

# Senate Bill 560

Sponsored by Senator GELSER

## 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**.

Establishes timelines by which evaluations must be completed to determine eligibility for special education.

Declares emergency, effective July 1, 2015.

## A BILL FOR AN ACT

1  
2 Relating to special education evaluations; creating new provisions; amending ORS 343.146; and de-  
3 claring an emergency.

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

5 **SECTION 1.** ORS 343.146 is amended to read:

6 343.146. (1) To receive special education, children with disabilities shall be determined eligible  
7 for special education services under a school district program approved under ORS 343.045 and as  
8 provided under ORS 343.221.

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

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

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

16 (5)(a) **Within 60 calendar days of receiving written parental consent for an initial evalu-  
17 ation, the school district must complete the evaluation and hold a meeting with the parents  
18 of the child to consider eligibility.**

19 (b) **Within 60 calendar days of receiving written parental consent for a reevaluation, the  
20 school district must complete the reevaluation and hold a meeting with the parents of the  
21 child to consider eligibility, continuing eligibility or the student's educational needs.**

22 (c) **The timelines described in paragraphs (a) and (b) of this subsection do not apply:**

23 (A) **For circumstances outside the school district's control; or**

24 (B) **If the school district and the parents agree in writing to a different timeline.**

25 (d) **For the purpose of calculating timelines under this subsection, when a school district  
26 has a scheduled instructional break of 14 calendar days or more:**

27 (A) **The calendar days of the scheduled instructional break shall not be counted; and**

28 (B) **The calendar days occurring before the scheduled instructional break shall be added  
29 to the calendar days occurring after the scheduled instructional break.**

30 [(5)] (6) **If a medical or vision examination or health assessment is required as part of an initial  
31 evaluation or reevaluation, the evaluation shall be given:**

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

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

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

7 **SECTION 2. The amendments to ORS 343.146 by section 1 of this 2015 Act apply to eval-**  
8 **uations for which written parental consent is received on or after the effective date of this**  
9 **2015 Act.**

10 **SECTION 3. This 2015 Act being necessary for the immediate preservation of the public**  
11 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**  
12 **July 1, 2015.**

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