of this 2012 Act.

**SECTION 115.** (1) The unexpended balances of amounts authorized to be expended by the Commission for Child Care for the biennium beginning July 1, 2011, from revenues dedicated, continuously appropriated, appropriated or otherwise made available for the purpose of administering and enforcing the duties, functions and powers transferred by section 113 of this 2012 Act are transferred to and are available for expenditure by the Early Learning Council for the biennium beginning July 1, 2011, for the purpose of administering and enforcing the duties, functions and powers transferred by section 113 of this 2012 Act.

(2) The expenditure classifications, if any, established by Acts authorizing or limiting expenditures by the Commission for Child Care remain applicable to expenditures by the Early Learning Council under this section.

**SECTION 116.** The transfer of duties, functions and powers to the Early Learning Council by section 113 of this 2012 Act does not affect any action, proceeding or prosecution involving or with respect to such duties, functions and powers begun before and pending at the time of the transfer, except that the Early Learning Council is substituted for the Commission for Child Care in the action, proceeding or prosecution.

**SECTION 117.** ORS 657A.010 is amended to read:

657A.010. (1) There is established within the Employment Department a Child Care Division.

(2) The Child Care Division, as designated by the Governor, shall be responsible for administering funds received by the State of Oregon pursuant to the federal Child Care and Development Block Grant Act of 1990, the Dependent Care Planning and De-

velopment Grant and other federal child care funds and grants received by the State of Oregon.

(3) The Child Care Division shall comply with directives of the Early Learning Council established in section 4, chapter 519, Oregon Laws 2011, in the division's implementation of the provisions of ORS 657A.250 to 657A.450.

[(2)] (4) There is established in the State Treasury, separate and distinct from the General Fund, the Child Care Fund. [Such] The Child Care Fund shall consist of moneys collected and received by the Child Care Division pursuant to subsection [(1)] (2) of this section, ORS 657A.310 and 657A.992 and such moneys as may be otherwise made available by law. Interest earned on the fund shall be credited to the fund. The moneys in the Child Care Fund are appropriated continuously to the Child Care Division and shall be used in a manner consistent with the grant of funds or for the administration of ORS 181.537, 657A.030 and 657A.250 to 657A.450.

**SECTION 118.** ORS 657A.180 is amended to read:

657A.180. (1) [There is created] **The Child Care Division shall create** an advisory committee to advise the [Child Care] division on the development and administration of child care resource and referral policies and practices. [The advisory committee shall include but not be limited to three members of the Commission for Child Care.] The Child Care Division shall, in consultation with the advisory committee, establish criteria for proposals, prepare requests for proposals, receive proposals and award grants for the establishment of resource and referral programs.

(2) The Child Care Division shall collect and report data concerning resource and referral programs.

(3)(a) The local resource and referral agencies shall match grant funds in an amount not less than 10 percent of grant funds received. Matching financial support includes, but is not limited to, in-kind contributions.

[(4)] (b) As used in this [section] subsection, "in-kind contributions" means nonmonetary contributions that include but are not limited to:

[(a)] (A) Provision of rent-free program space;

[(b)] (B) Provision of utilities;

[(c)] (C) Provision of custodial services;

[(d)] (D) Provision of secretarial services;

[(e)] (E) Provision of liability insurance or health insurance benefits;

[(f)] (F) Administrative services; and

[(g)] (G) Transportation services.

(4) **The Child Care Division shall provide to the Early Learning Council a report that summarizes the development and administration of child care resource and referral policies and practices under this section. The report must be provided at least twice a year and as otherwise required by the Early Learning Council.**

**SECTION 119.** ORS 657A.310 is amended to read:

657A.310. (1) Application for a certification or for the annual renewal thereof shall be made to the Child Care Division on forms provided by the division and accompanied by a nonrefundable fee. The fee shall vary according to the type of facility and the number of children for which the facility is requesting to be certified, and shall be determined and applied through rules adopted by the division pursuant to ORS 657A.275.

(2) All fees received under subsection (1) of this section shall be deposited in the Child Care Fund established under ORS 657A.010 [(2)] (4) and may be used for the administration of ORS 181.537, 657A.030 and 657A.250 to 657A.450.

(3) Any certification issued pursuant to ORS 657A.030 and 657A.250 to 657A.450 authorizes operation of the facility only on the premises described in the certification and only by the person named in the certification.

(4) Unless sooner revoked, a temporary certification expires on the date specified therein. Unless sooner revoked and except as provided in ORS 657A.270 (2), an annual certification expires one year from the date of issuance.

**SECTION 120.** ORS 657A.700 is amended to read:

657A.700. As used in ORS 657A.700 to 657A.718:

(1) "Child care provider" means a provider, for compensation, of care, supervision or guidance to a child on a regular basis in a center or in a home other than the child's home. "Child care provider" does not include a person who is the child's parent, guardian or custodian.

(2) "Community agency" means a nonprofit agency that:

(a) Provides services related to child care, children and families, community development or similar services; and

(b) Is eligible to receive contributions that qualify as deductions under section 170 of the Internal Revenue Code.

(3) "High quality child care" means child care that meets standards for high quality child care established or approved by the [Commission for Child Care] **Early Learning Council**.

(4) "Qualified contribution" means a contribution made by a taxpayer to the Child Care Division of the Employment Department or a selected community agency for the purpose of promoting child care, and for which the taxpayer will receive a tax credit certificate under ORS 657A.706.

(5) "Tax credit certificate" means a certificate issued by the Child Care Division to a taxpayer to qualify the taxpayer for a tax credit under ORS 315.213.

(6) "Tax credit marketer" means an individual or entity selected by the Child Care Division to market tax credits to taxpayers.

**SECTION 121.** ORS 657A.992 is amended to read:

657A.992. (1) In addition to any other provision of law or rule adopted pursuant to ORS 657A.260 for enforcement of the provisions of ORS chapter 657A, the Child Care Division may suspend or revoke a certification or registration issued under ORS 657A.030 and 657A.250 to 657A.450, or impose a civil penalty in the manner provided in ORS 183.745, for violation of:

(a) Any of the provisions of ORS 657A.030 and 657A.250 to 657A.450;

(b) The terms and conditions of a certification or registration issued under ORS 657A.030 and 657A.250 to 657A.450; or

(c) Any rule of the division adopted under ORS 657A.030 and 657A.250 to 657A.450.

(2) The division shall adopt by rule a schedule establishing the civil penalties that may be imposed under this section. The schedule must provide for categories of violations for which a penalty may be imposed, including "nonserious" and "serious" to be defined by the division by rule under ORS 657A.260.

(3) The division must issue a written warning for a nonserious or serious violation before assessing a civil penalty under this section. The written warning must prescribe a reasonable time in which to correct a violation.

(4) The division may not impose a civil penalty of more than \$100 for a first violation.

(5) The division may not impose a civil penalty for a subsequent violation that exceeds the penalty imposed for the previous violation by more than \$100. Penalties imposed under this subsection may not exceed \$500 per violation, or \$1,000 total for multiple violations per quarter.

(6) Notwithstanding any other provision of this section, the maximum civil penalty that may be imposed:

(a) For violation of ORS 657A.330 by a registered family child care home provider is \$100.

(b) For violation of ORS 657A.280 by an operator of a child care facility that is not a child care center is \$200.

(c) For violation of ORS 657A.280 by an operator of a child care facility that is a child care center is \$500.

(7) A civil penalty imposed under this section may be remitted or reduced upon such terms and conditions as the division considers proper and consistent with the public health and safety.

(8) All moneys received under this section shall be deposited in the Child Care Fund established under ORS 657A.010 [(2)] (4) and may be used for the administration of ORS 181.537, 657A.030 and 657A.250 to 657A.450.

**SECTION 122.** ORS 657A.600, 657A.610, 657A.620, 657A.630 and 657A.640 are repealed.

**SECTION 123.** Sections 113 to 116 of this 2012 Act, the amendments to statutes by sections 117 to 121 of this 2012 Act and the repeal of statutes by section 122 of this 2012 Act become operative on July 1, 2012.

**SECTION 124.** (1) Nothing in sections 113 to 116 of this 2012 Act, the amendments to statutes by sections 117 to 121 of this 2012 Act or the repeal of statutes by section 122 of this 2012 Act relieves a person of a liability, duty or obligation accruing under or with respect to the duties, functions and powers transferred by section 113 of this 2012 Act. The Early Learning Council may undertake the collection or enforcement of any such liability, duty or obligation.

(2) The rights and obligations of the Commission for Child Care legally incurred under contracts, leases and business transactions executed, entered into or begun before the operative date of section 113 of this 2012 Act are transferred to the Early Learning Council. For the purpose of succession to these rights and obligations, the Early Learning Council is a continuation of the Commission for Child Care and not a new authority.

**SECTION 125.** Notwithstanding the transfer of duties, functions and powers by section 113 of this 2012 Act, the rules of the Employment Department for the Commission for Child Care in effect on the operative date of section 113 of this 2012 Act continue in effect until superseded or repealed by rules of the Early Learning Council. References in rules of the Employment Department to the Commission for Child Care or an officer or employee of the Commission for Child Care are considered to be references to the Early Learning Council or an officer or employee of the Early Learning Council.

**SECTION 126.** Whenever, in any uncodified law or resolution of the Legislative Assembly or in any rule, document, record or proceeding authorized by the Legislative Assembly, reference is made to the Commission for Child Care or an officer or employee of the Commission for Child Care, the reference is considered to be a reference to the Early Learning Council or an officer or employee of the Early Learning Council.

**SECTION 127.** (1) The repeal of ORS 417.730, 417.735, 657A.600, 657A.610, 657A.620 and 657A.640 by sections 69 and 122 of this 2012 Act and the amendments to ORS 417.728, 657A.180 and 657A.700 by sections 44b, 118 and 120 of this 2012 Act are intended to change the name of the "Commission for Child Care" to the "Early Learning Council."

(2) For the purpose of harmonizing and clarifying statutory law, the Legislative Counsel may substitute for words designating the "Commission for Child Care" or its officers, wherever they occur in statutory law, words designating the "Early Learning Council" or its officers.

**SECTION 128.** (1) Section 10 of this 2012 Act and the repeal of ORS 657A.640 by section 122

of this 2012 Act are intended to change the name of the "Commission for Child Care Account" to the "Early Learning Council Fund."

(2) For the purpose of harmonizing and clarifying statutory law, the Legislative Counsel may substitute for words designating the "Commission for Child Care Account," wherever they occur in statutory law, words designating the "Early Learning Council Fund."

## CHILD CARE FACILITIES

**SECTION 129.** Section 130 of this 2012 Act is added to and made a part of ORS 657A.250 to 657A.450.

**SECTION 130.** (1) In addition to the minimum standards established for child care facilities and the operation of child care facilities under ORS 657A.260 and subject to available funds, the Child Care Division of the Employment Department, under the direction and with the approval of the Early Learning Council, shall initiate development of a tiered quality rating and improvement system for child care facilities.

(2) The tiered quality rating and improvement system implemented under this section shall:

(a) Establish a set of progressively higher standards that are used to evaluate the quality of an early learning and development program and to support program improvement.

(b) Consist of the following components:

(A) Tiered standards that define a progression of quality for early learning and development programs.

(B) Monitoring of programs to evaluate quality based on established standards.

(C) Support for programs and providers of programs to meet tiered quality standards, including training, technical assistance and financial incentives.

(D) Program quality ratings that are publicly available.

**SECTION 131.** Section 130 of this 2012 Act becomes operative on January 1, 2013.

## FISCAL PROVISIONS AND CONFLICT AMENDMENTS

**SECTION 132.** Notwithstanding any other provision of law, the General Fund appropriation made to the State Commission on Children and Families by section 1, chapter 591, Oregon Laws 2011, for the biennium beginning July 1, 2011, is decreased by \$18,635,130.

**SECTION 132a.** If House Bill 4082 becomes law, section 132 of this 2012 Act is repealed.

**SECTION 132b.** If House Bill 4082 becomes law, notwithstanding any other provision of law, the General Fund appropriation made to the State Commission on Children and Families by section 1, chapter 591, Oregon Laws 2011, for the biennium beginning July 1, 2011, is decreased by \$17,450,764.

**SECTION 133.** In addition to and not in lieu of any other appropriation, there is appropriated to the Office of the Governor, for the biennium beginning July 1, 2011, out of the General Fund, the amount of \$18,735,130, for the Early Learning Council and the Youth Development Council.

**SECTION 133a.** If House Bill 4082 becomes law, section 133 of this 2012 Act is repealed.

**SECTION 133b.** If House Bill 4082 becomes law, in addition to and not in lieu of any other appropriation, there is appropriated to the Office of the Governor, for the biennium beginning July 1, 2011, out of the General Fund, the amount of \$17,550,764, for the Early Learning Council and the Youth Development Council.

**SECTION 134.** Notwithstanding any other law limiting expenditures, the amount of \$9,905,400 is established for the biennium beginning July 1, 2011, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and including federal funds received from the Department of Human Services for family preservation and support and other services supporting children and families, but excluding lottery funds and federal funds not described in this section, collected or received by the Office of the Governor for the Early Learning Council and the Youth Development Council.

**SECTION 135.** Notwithstanding any other law limiting expenditures, the amount of \$3,363,974 is established for the biennium beginning July 1, 2011, as the maximum limit for payment of expenses from federal funds, other than the funds described in section 134 of this 2012 Act, collected or received by the Office of the Governor for the Early Learning Council and the Youth Development Council.

**SECTION 136.** Notwithstanding any other provision of law, the authorized appropriations and expenditure limitations for the biennium beginning July 1, 2011, for the following agencies and programs are changed by the amounts specified:

Agency/Program/Funds	2011 Oregon Laws Chapter/ Section	Adjustment
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State Commission on Children and Families		
Other funds	Ch. 591 2	-9,905,400
Federal funds	Ch. 591 3	-3,363,974
Employment Department		
General Fund	Ch. 339 1	-100,000
Federal funds	Ch. 339 5	+1,000,000

**SECTION 136a.** If Senate Bill 5701 becomes law, section 136 of this 2012 Act is repealed.

**SECTION 136b.** If Senate Bill 5701 becomes law, notwithstanding any other provision of law, the authorized appropriations and expenditure limitations for the biennium beginning July 1, 2011, for the following agencies and programs are changed by the amounts specified:

Agency/Program/Funds	2011 Oregon Laws Chapter/ Section	Adjustment
State Commission on Children and Families		
Other funds	Ch. 591 2	-9,905,400
Federal funds	Ch. 591 3	-3,363,974
Employment Department		
General Fund	Ch. 339 1	-100,000

**SECTION 137.** If Senate Bill 5701 becomes law, notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 12 (1), chapter \_\_\_, Oregon Laws 2012 (Enrolled Senate Bill 5701), for the biennium beginning July 1, 2011, as the maximum limit for payment of expenses from federal funds collected or received by the Employment Department under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) and section 418 of the Social Security Act (42 U.S.C. 618), as amended, is increased by \$1,000,000.

**SECTION 138.** If House Bill 4082 becomes law, section 59 of this 2012 Act (amending ORS 419A.170) is repealed.

**MISCELLANEOUS**

**SECTION 139.** For purposes of the statutory laws of this state and all state operations of the federal Head Start program, the director of state operations of the federal Head Start program may be referenced as the State Director of Head Start Collaboration.

**SECTION 140.** It is the intention of the Legislative Assembly that funding which supports programs currently funded through local com-

missions on children and families remain unchanged through the biennium ending June 30, 2013, in order to ensure the continuity of programs and services to communities.

#### UNIT CAPTIONS

**SECTION 141.** The unit captions used in this 2012 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2012 Act.

#### EMERGENCY CLAUSE

**SECTION 142.** This 2012 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect on its passage.

Approved by the Governor March 6, 2012

Filed in the office of Secretary of State March 6, 2012

Effective date March 6, 2012

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