

To: House Committee on Education  
From: Melissa McCart, Ed.D.  
Date: February 7, 2025

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

I respectfully submit this testimony in opposition to HB2670, which seeks to broaden the Oregon definition of Traumatic Brain Injury (TBI) to include students with acquired brain injury (ABI) for special education services. While the Bill's intent is commendable, it needs to be amended to accurately reflect what needs to be done to include Acquired Brain Injuries (ABI) under the Individuals with Disabilities Education Act's (IDEA) TBI disability eligibility category.

States cannot adopt a disability definition under IDEA that is more restrictive than the federal standard, as this would deny eligibility to students who qualify for services under the Act. However, states can expand IDEA's definitions to be more inclusive, allowing more students to receive services beyond the federal minimum. For example, Virginia has broadened TBI's definition to include ABIs due to medical conditions like strokes or brain tumors, even though IDEA's definition primarily focuses on brain injuries caused by external physical force.

However, while states have this flexibility, expansion must be done carefully to avoid ambiguity that could hinder and sabotage implementation. Presently, HB2670's language does not accurately reflect what would need to be done to make this important change to the Oregon Administrative Rules.

More stakeholder input is needed to ensure the success of this Bill. This includes input from educators, ODE personnel, parents, and special education experts. The entire CBIRT team is committed to developing this stakeholder input immediately, and in time to have any necessary amendments ready for consideration later in this legislative session. As such, I recommend a pause on the bill until that stakeholder input is received and the bill is amended accordingly.

I am concerned that policy language from the Oregon Department of Human Services is being forced into the state's Department of Education's policies. I believe that the proposed amendments to ORS 410.750 within this bill are unnecessary and will lead to policy confusion, and it is my opinion that the amendments to ORS 410.750 should be removed from this Bill.

This is a commendable effort that I believe would truly help students with brain injuries if done correctly. While well-intended, HB2670 is flawed due to incorrect directives and lack of stakeholder input. I am happy to support this Bill if amended for accuracy and if the Department of Human Services involvement is removed given that special education falls under the purview of the Oregon Department of Education, not the Department of Human Services.

Thank you for your time and consideration about this important issue.

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