

Requested by Representative NERON

**PROPOSED AMENDMENTS TO
HOUSE BILL 3007**

1 On page 1 of the printed bill, delete lines 5 through 29.

2 On page 2, delete lines 1 through 32 and insert:

3 **“SECTION 1.** ORS 336.495 is amended to read:

4 “336.495. *[(1) The Department of Education shall develop a form for public*
5 *education programs to use when a student has been diagnosed with a*
6 *concussion or other brain injury.]*

7 “[*(2) The form required under this section must describe academic accom-*
8 *modations that a public education program may make for a student who has*
9 *been diagnosed with a concussion or other brain injury. The accommodations*
10 *must be optional for a public education program to provide and must be non-*
11 *medical.]*

12 “[*(3)(a) The department must distribute the form developed under this sec-*
13 *tion to public education programs.]*

14 “[*(b) The department must make the form developed under this section*
15 *available for use by educators and other program employees, students, parents*
16 *and guardians.]*

17 “[*(4)(a) A public education program must make the form developed under*
18 *this section available as soon as practicable to an educator, a program em-*
19 *ployee, a student, a parent or a guardian when:]*

20 “[*(A) The public education program receives notice that a student has been*
21 *diagnosed with a concussion or other brain injury; or]*

1 *“[(B) Requested by an educator, a program employee, a student, a parent*
2 *or a guardian.]*

3 *“[(b) Nothing in this subsection requires a public education program to*
4 *provide any or all of the academic accommodations described on the form.]*

5 *“[(5) The State Board of Education may adopt any rules necessary for the*
6 *implementation of this section.]*

7 **“(1) As used in this section, ‘public education provider’ means a**
8 **school district, a public charter school or an education service district.**

9 **“(2)(a) The Department of Education shall establish a procedure for**
10 **public education providers to use to develop and implement an imme-**
11 **diate and temporary accommodations plan for a student who has been**
12 **diagnosed with a concussion or other brain injury to ensure the safety**
13 **and recovery of the student and to reduce the risk of reinjury or ad-**
14 **ditional injury to the student.**

15 **“(b) The department shall prepare a sample form, and include**
16 **written instructions for the sample form, to assist public education**
17 **providers in following the procedure to develop and implement an im-**
18 **mediate and temporary accommodations plan.**

19 **“(3) Upon receiving written notification from a parent or guardian**
20 **that a student has been diagnosed with a concussion or other brain**
21 **injury and that accommodations are being requested, a public educa-**
22 **tion provider shall initiate the procedure to develop and implement an**
23 **immediate and temporary accommodations plan.**

24 **“(4) The procedure to develop and implement an immediate and**
25 **temporary accommodations plan shall be used by a public education**
26 **provider to:**

27 **“(a) Determine if immediate physical activity limitations are nec-**
28 **essary to ensure the safety and recovery of the student and to mini-**
29 **mize the risk of reinjury or additional injury to the student, including**
30 **activities such as physical education, recess, unstructured play and**

1 similar activities provided by or sponsored through the public educa-
2 tion provider that involve running, jumping, climbing, throwing,
3 catching or other movements that pose a risk of falls, collisions or
4 physical injury. The public education provider shall implement any
5 immediate physical activity limitations determined to be necessary.

6 “(b) Describe present challenges and symptoms associated with the
7 student’s concussion or other brain injury.

8 “(c) Identify and implement immediate and temporary academic,
9 social-emotional, behavioral or other necessary accommodations de-
10 termined to be appropriate for the student to support meaningful
11 participation in educational activities at a level that is appropriate for
12 the student’s recovery.

13 “(d) Communicate accommodations identified under paragraph (c)
14 of this subsection with:

15 “(A) All teachers who provide instruction to the student; and

16 “(B) Other employees of the public education provider who have
17 regular responsibilities for the student’s supervision or health, in-
18 cluding school nurses, counselors, physical education teachers,
19 coaches, athletic trainers and staff supervising recess or other physical
20 activities.

21 “(e) Ensure that the accommodations identified under paragraph (c)
22 of this subsection are:

23 “(A) In effect no later than five days after written notification has
24 been received by the public education provider regarding the
25 concussion or other brain injury; and

26 “(B) Reviewed as needed, but no later than every two months, based
27 on the student’s recovery.

28 “(f) Ensure that, if a student requires accommodations for six
29 months or more, the public education provider refers the student for
30 evaluation for special education and related services under ORS chap-

1 **ter 343 or for reasonable accommodations under section 504 of the**
2 **Rehabilitation Act of 1973, 29 U.S.C. 794.**

3 **“(5) The department shall make available to all public education**
4 **providers the procedure and sample form developed under this**
5 **section.”.**

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