

Enrolled Senate Bill 16

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Kate Brown for Department of Education)

CHAPTER

AN ACT

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

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

SECTION 1. ORS 343.146 is amended to read:

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

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

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

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

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

[(a) In the case of a medical examination, by a physician licensed to practice by a state board of medical examiners or a state medical board or by a naturopathic physician licensed under ORS chapter 685;]

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

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

(5) If a medical examination is required as part of an initial evaluation or reevaluation, the examination must be given by:

(a) A physician licensed under ORS chapter 677 or by the appropriate authority in another state;

(b) A naturopathic physician licensed under ORS chapter 685 or by the appropriate authority in another state;

(c) A nurse practitioner licensed under ORS 678.375 to 678.390 or by the appropriate authority in another state; or

(d) A physician assistant licensed under ORS 677.505 to 677.525 or by the appropriate authority in another state.

(6) If a vision examination is required as part of an initial evaluation or reevaluation, the examination must be given by:

(a) A person licensed to practice optometry under ORS chapter 683 or by the appropriate authority in another state; or

(b) A physician who specializes in ophthalmology and who is licensed under ORS chapter 677 or by the appropriate authority in another state.

(7) If an audiological assessment is required as part of an initial evaluation or reevaluation, the assessment must be given by an audiologist licensed under ORS chapter 681 or by the appropriate authority in another state.

(8) The information obtained in an examination or assessment performed under subsection (5), (6) or (7) of this section must be reported by the practitioner who performed the examination or assessment to the school district in which the child is or will be enrolled.

SECTION 2. The amendments to ORS 343.146 by section 1 of this 2019 Act apply to assessments and examinations performed on and after the effective date of this 2019 Act.

SECTION 3. This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect on its passage.

Passed by Senate March 26, 2019

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House May 17, 2019

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Tina Kotek, Speaker of House

Received by Governor:

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Approved:

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Kate Brown, Governor

Filed in Office of Secretary of State:

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Bev Clarno, Secretary of State