

HB 3318 A -A5 STAFF MEASURE SUMMARY

Senate Committee On Education

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Meeting Dates: 5/18, 6/1

WHAT THE MEASURE DOES:

Requires school districts to conduct a functional behavioral analysis and develop a behavior intervention plan for every student who has an Individualized Education Plan (IEP) or places other students or staff at risk of serious bodily harm because of behavior. Requires the functional behavioral analysis to take place within 60 calendar days of the student putting others in imminent harm. Allows behavior intervention plans to have input from the service provider in development, review or revision. Allows behavior intervention plans to inform service providers about relevant behavior. Requires service providers be informed of any portions of behavior intervention plan that are relevant and any training opportunities for the service providers. Requires notifications to members of IEP team or 504 Plan team regarding changes to behavior intervention plan. Defines behavior intervention plan, 504 plan, functional behavioral plan, service provider and serious bodily injury. Becomes effective on July 1, 2017; declares emergency.

ISSUES DISCUSSED:

- Assessment of students on 504 plan or Individualized Education Plan (IEP)
- Effect of serious bodily injury to teachers and staff from students
- Clarifications provided by amendments and technical language

EFFECT OF AMENDMENT:

-A5 Removes emergency clause. Changes definitions of behavior intervention plan. Changes functional behavioral analysis to functional behavioral assessment. Requires school districts to conduct functional behavioral assessments and develop, review, or revise intervention plans within 45 days of receiving parental consent for any student who has an individualized education program or a 504 Plan and has placed themselves, other students, or staff at imminent risk of serious bodily injury. Requires that intervention plans appropriately address students' needs. Requires that service providers involved in incidents be provided an opportunity to offer input. Takes effect July 1, 2018 for the 2018-19 school year.

BACKGROUND:

School districts and education services districts are required by the Oregon Department of Education to complete the standard Oregon Individualized Education Plan (IEP) for each school-aged student who qualifies, unless granted approval for an alternate form of intervention. Part 2 of the federal Individuals with Disabilities Education Act (IDEA) identifies specific instructions for states working to implement IEPs. Students with IEPs have a wide range of diagnoses, including autism, traumatic brain injuries, emotional and behavioral disorders and/or other specific learning disabilities.

HB 3318-A requires the school district to conduct a functional behavioral analysis to develop a behavior intervention plan for any IEP student, or those students who have placed others in risk of serious bodily injury. Such analysis is required to take place within 60 calendar days of the student placing others at risk. HB 3318-A requires that the IEP Team and 504 Plan Team are notified of any changes to behavior intervention plans.