

Re: HB 2670 changing the definition of a traumatic brain injury

Dear Chair Neron, Vice-Chairs Dobson and McIntire, and House Education Committee Members,

While likely well-intentioned, this bill changes long-standing medical and legal definitions under the Individuals with Disabilities Education Act (IDEA) of Traumatic Brain Injury.

<https://sites.ed.gov/idea/regs/b/a/300.8/c/12>

<https://www.ninds.nih.gov/health-information/disorders/traumatic-brain-injury-tbi>

Modifying the language in Oregon to include injuries caused by “internal” forces, is actually defining a different condition, called acquired brain injury (ABI). It would add to parent confusion if they were to obtain this eligibility in Oregon and have it not subsequently recognized in any other state.

Students who have ABIs are not excluded from consideration for special education currently, so a change to this law is unnecessary. Depending on the nature of the internal injury they may qualify as having a health impairment, orthopedic impairments, visual or hearing impairments, learning disabilities, intellectual disabilities or emotional/behavioral disabilities.

The existing Oregon Administrative Rules mirror federal language in the definition of TBI including, “Traumatic brain injury does **not** apply to brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma. Students with brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma, are not eligible under the category of traumatic brain injury but may be eligible under a different category.”

This proposed legal change would complicate school and medical practitioner communications, confuse parents, would have a cascading effect on rules, and complicate training for special educators. It would not result in better services for students.

Thank you in advance for your consideration,

Justin Potts, Nationally Certified School Psychologist