



Disability  
Rights  
Oregon

TO: House Committee on Education  
FROM: Disability Rights Oregon  
DATE: February 5, 2025  
RE: Support for HB 2670

Chair Neron, Vice-Chairs Dobson and McIntire, and Members of the Committee,

HB 2670 is a bill that corrects an overly restrictive definition of “Traumatic Brain Injury.” This is a long-overdue measure that will provide support for children, and their families with brain injuries that weren’t caused by an external force. These are students who have the same symptoms, challenges, and needs for accomodation as other students with brain injuries, but they are not able to access this due to an arbitrary difference in their medical diagnosis.

DRO’s only suggestion is that continuing to use “traumatic brain injury” (TBI) will be confusing. A TBI is almost universally recognized to be a brain injury caused by external forces. For instance, the Individuals with Disabilities Education Act (IDEA) defines traumatic brain injury as:

...an acquired injury to the brain caused by an **external physical force**, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child’s educational performance. The term applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psycho-social behavior; physical functions; information processing; and speech. **The term does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.**”

34 Code of Federal Regulations §300.8(c)(12)(emphasis added).

Instead, we recommend that the definition be crafted more closely to that of Colorado’s statute addressing the very issue that this legislation seeks to repair. That statute would make Oregon’s definition clearer and more in line with the current consensus on brain injury accomodations. Colorado’s statute:

“Brain injury” refers to damage to the brain from an internal or external source, including a traumatic injury, that occurs post-birth and is noncongenital, nondegenerative, and nonhereditary, resulting in partial or total functional impairment in one or more areas, including but not limited to attention, memory, reasoning, problem solving, speed of processing, decision-making, learning, perception, sensory

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impairment, speech and language, motor and physical functioning, or psychosocial behavior.

CO Rev Stat § 26-1-301 (2023).

HB 2670 will help children with disabilities and their families get the education that they deserve by modifying the definition of traumatic brain injury. This is a step closer to full integration of children with disabilities into schools. But, we caution that the proposed definition of TBI is not consistent with the federal regulations and might be unnecessarily confusing. DRO supports this bill, but also requests that the definition be slightly amended to the language above.

### About Disability Rights Oregon

Since 1977 Disability Rights Oregon has been the State's Protection and Advocacy System.<sup>1</sup> We are authorized by Congress to protect, advocate, and enforce the rights of people with disabilities under the U.S. Constitution and Federal and State laws, investigate abuse and neglect of people with disabilities, and "pursue administrative, legal, and other appropriate remedies".<sup>2</sup> We are also mandated to "educate policymakers" on matters related to people with disabilities.<sup>3</sup>

If you have any questions regarding DRO's position on this legislation, please contact Ben Gerewitz via email: [bgerewitz@droregon.org](mailto:bgerewitz@droregon.org).

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<sup>1</sup> See ORS 192.517.

<sup>2</sup> See 42 U.S.C. § 15041 et seq; 42 U.S.C. § 10801 et seq.

<sup>3</sup> See 42 U.S. Code § 15043(a)(2)(L).