

B-Engrossed House Bill 3474

Ordered by the Senate May 31
Including House Amendments dated April 16 and Senate Amendments
dated May 31

Sponsored by Representative GELSER; Representatives FREDERICK, OLSON, SPRENGER, Senator COURTNEY

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Allows student or parent or legal guardian of student to request [*in writing*] that student not participate in mental health screening conducted for all students in specified grade or classroom.

A BILL FOR AN ACT

1
2 Relating to consent for health-related screenings.

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

4 **SECTION 1. (1) When a school district causes to be conducted a mental health screening**
5 **of all of the students in one or more classrooms or all of the students in one or more grades,**
6 **the school district must allow the student or the parents or legal guardians of the student**
7 **to request that the student not participate in the mental health screening.**

8 (2) At least two weeks prior to a school district causing a mental health screening to be
9 conducted of all of the students in one or more classrooms or all of the students in one or
10 more grades, the school district shall mail written notice of the mental health screening to
11 the last-known address of the family of the student.

12 (3) The notice provided under subsection (2) of this section must:

13 (a) Explain that either a student or a parent or a legal guardian of a student has the
14 right to request in writing that the student not participate in the mental health screening;

15 (b) Explain that, on the day of the mental health screening, a student or a parent or a
16 legal guardian of a student may request, orally or in writing, that the student not participate
17 in the screening;

18 (c) Explain who will administer the mental health screening and who will have access to
19 the results of the screening; and

20 (d) Meet any other requirements established by the State Board of Education by rule.

21 (4) The results of a mental health screening that is described in subsection (1) of this
22 section may not be included in the education records of the student.

23 (5) Nothing in this section allows a school district to cause a mental health screening to
24 be conducted for an individual student without first receiving the written consent of a parent
25 or legal guardian of the student if the screening is not conducted as part of a screening of
26 all students in one or more classrooms or all students in one or more grades.

27 (6) Nothing in this section alters the rights of a child with a disability who is eligible for
28 special education or the rights of a child who may have a disability, as those rights are

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 provided in ORS chapter 343. Any evaluations conducted for the purpose of evaluation, re-
2 valuation or placement for special education must meet the consent requirements of ORS
3 343.164.

4 SECTION 2. Section 1 of this 2013 Act applies to mental health screenings conducted on
5 or after the effective date of this 2013 Act.

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