

# Enrolled Senate Bill 756

Sponsored by Senator GELSER BLOUIN; Representatives HUDSON, NERON, NGUYEN H,  
WALTERS (at the request of Oregon School Employees Association)

CHAPTER .....

AN ACT

Relating to school district employees who work with students with specialized needs; and prescribing an effective date.

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

**SECTION 1.** Section 2 of this 2023 Act is added to and made a part of ORS chapter 343.

**SECTION 2.** (1) As used in this section:

(a) “504 Plan” means an education plan developed for a student in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794.

(b) “School district employee” includes all school district employees, including classified and licensed employees regardless of job title or position description.

(c) “Students with specialized needs” includes students who have an individualized education program, a 504 Plan or a behavior intervention plan or who otherwise have specialized educational needs.

(2)(a) Subject to federal laws related to the confidentiality of educational or health records, all school district employees assigned to work with a student with specialized needs to assist the student with the educational, behavioral, medical, health or disability-related support needs of the student must:

(A) Have access to the individualized education program, 504 Plan, behavior intervention plan, medical support protocols or any other documentation related to the school district employee’s responsibilities to assist with the student’s educational, behavioral, medical, health or disability-related support needs.

(B) Be consulted with when the education plan for the student is being developed, reviewed or revised, including being invited to, and compensated for attending, meetings regarding:

(i) The student’s individualized education program, 504 Plan or behavior intervention plan; or

(ii) The student, when the decisions made and issues discussed are related to the responsibilities of the school district employee to support the student or when the school district employee has unique information about the student’s needs and present level of performance.

(b) For the purpose of paragraph (a) of this subsection, a school district employee attending a meeting may not substitute for the participation of a licensed regular education teacher.

(3) All school district employees assigned to work with a student with specialized needs to carry out duties related to the implementation of an individualized education program, 504 Plan, behavior intervention plan or medical support protocol must be provided by the school district with adequate training to safely carry out each of the specialized duties assigned to the school district employee.

**SECTION 3.** This 2023 Act takes effect on the 91st day after the date on which the 2023 regular session of the Eighty-second Legislative Assembly adjourns sine die.

Passed by Senate April 11, 2023

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Lori L. Brocker, Secretary of Senate

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Rob Wagner, President of Senate

Passed by House May 23, 2023

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Dan Rayfield, Speaker of House

Received by Governor:

.....M.,....., 2023

Approved:

.....M.,....., 2023

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2023

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Secretary of State