

Requested by Representative SANCHEZ

**PROPOSED AMENDMENTS TO
HOUSE BILL 2630**

1 On page 1 of the printed bill, line 2, delete “and” and delete “433.321” and
2 insert “343.035 and 433.321; and declaring an emergency”.

3 Delete lines 10 through 31.

4 On page 2, delete lines 1 through 5 and insert:

5 **“SECTION 1. (1) For the purposes of improving educational services**
6 **for deaf and hard-of-hearing children, the Office of Deaf and Hard-of-**
7 **Hearing Education is established within the Department of Education.**
8 **The office shall be responsible for gathering data on bilaterally and**
9 **unilaterally deaf and hard-of-hearing children in this state.**

10 **“(2) The office is the central agency in Oregon responsible for**
11 **gathering, storing, analyzing and interpreting identification and edu-**
12 **cational data to ensure optimal education services for deaf and hard-**
13 **of-hearing children.**

14 **“(3) The office shall gather data from school districts and education**
15 **service districts on:**

16 **“(a) Results of kindergarten readiness assessments used to assess**
17 **the readiness of deaf and hard-of-hearing children;**

18 **“(b) Results of tools and evidence-based assessments used to assess**
19 **the language and literacy development of deaf and hard-of-hearing**
20 **children;**

21 **“(c) Results of evidence-based assessments used to track deaf and**

1 **hard-of-hearing children’s expressive and receptive language and cog-**
2 **nitive abilities from birth to 12 years of age, compared to the child’s**
3 **language age-appropriate peers who are not deaf or hard-of-hearing;**
4 **and**

5 **“(d) Whether graduating deaf and hard-of-hearing children have**
6 **received a high school diploma, a modified diploma or an extended di-**
7 **ploma.**

8 **“(4) The office shall collaborate with the Oregon Health Authority**
9 **to develop informational materials regarding early intervention ser-**
10 **vices available to families after a newborn hearing screening test de-**
11 **tects hearing loss in a newborn child.**

12 **“(5) The department shall gather the data described in subsection**
13 **(3) of this section:**

14 **“(a) Every year, beginning from information available at the child’s**
15 **birth and ending when the child reaches eight years of age; and**

16 **“(b) Every three years, beginning when the child is nine years of**
17 **age and ending when the child graduates from secondary school.**

18 **“(6) The office shall assist educational service districts and school**
19 **districts with crafting individualized education programs and individ-**
20 **ualized family service plans for deaf and hard-of-hearing children that**
21 **include goals to improve the children’s language and literacy develop-**
22 **ment and expressive and receptive language skills and cognitive abili-**
23 **ties.**

24 **“(7) The department shall provide technical assistance to school**
25 **districts, public charter schools and education service districts to en-**
26 **able the school districts, public charter schools and education service**
27 **districts to comply with the requirements of this section.**

28 **“(8) The office shall incorporate the data and analyses gathered**
29 **under this section to improve educational outcomes for deaf and**
30 **hard-of-hearing children by providing regional programs and the**

1 **Oregon School for the Deaf with report cards and summaries of overall**
2 **data. The regional programs and the Oregon School for the Deaf are**
3 **responsible for sharing this data with parents of deaf and hard-of-**
4 **hearing children. The report cards must include all of the following:**

5 **“(a) Kindergarten readiness assessment of deaf and hard-of-hearing**
6 **children compared to typical hearing peers.**

7 **“(b) Language and literacy assessment data compared to deaf and**
8 **hard-of-hearing children in other states.**

9 **“(c) Accurate numbers of deaf and hard-of-hearing children gradu-**
10 **ating with either a standard, extended or modified diploma.**

11 **“(9) The department shall mail the report cards described in this**
12 **section to parents of deaf and hard-of-hearing children before June 30**
13 **of each year.**

14 **“(10) As used in this section:**

15 **“(a) ‘Children’ means children from birth through 21 years of age.**

16 **“(b) ‘Individualized education program’ has the meaning given that**
17 **term in ORS 343.035.**

18 **“(c) ‘Individualized family service plan’ has the meaning given that**
19 **term in ORS 343.035.”.**

20 On page 3, after line 12, insert:

21 **“SECTION 3. ORS 343.035 is amended to read:**

22 **“343.035. As used in this chapter unless the context requires otherwise:**

23 **“(1) ‘Child with a disability’ means a school-age child who is entitled to**
24 **a free appropriate public education as specified by ORS 339.115 and who re-**
25 **quires special education because the child has been evaluated as having one**
26 **of the following conditions as defined by rules established by the State Board**
27 **of Education:**

28 **“(a) Intellectual disability;**

29 **“(b) Hearing impairment, including difficulty in hearing and deafness **and****
30 **a unilateral hearing impairment with a pure tone average loss of 26**

1 **decibels or greater in the affected ear;**

2 “(c) Speech or language impairment;

3 “(d) Visual impairment, including blindness;

4 “(e) Deaf-blindness;

5 “(f) Emotional disturbance;

6 “(g) Orthopedic or other health impairment;

7 “(h) Autism;

8 “(i) Traumatic brain injury; or

9 “(j) Specific learning disabilities.

10 “(2) ‘Decision’ means the decision of the hearing officer.

11 “(3) ‘Determination’ means the determination by the school district con-
12 cerning the identification, evaluation or educational placement of a child
13 with a disability or the provision of a free appropriate public education to
14 the child in a program paid for by the district.

15 “(4) ‘Developmental delay’ means:

16 “(a) Delay, at a level of functioning and in accordance with criteria es-
17 tablished by rules of the State Board of Education, in one or more of the
18 following developmental areas:

19 “(A) Cognitive development;

20 “(B) Physical development, including vision and hearing;

21 “(C) Communication development;

22 “(D) Social or emotional development; or

23 “(E) Adaptive development; or

24 “(b) A disability, in accordance with criteria established by rules of the
25 State Board of Education, that can be expected to continue indefinitely and
26 is likely to cause a substantial delay in a child’s development and ability to
27 function independently in society.

28 “(5) ‘Early childhood special education’ means instruction that is:

29 “(a) Free, appropriate and specially designed to meet the unique needs of
30 a preschool child with a disability;

1 “(b) Provided from three years of age until the age of eligibility for
2 kindergarten; and

3 “(c) Provided in any of the following settings:

4 “(A) The home, a hospital, an institution, a special school, a classroom
5 or a community child care setting;

6 “(B) A preschool; or

7 “(C) A combination of a setting described in subparagraph (A) of this
8 paragraph and a preschool.

9 “(6) ‘Early intervention services’ means services for preschool children
10 with disabilities from birth until three years of age that are:

11 “(a) Designed to meet the developmental needs of children with disabili-
12 ties and the needs of the family related to enhancing the child’s development;

13 “(b) Selected in collaboration with the parents; and

14 “(c) Provided:

15 “(A) Under public supervision;

16 “(B) By personnel qualified in accordance with criteria established by
17 rules of the State Board of Education; and

18 “(C) In conformity with an individualized family service plan.

19 “(7) ‘Individualized education program’ means a written statement of an
20 educational program for a child with a disability that is developed, reviewed
21 and revised in a meeting in accordance with criteria established by rules of
22 the State Board of Education for each child eligible for special education and
23 related services under this chapter.

24 “(8) ‘Individualized family service plan’ means a written plan of early
25 childhood special education, related services, early intervention services and
26 other services developed in accordance with criteria established by rules of
27 the State Board of Education for each child eligible for services under this
28 chapter.

29 “(9) ‘Instruction’ means providing children and families with information
30 and skills that support the achievement of the goals and outcomes in the

1 child's individualized family service plan and working with preschool chil-
2 dren with disabilities in one or more of the following developmental areas:

3 "(a) Communication development;

4 "(b) Social or emotional development;

5 "(c) Physical development, including vision and hearing;

6 "(d) Adaptive development; and

7 "(e) Cognitive development.

8 "(10) 'Mediation' means a voluntary process in which an impartial
9 mediator assists and facilitates two or more parties to a controversy in
10 reaching a mutually acceptable resolution of the controversy and includes
11 all contacts between a mediator and any party or agent of a party, until such
12 time as a resolution is agreed to by the parties or the mediation process is
13 terminated.

14 "(11) 'Order' has the meaning given that term in ORS chapter 183.

15 "(12) 'Other services' means those services [*which*] **that** may be provided
16 to preschool children with disabilities and to their families that are not early
17 childhood special education or early intervention services and are not paid
18 for with early childhood special education or early intervention funds.

19 "(13) 'Parent' means the parent, person acting as a parent or a legal
20 guardian, other than a state agency, of the child or the surrogate parent.
21 'Parent' may be further defined by rules adopted by the State Board of Edu-
22 cation.

23 "(14) 'Preschool child with a disability' means a child from:

24 "(a) Birth until three years of age who is eligible for early intervention
25 services because the child is experiencing developmental delay or has a di-
26 agnosed mental or physical condition that will result in developmental delay;
27 or

28 "(b) Three years of age to eligibility for entry into kindergarten who
29 needs early childhood special education services because the child is experi-
30 encing developmental delay or because the child has been evaluated as hav-

1 ing one of the conditions listed for a school-age child under subsection (1)
2 of this section.

3 “(15)(a) ‘Related services’ means transportation and such developmental,
4 corrective and other supportive services as are required to assist a child with
5 a disability to benefit from special education, including:

6 “(A) Speech-language and audiology services;

7 “(B) Interpreting services;

8 “(C) Psychological services;

9 “(D) Physical and occupational therapy;

10 “(E) Recreation, including therapeutic recreation;

11 “(F) Social work services;

12 “(G) School nurse services designed to enable a child with a disability to
13 receive a free appropriate public education as described in the individualized
14 education program of the child;

15 “(H) Early identification and assessment of disabilities in children;

16 “(I) Counseling services, including rehabilitation counseling;

17 “(J) Orientation and mobility services;

18 “(K) Medical services for diagnostic or evaluation purposes;

19 “(L) Parent counseling and training; and

20 “(M) Assistive technology.

21 “(b) ‘Related services’ does not include a medical device that is surgically
22 implanted or the replacement of a medical device that is surgically im-
23 planted.

24 “(16) ‘School district’ means a common or union high school district that
25 is charged with the duty or contracted with by a public agency to educate
26 children eligible for special education.

27 “(17) ‘Service coordination’ means the activities carried out by a service
28 coordinator to assist and enable a preschool child with a disability and the
29 child’s family to receive the rights, procedural safeguards and services that
30 are authorized under the state’s early intervention and early childhood spe-

1 cial education programs and to coordinate access to other services desig-
2 nated on the individualized family service plan.

3 “(18) ‘Special education’ means specially designed instruction that is
4 provided at no cost to parents to meet the unique needs of a child with a
5 disability. ‘Special education’ includes instruction that:

6 “(a) May be conducted in the classroom, the home, a hospital, an insti-
7 tution, a special school or another setting; and

8 “(b) May involve physical education services, speech-language services,
9 transition services or other related services designated by rule to be services
10 to meet the unique needs of a child with a disability.

11 “(19) ‘Transition services’ means a coordinated set of activities for a child
12 with a disability that:

13 “(a) Is designed to be within a results-oriented process;

14 “(b) Is focused on improving the academic and functional achievement of
15 the child to facilitate the child’s transition from school to post-school ac-
16 tivities, including post-secondary education, competitive employment, inde-
17 pendent living and community inclusion;

18 “(c) Is based on the individual child’s needs, taking into account the
19 child’s preferences and interests; and

20 “(d) May be special education, or related services, and may include earn-
21 ing credit at a community college or public university listed in ORS 352.002.

22 “(20) ‘Unaccompanied homeless youth’ has the meaning given that term
23 in the McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11434a(6).

24 “(21) ‘Ward of the state’ means a child who is temporarily or permanently
25 in the custody of, or committed to, a public or private agency through the
26 action of the juvenile court. ‘Ward of the state’ may be further defined by
27 rules adopted by the State Board of Education.

28 **“SECTION 4.** ORS 343.035, as amended by section 1, chapter 25, Oregon
29 Laws 2018, is amended to read:

30 “343.035. As used in this chapter unless the context requires otherwise:

1 “(1) ‘Child with a disability’ means a school-age child who is entitled to
2 a free appropriate public education as specified by ORS 339.115 and who re-
3 quires special education because the child has been evaluated as having one
4 of the following conditions as defined by rules established by the State Board
5 of Education:

6 “(a) Intellectual disability;

7 “(b) Hearing impairment, including difficulty in hearing and deafness **and**
8 **a unilateral hearing impairment with a pure tone average loss of 26**
9 **decibels or greater in the affected ear;**

10 “(c) Speech or language impairment;

11 “(d) Visual impairment, including blindness;

12 “(e) Deaf-blindness;

13 “(f) Emotional disturbance;

14 “(g) Orthopedic or other health impairment;

15 “(h) Autism;

16 “(i) Traumatic brain injury;

17 “(j) Specific learning disabilities; or

18 “(k) Developmental delay, if the child is in third grade or lower.

19 “(2) ‘Decision’ means the decision of the hearing officer.

20 “(3) ‘Determination’ means the determination by the school district con-
21 cerning the identification, evaluation or educational placement of a child
22 with a disability or the provision of a free appropriate public education to
23 the child in a program paid for by the district.

24 “(4) ‘Developmental delay’ means:

25 “(a) Delay, at a level of functioning and in accordance with criteria es-
26 tablished by rules of the State Board of Education, in one or more of the
27 following developmental areas:

28 “(A) Cognitive development;

29 “(B) Physical development, including vision and hearing;

30 “(C) Communication development;

1 “(D) Social or emotional development; or

2 “(E) Adaptive development; or

3 “(b) A disability, in accordance with criteria established by rules of the
4 State Board of Education, that can be expected to continue indefinitely and
5 is likely to cause a substantial delay in a child’s development and ability to
6 function independently in society.

7 “(5) ‘Early childhood special education’ means instruction that is:

8 “(a) Free, appropriate and specially designed to meet the unique needs of
9 a preschool child with a disability;

10 “(b) Provided from three years of age until the age of eligibility for
11 kindergarten; and

12 “(c) Provided in any of the following settings:

13 “(A) The home, a hospital, an institution, a special school, a classroom
14 or a community child care setting;

15 “(B) A preschool; or

16 “(C) A combination of a setting described in subparagraph (A) of this
17 paragraph and a preschool.

18 “(6) ‘Early intervention services’ means services for preschool children
19 with disabilities from birth until three years of age that are:

20 “(a) Designed to meet the developmental needs of children with disabili-
21 ties and the needs of the family related to enhancing the child’s development;

22 “(b) Selected in collaboration with the parents; and

23 “(c) Provided:

24 “(A) Under public supervision;

25 “(B) By personnel qualified in accordance with criteria established by
26 rules of the State Board of Education; and

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29 educational program for a child with a disability that is developed, reviewed
30 and revised in a meeting in accordance with criteria established by rules of

1 the State Board of Education for each child eligible for special education and
2 related services under this chapter.

3 “(8) ‘Individualized family service plan’ means a written plan of early
4 childhood special education, related services, early intervention services and
5 other services developed in accordance with criteria established by rules of
6 the State Board of Education for each child eligible for services under this
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9 and skills that support the achievement of the goals and outcomes in the
10 child’s individualized family service plan and working with preschool chil-
11 dren with disabilities in one or more of the following developmental areas:

12 “(a) Communication development;

13 “(b) Social or emotional development;

14 “(c) Physical development, including vision and hearing;

15 “(d) Adaptive development; and

16 “(e) Cognitive development.

17 “(10) ‘Mediation’ means a voluntary process in which an impartial
18 mediator assists and facilitates two or more parties to a controversy in
19 reaching a mutually acceptable resolution of the controversy and includes
20 all contacts between a mediator and any party or agent of a party, until such
21 time as a resolution is agreed to by the parties or the mediation process is
22 terminated.

23 “(11) ‘Order’ has the meaning given that term in ORS chapter 183.

24 “(12) ‘Other services’ means those services [*which*] **that** may be provided
25 to preschool children with disabilities and to their families that are not early
26 childhood special education or early intervention services and are not paid
27 for with early childhood special education or early intervention funds.

28 “(13) ‘Parent’ means the parent, person acting as a parent or a legal
29 guardian, other than a state agency, of the child or the surrogate parent.
30 ‘Parent’ may be further defined by rules adopted by the State Board of Edu-

1 cation.

2 “(14) ‘Preschool child with a disability’ means a child from:

3 “(a) Birth until three years of age who is eligible for early intervention
4 services because the child is experiencing developmental delay or has a di-
5 agnosed mental or physical condition that will result in developmental delay;
6 or

7 “(b) Three years of age to eligibility for entry into kindergarten who
8 needs early childhood special education services because the child has been
9 evaluated as having one of the conditions listed under subsection (1) of this
10 section.

11 “(15)(a) ‘Related services’ means transportation and such developmental,
12 corrective and other supportive services as are required to assist a child with
13 a disability to benefit from special education, including:

14 “(A) Speech-language and audiology services;

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20 “(G) School nurse services designed to enable a child with a disability to
21 receive a free appropriate public education as described in the individualized
22 education program of the child;

23 “(H) Early identification and assessment of disabilities in children;

24 “(I) Counseling services, including rehabilitation counseling;

25 “(J) Orientation and mobility services;

26 “(K) Medical services for diagnostic or evaluation purposes;

27 “(L) Parent counseling and training; and

28 “(M) Assistive technology.

29 “(b) ‘Related services’ does not include a medical device that is surgically
30 implanted or the replacement of a medical device that is surgically im-

1 planted.

2 “(16) ‘School district’ means a common or union high school district that
3 is charged with the duty or contracted with by a public agency to educate
4 children eligible for special education.

5 “(17) ‘Service coordination’ means the activities carried out by a service
6 coordinator to assist and enable a preschool child with a disability and the
7 child’s family to receive the rights, procedural safeguards and services that
8 are authorized under the state’s early intervention and early childhood spe-
9 cial education programs and to coordinate access to other services desig-
10 nated on the individualized family service plan.

11 “(18) ‘Special education’ means specially designed instruction that is
12 provided at no cost to parents to meet the unique needs of a child with a
13 disability. ‘Special education’ includes instruction that:

14 “(a) May be conducted in the classroom, the home, a hospital, an insti-
15 tution, a special school or another setting; and

16 “(b) May involve physical education services, speech-language services,
17 transition services or other related services designated by rule to be services
18 to meet the unique needs of a child with a disability.

19 “(19) ‘Transition services’ means a coordinated set of activities for a child
20 with a disability that:

21 “(a) Is designed to be within a results-oriented process;

22 “(b) Is focused on improving the academic and functional achievement of
23 the child to facilitate the child’s transition from school to post-school ac-
24 tivities, including post-secondary education, competitive employment, inde-
25 pendent living and community inclusion;

26 “(c) Is based on the individual child’s needs, taking into account the
27 child’s preferences and interests; and

28 “(d) May be special education, or related services, and may include earn-
29 ing credit at a community college or public university listed in ORS 352.002.

30 “(20) ‘Unaccompanied homeless youth’ has the meaning given that term

1 in the McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11434a(6).

2 “(21) ‘Ward of the state’ means a child who is temporarily or permanently
3 in the custody of, or committed to, a public or private agency through the
4 action of the juvenile court. ‘Ward of the state’ may be further defined by
5 rules adopted by the State Board of Education.

6 **“SECTION 5. In addition to and not in lieu of any other appropri-
7 ation, there is appropriated to the Department of Education, for the
8 biennium beginning July 1, 2019, out of the General Fund, the amount
9 of \$_____, which may be expended for carrying out section 1 of this
10 2019 Act.**

11 **“SECTION 6. (1) Section 1 of this 2019 Act and the amendments to
12 ORS 343.035 and 433.321 by sections 2 to 4 of this 2019 Act become op-
13 erative on January 1, 2020.**

14 **“(2) The Department of Education may take any action before the
15 operative date specified in subsection (1) of this section that is neces-
16 sary to enable the department to exercise, on and after the operative
17 date specified in subsection (1) of this section, all of the duties, func-
18 tions and powers conferred on the department by section 1 of this 2019
19 Act and the amendments to ORS 343.035 and 433.321 by sections 2 to 4
20 of this 2019 Act.**

21 **“SECTION 7. This 2019 Act being necessary for the immediate
22 preservation of the public peace, health and safety, an emergency is
23 declared to exist, and this 2019 Act takes effect July 1, 2019.”.**

24
