

Senate Bill 16

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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**.

Specifies types of licensed health care practitioners authorized to perform assessments or examinations for purposes of determining special education services eligibility. Requires practitioners to report information obtained in assessment or examination to school district.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to special education services; creating new provisions; amending ORS 343.146; and declar-
3 ing 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) If a medical or vision examination or health assessment is required as part of an initial eval-
17 uation or reevaluation, the evaluation shall be given.]*

18 *[(a) In the case of a medical examination, by a physician licensed to practice by a state board of
19 medical examiners or a state medical board or by a naturopathic physician licensed under ORS chapter
20 685;]*

21 *[(b) In the case of a health assessment, by a nurse licensed by a state board of nursing and spe-
22 cially certified as a nurse practitioner or by a licensed physician assistant; and]*

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

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

27 **(a) A physician licensed under ORS chapter 677 or by the appropriate authority in an-
28 other state;**

29 **(b) A naturopathic physician licensed under ORS chapter 685 or by the appropriate au-**

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 **thority in another state;**

2 (c) **A nurse practitioner licensed under ORS 678.375 to 678.390 or by the appropriate au-**
3 **thority in another state; or**

4 (d) **A physician assistant licensed under ORS 677.505 to 677.525 or by the appropriate au-**
5 **thority in another state.**

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

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

10 (b) **A physician who specializes in ophthalmology and who is licensed under ORS chapter**
11 **677 or by the appropriate authority in another state.**

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

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

18 **SECTION 2. The amendments to ORS 343.146 by section 1 of this 2019 Act apply to as-**
19 **essments and examinations performed on and after the effective date of this 2019 Act.**

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

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