

Non-exhaustive list of Oregon Statutes and Oregon Administrative Rules applicable to the ODE Long Term Care and Treatment Education Program

Oregon Statutes

329.451 High school diploma; modified diploma; extended diploma; certificate of attendance; grade level advancement. (1)(a) At or before grade 12, a school district or public charter school shall award a high school diploma to a student who completes the requirements established by subsection (2) of this section.

(b) A school district or public charter school shall award a modified diploma to a student who satisfies the requirements established by subsection (7) of this section, an extended diploma to a student who satisfies the requirements established by subsection (8) of this section or a certificate of attendance to a student who satisfies the requirements established by subsection (9) of this section.

(c) A school district or public charter school may not deny a student who has the documented history described in subsection (7)(b) or (8)(b) of this section the opportunity to pursue a diploma with more stringent requirements than a modified diploma or an extended diploma.

(d) A school district or public charter school may award a modified diploma or extended diploma to a student only upon receiving consent as provided by subsection (6) of this section.

(2)(a) In order to receive a high school diploma from a school district or public charter school, a student must satisfy the requirements established by the State Board of Education and the school district or public charter school and, while in grades 9 through 12, must complete at least:

- (A) Twenty-four total credits;
- (B) Three credits of mathematics; and
- (C) Four credits of language arts.

(b) If a school district or public charter school requires a student to complete more than 24 total credits, as provided by paragraph (a)(A) of this subsection, the school district or public charter school may only require the student to complete additional credits for:

- (A) Subjects for which the State Board of Education has established academic content standards under ORS 329.045;
- (B) Courses provided as part of a career and technical education program; or
- (C) Courses that provide, or qualify to provide, credit at post-secondary institutions of education.

(c)(A) A school district or public charter school that requires students to satisfy any requirements not specified by paragraph (a) of this subsection or by rule of the State Board of Education must grant to a student a waiver of the requirements established by the school district or public charter school if the student is or, at any time from grade 9 to 12, was:

- (i) A foster child, as defined in ORS 30.297;
- (ii) Homeless, as determined under rules adopted by the State Board of Education based on standards adopted by the Department of Human Services;
- (iii) A runaway, as determined under rules adopted by the State Board of Education based on standards adopted by the Department of Human Services;
- (iv) A child in a military family covered by the Interstate Compact on Educational Opportunity for Military Children, as determined under rules adopted by the State Board of Education;

(v) A child of a migrant worker, as determined under rules adopted by the State Board of Education;

(vi) Enrolled in the Youth Corrections Education Program or the Juvenile Detention Education Program; or

(vii) Enrolled in an approved recovery school under ORS 336.680.

(B)(i) For any student identified under subparagraph (A) of this paragraph, a school district or public charter school must accept any credits earned by the student in an educational program in this state and apply those credits toward requirements specified by paragraph (a) of this subsection or by rule of the State Board of Education if the credits satisfied those requirements in that educational program in this state.

(ii) As used in this subparagraph, “educational program in this state” means an educational program that is:

(I) Provided by a school district, a public charter school, an approved recovery school, the Youth Corrections Education Program or the Juvenile Detention Education Program; or

(II) Funded as provided by ORS 343.243 for students in a long term care or treatment facility described in ORS 343.961 or a hospital identified in ORS 343.261.

(3) A student providing work samples to demonstrate proficiency in Essential Learning Skills as may be required under subsection (2) of this section must be allowed to use accommodations described in the student’s individualized education program or the student’s plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794. As used in this subsection, the term “accommodations”:

(a) Includes, but is not limited to:

(A) Additional time to demonstrate proficiency.

(B) The ability to demonstrate proficiency in an alternative location that is secure and proctored.

(C) The use of text-to-speech or speech-to-text technology or other assistive technology.

(b) Does not include modifications that lower the proficiency standards or that are used solely to earn modified credit.

(4) A student may satisfy the requirements of subsection (2) of this section in less than four years. If a student satisfies the requirements of subsection (2) of this section and a school district or public charter school has received consent as provided by subsection (6) of this section, the school district or public charter school shall award a high school diploma to the student.

(5) If a school district or public charter school has received consent as provided by subsection (6) of this section, the school district or public charter school may advance the student to the next grade level if the student has satisfied the requirements for the student’s current grade level.

(6)(a) For the purpose of receiving consent as provided by subsections (1)(d), (4) and (5) of this section, consent shall be provided by:

(A) The parent or guardian of the student, if the student:

(i) Is under 18 years of age and is not emancipated pursuant to ORS 419B.550 to 419B.558; or

(ii) Has been determined not to have the ability to give informed consent regarding the student’s education pursuant to a protective proceeding under ORS chapter 125; or

(B) The student, if the student is 18 years of age or older or is emancipated pursuant to ORS 419B.550 to 419B.558.

(b) For the purpose of awarding a modified diploma or extended diploma as provided by subsection (1)(d) of this section or of awarding a high school diploma as provided by subsection (4) of this section, consent must be received during the school year for which the diploma will be awarded.

(7) A school district or public charter school shall award a modified diploma only to students who have demonstrated the inability to meet the full set of academic content standards for a high school diploma with reasonable modifications and accommodations. To be eligible for a modified diploma, a student must:

(a) Satisfy the requirements for a modified diploma established by the State Board of Education; and

(b) Have a documented history of an inability to maintain grade level achievement due to significant learning and instructional barriers or have a documented history of a medical condition that creates a barrier to achievement.

(8) A school district or public charter school shall award an extended diploma only to students who have demonstrated the inability to meet the full set of academic content standards for a high school diploma with reasonable modifications and accommodations. To be eligible for an extended diploma, a student must:

(a) While in grade nine through completion of high school, complete 12 credits, which may not include more than six credits earned in a self-contained special education classroom and shall include:

- (A) Two credits of mathematics;
- (B) Two credits of language arts;
- (C) Two credits of science;
- (D) Three credits of history, geography, economics or civics;
- (E) One credit of health;
- (F) One credit of physical education; and
- (G) One credit of the arts or a world language; and

(b) Have a documented history of:

(A) An inability to maintain grade level achievement due to significant learning and instructional barriers;

(B) A medical condition that creates a barrier to achievement; or

(C) A change in the student's ability to participate in grade level activities as a result of a serious illness or injury that occurred after grade eight.

(9) A school district or public charter school shall award a certificate of attendance to a student who does not satisfy the requirements for a high school diploma, a modified diploma or an extended diploma if the student has maintained regular full-time attendance for at least four years beginning in grade nine and meets requirements established by the board of the school district or public charter school.

(10) A student shall have the opportunity to satisfy the requirements of subsection (7), (8) or (9) of this section by the later of:

(a) Four years after starting grade nine; or

(b) The student reaching the age of 21 years, if the student is entitled to a public education until the age of 21 years under state or federal law.

(11)(a) A student may satisfy the requirements described in subsection (7), (8) or (9) of this section in less than four years if consent is provided in the manner described in subsection (6)(a) of this section.

(b) The consent provided under this subsection must be written and must clearly state that the parent, guardian or student is waiving the time allowed under subsection (10) of this section. A consent may not be used to allow a student to satisfy the requirements of subsection (7), (8) or (9) of this section in less than three years.

(c) A copy of all consents provided under this subsection for students in a school district must be forwarded to the district superintendent.

(d) Each school district must provide to the Superintendent of Public Instruction information about the number of consents provided during a school year.

(12)(a) A student who qualifies to receive or receives a modified diploma, an extended diploma or a certificate of attendance shall:

(A) Have the option of participating in a high school graduation ceremony with the class of the student; and

(B) Have access to instructional hours, hours of transition services and hours of other services that are designed to:

(i) Meet the unique needs of the student; and

(ii) When added together, provide a total number of hours of instruction and services to the student that equals at least the total number of instructional hours that is required to be provided to students who are attending a public high school.

(b) A school district may not unilaterally decrease the total number of hours of instruction and services to which the student has access under paragraph (a)(B) of this subsection, regardless of the age of the student.

(c) For purposes of paragraph (a)(B) of this subsection, transition services and other services designed to meet the unique needs of the student may be provided to the student through an interagency agreement entered into by the school district if the individualized education program developed for the student indicates that the services may be provided by another agency. A school district that enters into an interagency agreement as allowed under this paragraph retains the responsibility for ensuring that the student has access to the number of service hours required to be provided to the student under this subsection. An agency is not required to change any eligibility criteria or enrollment standards prior to entering into an interagency agreement as provided by this paragraph.

(13) A school district or public charter school shall:

(a) Ensure that all students have on-site access to the appropriate resources and courses to achieve high school diplomas, modified diplomas and extended diplomas at each high school in the school district or at the public charter school.

(b) Provide literacy instruction to all students until graduation.

(c)(A) Provide to the parents or guardians of a student who has the documented history described in subsection (8)(b) of this section:

(i) Information about the availability of high school diplomas, modified diplomas and extended diplomas and the requirements for the diplomas; and

(ii) A disclosure that a student awarded a certificate of attendance will not be counted as a high school graduate in any reporting for the state or school district and that a student awarded a certificate of attendance may not indicate that the student received a high school diploma on applications for employment, military service, financial aid, admittance to an institution of higher education or any other purpose.

(B) The information and disclosure required under subparagraph (A) of this paragraph must be provided annually:

- (i) Beginning in grade five; or
 - (ii) Beginning after a documented history described in subsection (8)(b) of this section has been established.
- (14) A school district or public charter school shall allow a student to participate in the high school graduation ceremony with the class of the student and to wear:
- (a) Native American items of cultural significance as provided by ORS 332.112; or
 - (b) A dress uniform issued to the student by a branch of the Armed Forces of the United States if the student:
 - (A) Qualifies to receive a high school diploma, a modified diploma, an extended diploma or a certificate of attendance under this section; and
 - (B) Has completed basic training for, and is an active member of, a branch of the Armed Forces of the United States. [2005 c.827 §1; 2007 c.407 §1; 2007 c.660 §12; 2009 c.618 §1; 2011 c.240 §1a; 2011 c.286 §1; 2011 c.313 §7; 2011 c.546 §1; 2013 c.15 §4; 2013 c.64 §1; 2013 c.761 §3; 2014 c.42 §§5,6; 2017 c.433 §1; 2017 c.726 §6; 2019 c.210 §1; 2021 c.45 §2; 2021 c.97 §24; 2021 c.178 §1; 2022 c.81 §5; 2023 c.202 §2; 2023 c.513 §8]

343.243 Receipt of amount from State School Fund for children enrolled in certain programs; calculation of amount received; disposition of amount received. (1) Each school year, the Department of Education shall receive an amount, as calculated under this section, from the State School Fund to pay the costs of educating children in programs under ORS 343.261, 343.961 and 346.010.

(2) To meet the requirements of ORS 343.261, the department shall receive from the State School Fund an amount that is equal to the product of the following:

- (a) The average net operating expenditure per student of all school districts during the preceding school year; and
- (b) The number of slots available for students in the hospital programs under ORS 343.261, as determined by the department for the school year.

(3) To meet the requirements of ORS 343.961, the department shall receive from the State School Fund an amount that is equal to the product of the following:

- (a) The average net operating expenditure per student of all school districts during the preceding school year; and
- (b) The number of slots available for all students in eligible day treatment programs and eligible residential treatment programs under ORS 343.961 for the school year, as determined by the Department of Education based on information received from the Department of Human Services, the Oregon Health Authority, the Oregon Youth Authority and eligible day treatment programs and eligible residential treatment programs.

(4) To meet the requirements of ORS 346.010, the Department of Education shall receive from the State School Fund an amount that is equal to the product of the following:

- (a) The average net operating expenditure per student of all school districts during the preceding school year; and
- (b) The resident average daily membership of students enrolled in a program under ORS 346.010 for one-half of the school day or more, exclusive of preschool children covered by ORS 343.533.

(5) The children covered by this section shall be enumerated in the average daily membership of the district providing the instruction but the district may not accrue credit for days' attendance of such children for the purpose of distributing state school funds.

(6) The liability of a district shall not exceed the amount established under this section even if the child is otherwise subject to ORS 336.575 and 336.580.

(7) The department shall credit amounts received from the State School Fund under this section to the appropriate subaccount in the Special Education Account. [1985 c.555 §7; 1987 c.282 §1; 1989 c.875 §1; 1989 c.971 §5; 1991 c.167 §25; 1991 c.780 §37; 1999 c.684 §1; 2001 c.36 §1; 2001 c.900 §243; 2009 c.439 §1; 2011 c.701 §3]

343.961 Responsibility for costs of education of children in day and residential treatment programs; responsibilities of district providing education; notice required before student dismissed from program. (1) As used in this section:

(a) “Day treatment program” means a public or private program that provides treatment of children with a mental illness, an emotional disturbance or another mental health issue.

(b) “Eligible day treatment program” means a day treatment program with which the Oregon Health Authority contracts for long term care or treatment. “Eligible day treatment program” does not include residential treatment programs or programs that provide care or treatment to juveniles who are in detention facilities.

(c)(A) “Eligible residential treatment program” means:

(i) A residential treatment program with which the Oregon Health Authority, the Department of Human Services or the Oregon Youth Authority contracts for long term care or treatment.

(ii) A residential program that provides disability-related supports under a license issued by the Department of Human Services under ORS 443.410 and that:

(I) Was licensed by the Department of Human Services on July 1, 2021, and maintains that license as a valid license; and

(II) Has students being provided education by a school district that received moneys under this section for the 2020-2021 school year and that has an average daily membership, as defined in ORS 327.006, of 15,000 or less.

(B) “Eligible residential treatment program” does not include psychiatric day treatment programs or programs that provide care or treatment to juveniles who are in detention facilities.

(d) “Residential treatment program” means a public or private residential program that provides treatment of children with a mental illness, an emotional disturbance or another mental health issue.

(e) “Student” means a child who is placed in an eligible day treatment program or eligible residential treatment program by a public or private entity or by the child’s parent.

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

(3)(a) The school district in which an eligible day treatment program or eligible residential treatment program is located is responsible for providing the education of a student, including the identification, location and evaluation of the student for the purpose of determining the student’s eligibility to receive special education and related services.

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

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

(B) In the facilities of an eligible day treatment program, an eligible residential treatment program, a school district or an education service district, except that an eligible residential treatment program described in subsection (1)(c)(A)(ii) of this section may not provide education in the facilities of the program.

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

(4) The school district where the student is a resident is responsible for providing transportation to a student enrolled in an eligible day treatment program. Transportation must be provided by the school district where the student is a resident each day the student is scheduled to receive services from the eligible day treatment program.

(5) A school district may request the Department of Education to directly make payments to another school district or an education service district for eligible day treatment programs or eligible residential treatment programs when education is provided by the other school district or the education service district. Payments made under this subsection do not affect any responsibilities described in subsection (3) of this section for the school district that made the request.

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

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

(8) School districts that provide the education described in this section on a year-round plan may apply for 25 percent of the funds appropriated for that purpose on July 1, October 1, January 1, and 15 percent on April 1. The balance may be paid whenever the full determination of cost is made.

(9) In addition to the payment methods described in this section, the Department of Education may negotiate intergovernmental agreements to pay for the cost of education in day treatment programs and residential treatment programs operated under the auspices of the governing board of a public university listed in ORS 352.002 or the Oregon Health and Science University Board of Directors. [1985 c.555 §19a; enacted in lieu of 343.960 and 343.965; 1987 c.223 §1; 1989 c.1011 §1; 1991 c.780 §26; 1991 c.795 §13; 1993 c.749 §20; 1997 c.521 §26; 2009 c.595 §217; 2011 c.701 §§1,7; 2013 c.735 §21; 2013 c.768 §136; 2015 c.282 §1; 2015 c.767 §111; 2021 c.304 §1]

Oregon Administrative Rules

581-015-2570

Definitions and Purposes of Long-Term Care and Treatment (LTCT) Programs

(1) Definitions in this rule apply to OARs 581-015-2570 to 581-015-2574:

(a) "Contracting school district" means the school district, the education service district, a program operated under the auspices of the State Board of Higher Education, or a program operated under the auspices of the Oregon Health and Science University Board of Directors with which the Department of Education contracts for the provision of educational services.

(b) "Education program" means those activities provided under contract between a contracting school district and the Department of Education, which provide a public education to preschool or school-aged children placed by a public entity, private entity or by the child's parent in a Psychiatric Day Treatment program or a Psychiatric Residential Treatment Facility;

(c) "Intermediate care facility" is defined in ORS 442.015 (21);

(d) "Psychiatric Day Treatment Programs" are defined in OAR 309-022-0105(73);

(e) "Psychiatric Residential Treatment Facility" is defined in OAR 309-022-0105(74).

(f) "Resident district" means the resident district of a student as defined under ORS 339.133 and 339.134.

(g) "Public Entity" means the Oregon Department of Human Services (DHS), Oregon Health Authority (OHA), the Oregon Youth Authority (OYA), Oregon School District, or their designee.

(h) "Treatment program" means the long-term day or residential treatment services provided by a private nonprofit or public agency and provided under contract with a state agency or designee of the state agency. Intermediate care facilities are excluded from this definition.

(2) The purposes of the education program under OARs 581-015-2570 to 581-015-2574 are as follows:

(a) To serve children placed by a public entity, private entity or by the child's parent for needs other than educational;

(b) To serve children placed by a public entity, private entity or by the child's parent who require schooling in a protected environment in order to protect the health and safety of themselves and/or others; and

(c) To extend the treatment process into the school day to fully implement the treatment plans of children placed by a public entity, private entity or by the child's parent.

Statutory/Other Authority: ORS 326.051 & 343.961

Statutes/Other Implemented: ORS 343.961

History:

[ODE 111-2019, minor correction filed 08/30/2019, effective 08/30/2019](#)

ODE 15-2011, f. & cert. ef. 12-15-11

ODE 14-2009, f. & cert. ef. 12-10-09

ODE 34-2007, f. & cert. ef. 12-12-07

Renumbered from 581-015-0044, ODE 10-2007, f. & cert. ef. 4-25-07

ODE 2-2003, f. & cert. ef. 3-10-03

EB 31-1991, f. & cert. ef. 12-18-91

EB 10-1991(Temp), f. & cert. ef. 7-15-91

EB 22-1990, f. & cert. ef. 5-18-90

EB 7-1988, f. & cert. ef. 1-15-88

1EB 23-1986, f. & ef. 7-14-86

581-015-2571**Long-Term Care and Treatment (LTCT) Education Program Eligibility and Approval**

(1) The Department of Education shall base education program eligibility on the following:

(a) An agency may offer several different treatment programs serving different populations. For the purposes of determining eligibility for funding and funding levels for education programs, each program will be considered separately. Temporary shelter programs, which would not otherwise meet the eligibility criteria provided in OAR 581-015-2571(1)(b), are eligible for funding only when attached to an eligible treatment program and the children served are primarily awaiting placement in such programs;

(b) To be eligible for an education program, a treatment program must submit an application to the Department's Long-Term Care and Treatment Program demonstrating that the program meets all of the following criteria:

(A) Either:

(i) A letter of approval from the Addictions and Mental Health Division certifying that the psychiatric day treatment program or psychiatric residential treatment facility meets standards applicable for intensive children's mental health services under OAR 309-022-0100 through 309-022-0230; or

(ii) Documentation that the program provides long-term residential treatment of children placed by a state agency or designee of the state agency;

(B) Meet state licensing requirements for a private child-caring agency;

(C) Be operated by a nonprofit corporation or a political subdivision of the state;

(D) Demonstrate through client admissions, staff hiring practices, and client access to services that it meets requirements for ORS 659.850 relating to the prevention of discrimination; and

(E) Demonstrate through curriculum content, teaching practices, and facilities management that the constitutional requirements regarding no religious entanglement are met.

(2) The Department of Education (ODE) is responsible for approving the educational program under this rule and shall base approval on the following:

(a) The contracting school district must ensure that the education program is operated in compliance with a written agreement with the Department that specifies, at a minimum, the following services to be provided:

(A) Each child who is not a child with a disability under OAR 581-015-2130 through 581-015-2180 has a personalized educational plan that includes assessment, goals, services, and timelines;

(B) Information pertaining to students and educational programs is provided to the Department in an accurate and timely manner;

(C) Children have opportunities to be educated in the least restrictive environment;

(D) The education program is developed and implemented in conjunction with the treatment program; and

(E) Other requirements as identified by the Department.

(b) The Department must ensure that the education program is operated in compliance with a written agreement with the contracting school district.

(c) Final determinations concerning the eligibility of treatment programs for education funding are at the discretion of the State Superintendent of Public Instruction.

(3) Funding Procedures: Upon receipt of an application for funding for a program under this rule, the Department of Education will:

(a) Determine if the treatment program meets the eligibility criteria in this rule within 45 business days;

(b) If necessary, request additional funding or a limitation for funding from the State Legislature; and

(c) Fund the program according to the formula in OAR 581-015-2572 only when sufficient funds are available for the program under ORS 343.243 and an appropriation from the General Fund as determined by the Department.

Statutory/Other Authority: ORS 326.051 & 343.961

Statutes/Other Implemented: ORS 343.243 & 343.961

History:

ODE 36-2014, f. & cert. ef. 6-27-14

ODE 15-2011, f. & cert. ef. 12-15-11

ODE 14-2009, f. & cert. ef. 12-10-09

581-015-2572

Long-Term Care and Treatment (LTCT) Education Program Funding Formula

(1) The Department of Education shall provide funding to LTCT education programs based on a Minimum Staffing Level (MSL) model. The MSL model is based on standard classroom staffing that addresses the educational and safety needs of the students and educational staff in eligible LTCT day and residential treatment program classrooms.

(2) The Department shall base the MSL model on a ratio of staff to students per classroom that is based upon:

(a) One teacher and two instructional assistants for up to 15 students per classroom.

(b) One teacher and three assistants for between 15-20 students per classroom.

(c) When there are more than 20 students in a classroom, the distribution may factor in opening an additional classroom staffed with one teacher and two additional assistants to bring the student number back to 10 students per classroom.

(d) Staffing levels may vary from this guideline for safety, student characteristics, or treatment needs and still meet the MSL standard as determined by the department.

(e) At the department's discretion up to 15.0 percent may be added to LTCT contracts to cover educational overhead costs such as indirect, administrative costs and other educational service related costs.

(3) If the total state funding available for all LTCT programs is less than the total state funding needed to fully fund each LTCT contract under the MSL model, the amount of state funding in each contract determined under paragraph (2) of this subsection will be prorated.

(4) LTCT education programs shall use the funding from the department based on the MSL model to implement the MSL model as described under paragraph (2) of this rule. Any variation in staff to student classroom ratios under the MSL model must be approved by the department.

(5) A special needs fund is established at the Oregon Department of Education which will be up to five percent of the total state monies made available for the LTCT program during a biennium:

(a) Individual applications may be made to the Department for this fund to cover unexpected, emergency expenses;

(b) Funds not utilized under this paragraph for the first year of the biennium will be carried forward by the Department to the next fiscal year and the remaining balance at the end of the biennium will be carried over as reserve funds into the next biennium.

Statutory/Other Authority: ORS 326.051 & 343.961

Statutes/Other Implemented: ORS 343.243 & 343.961

History:

ODE 45-2016, f. & cert. ef. 11-1-16

Reverted to ODE 10-2015, f. & cert. ef. 7-13-15

ODE 16-2015(Temp), f. 9-25-15, cert. ef. 9-28-15 thru 3-15-16

ODE 10-2015, f. & cert. ef. 7-13-15

ODE 19-2014, f. & cert. ef. 6-3-14

ODE 15-2011, f. & cert. ef. 12-15-11

ODE 14-2009, f. & cert. ef. 12-10-09

581-015-2573

Due Process Hearings for Long-Term Care and Treatment (LTCT) Education Programs

(1) The following shall apply to Due Process Hearings involving students attending education programs:

(a) The contracting school district is the "school district" for the purposes of carrying out the procedures required by OAR 581-015-2340 through 581-015-2385;

(b) The issues of the hearing do not include the placement by the public entity, private entity or its designee or by the child's parent for long-term treatment;

(c) Costs under OAR 581-015-2385(1)(a) that are in excess of the contracted educational program budget will be paid by the Oregon Department of Education;

(d) The Oregon Department of Education is a party to such proceedings and is responsible to provide additional educational services ordered by an administrative law judge that are beyond the scope of the written agreement between the Department and the contracting school district under OARs 581-015-2570 through 581-015-2574.

(2) The Department is not responsible for paying for transportation, care, treatment or medical expenses.

Statutory/Other Authority: ORS 326.051 & 343.961
Statutes/Other Implemented: ORS 343.243 & 343.961
History:
ODE 15-2011, f. & cert. ef. 12-15-11
ODE 14-2009, f. & cert. ef. 12-10-09

581-015-2574

Resident District Obligations for Students in Long-Term Care and Treatment (LTCT) Education Programs

(1) The resident district must provide or pay for the daily transportation to and from a Psychiatric Day Treatment Program in which a student placed by a public entity, private entity or by the student's parent is enrolled as follows:

(a) The resident district may directly transport or contract for transportation services with the agency, an adjacent school district, an education service district or a private carrier as long as the subcontractor is operating under the provision of ORS 801.455, 801.460, and 820.100 through 820.150, or is exempt from these regulations by operating under the Public Utility Commission, ORS Chapter 767, or city regulations included in ORS Chapter 221.

(b) Subject to agreement with the parent or guardian, the resident district may reimburse a parent or guardian for the transportation of a child at the per mile rate established by that district.

(c) Transportation must be provided by the resident district each day the student is scheduled to receive services from the eligible day treatment program.

(2) The resident district may claim reimbursement OAR 581-023-0040 for transportation costs incurred while transporting the student only when the student receives education services at the eligible day treatment program.

(3) The resident district must participate in all individualized education program or personalized education plan meetings involving its students.

Statutory/Other Authority: ORS 326.051, 327.006 & 343.961
Statutes/Other Implemented: ORS 343.961
History:
ODE 35-2014, f. & cert. ef. 6-27-14
ODE 15-2011, f. & cert. ef. 12-15-11
ODE 14-2009, f. & cert. ef. 12-10-09