

Enrolled
House Bill 3474

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

CHAPTER

AN ACT

Relating to consent for health-related screenings.

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

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

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

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

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

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

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

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

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

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

(6) Nothing in this section alters the rights of a child with a disability who is eligible for special education or the rights of a child who may have a disability, as those rights are provided in ORS chapter 343. Any evaluations conducted for the purpose of evaluation, re-evaluation or placement for special education must meet the consent requirements of ORS 343.164.

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

Passed by House April 22, 2013

Repassed by House June 11, 2013

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Ramona J. Line, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate June 5, 2013

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2013

Approved:

.....M,....., 2013

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2013

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Kate Brown, Secretary of State