Senate Bill 486

Sponsored by Senator GELSER (Presession filed.)

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.

A BILL FOR AN ACT

Relating to special education evaluations; creating new provisions; and amending ORS 343.146.

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)(a) Within 75 calendar days of receiving written parental consent for an initial evaluation, the school district must complete the evaluation and hold a meeting with the parents of the child to consider eligibility.

(b) Within 75 calendar days of receiving written parental consent for a reevaluation, the school district must complete the reevaluation and hold a meeting with the parents of the child to consider eligibility, continuing eligibility or the child's special educational needs.

(c) The timelines described in paragraphs (a) and (b) of this subsection do not apply in the following circumstances:

(A) Circumstances outside the school district's control; or

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

(d) For the purposes of paragraph (c)(A) of this subsection, if the circumstance that was outside the school district's control was the absence of the child on the day that the initial evaluation or reevaluation was scheduled, the evaluation or reevaluation must occur within 89 days of the school district receiving written parental consent for an initial evaluation or a reevaluation.

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

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.

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

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

[*(5)*] **(6)** 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.

SECTION 2. The amendments to ORS 343.146 by section 1 of this 2019 Act apply to initial evaluations or reevaluations for which written parental consent is received on or after the effective date of this 2019 Act.