

STATE BOARD OF EDUCATION – ADMINISTRATIVE RULE SUMMARY

OAD #/ & Title : 3.i—Adoption: Programs for Children at Residential Youth Care Centers/OAR 581-015-2595

Date: October 22, 2015

Staff/Office: Mitch Kruska, Office of Learning- Student Services

New Rule **Amend Existing Rule** **Repeal Rule**

Hearing Date: _____ **Hearings Officer Report Attached**

Prompted by: **State law changes** **Federal law changes** **Other**

Action Requested:

First Reading/Second Reading Agenda **Adoption** **Adoption/Consent**

PROPOSED/AMENDED RULE SUMMARY: Amends OAR 581-015-2595 to allow Youth Care Center (YCC) youth in county juvenile detention facilities to be educated and included in the Juvenile Detention Education Program (JDEP).

BACKGROUND:

The educational services for the youth in Youth Care Centers (YCC) are the responsibility of the school district where the YCC facility is located. Currently, there are two YCC programs housed in county juvenile detention facilities. Although the YCC youth are currently being educated by Juvenile Detention Education Program (JDEP) educational staff, ODE had not included those students on the JDEP ADM roster.

SB 475 from the 2015 Legislative Session allows YCC to be included in the JDEP educational programs and subsequently counted on the JDEP ADM roster. The County juvenile department directors, school districts and ESDs were consulted on the legislative change and all were in support of the change.

ISSUES/CONCERNS THAT SURFACED DURING RULE WORK:

No issues or concerns were raised or discovered.

CHANGED SINCE LAST BOARD MEETING? (so members can focus on what's different)

N/A; first read—hasn't been before board

No; same as last month

Yes – As follows:

FISCAL IMPACT(if any): Estimated that \$161,782 per year would be transferred from current North Wasco SD and Roseburg SD state school funds to the ODE JDEP Program to cover the educational costs for the educational services offered to these students in the JDEP program. This will mean that the North Wasco SD and Roseburg SD will no longer have the financial and educational responsibilities for the YCC youth.

EFFECT OF YES VOTE: Updates the OAR to align with SB 475

EFFECT OF NO VOTE: Prevents the department from meeting legislative requirement written in SB 475

STAFF RECOMMENDATION:

- Adopt administrative rule as prepared this month
 Adopt administrative rule next month
 No recommendation at this time (rarely used)

COMMENTS: The rule needs to be adopt because SB 475 went into effect upon the signing of the bill by the Governor, which occurred on July 6, 2015.

581-015-2595**Education Programs for Children at Residential Youth Care Centers**

The purpose of this rule is to ensure that school districts meet the provisions outlined in ORS 336.580.

(1) Definitions: For the purposes of this rule, the following definitions apply:

- (a) "Consultation" means scheduled opportunities for the residential youth care center director and the education representative of the district, or its contractor, to share information and concerns about the behavioral characteristics, learning styles, educational needs, and level of educational support for the children residing at the residential youth care center in order to develop, review, and agree upon the education plan;
- (b) "District" means the school district in which the residential youth care center is located;
- (c) "Least restrictive environment" means serving a child in the educational setting in which the child can reasonably be expected to learn while maintaining integration in the local community;
- (d) "Open entry-open exit" means that the education program provides opportunities for students to make progress in obtaining school credits or otherwise meeting their educational goals even though they may enroll or exit at any time during the school year.
- (e) "Residential youth care center" means a community program defined in ORS 420.855 and operated by a public or private agency. Residential youth care centers where resident children receive educational services funded under ORS 343.961 are not included under the provisions of this rule;

[(2) For children placed at a youth care center within a detention facility, as defined in ORS 419A.004, the children shall receive educational services through the Juvenile Detention Education Program as described in ORS 326.695.]

(3)(a) The school district in which the residential youth care center is located is responsible for developing a plan which meets the provisions outlined in ORS 336.580. The district may contract this responsibility to another school district or ESD. The delivery of educational services may be provided by the residential youth care center;

(b) The plan must be developed by the district or its contractor after consultation with the residential youth care center director and shall address behavioral characteristics, learning styles, and educational needs of the children pursuant to OAR 581-022-1670;

(c) The plan for an education program must provide for open entry-open exit and must provide opportunities for students to earn school credits in accordance with OAR 581-022-1350, 581-022-1131, and 581-023-0008, opportunities for earning a GED when appropriate, or appropriate skill development to ensure educational progress. A continuum of educational services must be available which assure placement of children in the least restrictive environment in which they can reasonably be expected to be successful until they are exempted from compulsory attendance or receive a high school diploma or an equivalent;

(d) The plan must be approved annually by the school district board in which the youth care center is located.

(4) The district must ensure compliance with sections ~~(2)~~ **[3]** of this rule. If the district does not comply directly or through its contractor, the State Superintendent will find the district deficient and may apply the penalty provided in ORS 327.103.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 336.580

Hist.: EB 9-1988(Temp), f. & cert. ef. 2-17-88; EB 29-1988, f. & cert. ef. 7-5-88; ODE 2-1998, f. & cert. ef. 2-27-98; Renumbered from 581-015-0505, ODE 10-2007, f. & cert. ef. 4-25-07; ODE 28-2007, f. & cert. ef. 12-12-07