

House Bill 2673

Sponsored by Representative BUCKLEY (Pre-session filed.)

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 **as introduced**.

Requires school district to prepare annual summary that describes special education and related services provided by school district during previous school year.

Directs school district to complete evaluation or reevaluation of student for special education and related services within 60 calendar days of receiving consent from parent for evaluation or reevaluation.

Declares emergency, effective July 1, 2015.

A BILL FOR AN ACT

1
2 Relating to special education; creating new provisions; amending ORS 343.146; and declaring an
3 emergency.

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

5 **SECTION 1. Section 2 of this 2015 Act is added to and made a part of ORS chapter 343.**

6 **SECTION 2. (1) Each school district shall prepare an annual summary that describes the**
7 **special education and related services provided to students in the school district during the**
8 **previous school year.**

9 (2) Each school district shall ensure that parents receive a copy of the annual summary
10 at each meeting to develop or change an individualized education program or an individual-
11 ized family service plan.

12 (3)(a) A school district may not enter into any agreement resulting from a contested case
13 hearing or a civil action that has the effect of suppressing information relating to the special
14 education and related services provided to students in the school district.

15 (b) A school district may not require a parent to enter into any agreement that has the
16 effect of suppressing information relating to the special education and related services pro-
17 vided to students in the school district.

18 (c) Notwithstanding paragraphs (a) and (b) of this section, a school district may refuse
19 to disclose, and may require a parent to agree not to disclose, information about any mone-
20 tary or compensatory awards.

21 (4) The State Board of Education may adopt any rules necessary for the administration
22 of this section. When developing standards for the form and content of the summary de-
23 scribed in subsection (1) of this section, the department shall consult with school districts,
24 parents and any other interested persons.

25 **SECTION 3. The reporting requirements in section 2 of this 2015 Act first apply to special**
26 **education and related services provided during the 2014-2015 school year.**

27 **SECTION 4. ORS 343.146 is amended to read:**

28 343.146. (1) To receive special education, children with disabilities shall be determined eligible
29 for special education services under a school district program approved under ORS 343.045 and as

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 under ORS 343.221.

2 (2) Before initially providing special education, the school district shall ensure that a full and
3 individual evaluation is conducted to determine the child's eligibility for special education and the
4 child's special educational needs.

5 (3) Eligibility for special education shall be determined pursuant to rules adopted by the State
6 Board of Education.

7 (4) Each school district shall conduct a reevaluation of each child with a disability in accord-
8 ance with rules adopted by the State Board of Education.

9 **(5) An initial evaluation or reevaluation must be completed within 60 calendar days after**
10 **the date the school district receives written consent from the parent for evaluation or ree-**
11 **valuation unless the State Board of Education grants an extension of the timeline for good**
12 **cause.**

13 [(5)] (6) If a medical or vision examination or health assessment is required as part of an initial
14 evaluation or reevaluation, the evaluation shall be given:

15 (a) In the case of a medical examination, by a physician licensed to practice by a state board
16 of medical examiners or a state medical board;

17 (b) In the case of a health assessment, by a nurse licensed by a state board of nursing and
18 specially certified as a nurse practitioner or by a licensed physician assistant; and

19 (c) In the case of a vision examination, by an ophthalmologist or optometrist licensed by a state
20 board.

21 **SECTION 5. The amendments to ORS 343.146 by section 4 of this 2015 Act first apply to**
22 **consents for initial evaluations and reevaluations received on or after July 1, 2015.**

23 **SECTION 6. This 2015 Act being necessary for the immediate preservation of the public**
24 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
25 **on July 1, 2015.**