

HB 3318 B STAFF MEASURE SUMMARY

Carrier: Sen. Gelser

Senate Committee On Education

Action Date: 06/01/17

Action: Do pass with amendments to the A-Eng bill. (Printed B-Eng.)

Vote: 5-0-0-0

Yeas: 5 - Gelser, Hass, Kruse, Linthicum, Roblan

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

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WHAT THE MEASURE DOES:

Requires school districts to conduct functional behavioral assessments and develop behavior intervention plans for students who have an Individualized Education Plan (IEP) or 504 Plan and place themselves, other students, or staff at risk of serious bodily harm because of behavior. Requires school districts to conduct functional behavioral assessments and develop, review, or revise intervention plans within 45 days of receiving parental consent. 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.

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:

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 students who have an Individualized Education Plan or a 504 Plan and have 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 an 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 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. Section 504 of the Rehabilitation Act of 1973, as amended, guarantees the rights of individuals with disabilities in programs and activities that receive federal financial assistance from the U.S. Department of Education. Federal regulations require a school district to provide a free appropriate public education to each qualified student with a disability. Students with 504 Plans may have physical or cognitive disabilities.

HB 3318-B requires school districts to conduct functional behavioral analyses to develop behavior intervention plans for students with IEPs or 504 Plans who have placed others at risk of serious bodily injury. Such analysis is required to take place within 45 days of the district receiving parental consent.