

**A-Engrossed**  
**House Bill 3318**

Ordered by the House April 21  
Including House Amendments dated April 21

Sponsored by Representative DOHERTY, Senator GELSER; Representatives GORSEK, HACK, MCLAIN, POST, SMITH G, SOLLMAN, Senators DEMBROW, FREDERICK, KNOPP, ROBLAN

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Establishes procedures for conducting functional behavioral analysis and for developing, reviewing and revising behavior intervention plans for students with individualized education programs or 504 Plans.

Declares emergency, effective July 1, 2017.

**A BILL FOR AN ACT**

Relating to special education procedures related to behavior; and declaring an emergency.

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

**SECTION 1. Section 2 of this 2017 Act is added to and made a part of ORS chapter 343.**

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

(a) **“Behavior intervention plan” means an individualized plan based on a current functional behavioral analysis that includes positive interventions and that is designed to assist a student in decreasing inappropriate behaviors and increasing alternative appropriate behaviors.**

(b) **“504 Plan” means an education plan developed for a student in accordance with section 504 of the Rehabilitation Act of 1978, 29 U.S.C. 794.**

(c) **“Functional behavioral analysis” means an individualized assessment of a student that produces a hypothesis about the function of the student’s behavior and that is used to make recommendations for a behavior intervention plan.**

(d) **“Serious bodily injury” has the meaning given that term in ORS 339.285.**

(e) **“Service provider” includes school personnel who:**

(A) **Are or will be providing services related to the implementation of an individualized education program or a 504 Plan to the student; and**

(B) **Do not hold a teaching license or an administrative license.**

(2) **A school district must conduct a functional behavioral analysis and develop a behavior intervention plan for every student who has:**

(a) **An individualized education program or a 504 Plan; and**

(b) **Placed the student, other students or staff at imminent risk of serious bodily injury as a result of the student’s behavior.**

(3) **A school district must conduct a functional behavioral analysis and develop, review or revise a behavior intervention plan for a student within 60 calendar days of the student**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **placing the student, other students or staff at imminent risk of serious bodily injury.**

2 **(4) When a behavior intervention plan is developed, reviewed or revised as provided by**  
3 **subsections (2) and (3) of this section, the school district must:**

4 **(a) Ensure that the behavior intervention plan is based on a functional behavioral anal-**  
5 **ysis that was conducted by a qualified person;**

6 **(b) Ensure that the behavior intervention plan meets the student's needs, to the extent**  
7 **practicable;**

8 **(c) Allow service providers to provide input into the development, review or revision;**

9 **(d) Inform the service providers about any portions of the behavior intervention plan that**  
10 **are relevant to the service providers and about any training opportunities for the service**  
11 **providers;**

12 **(e) Ensure that the behavior intervention plan was correctly implemented before making**  
13 **any revisions; and**

14 **(f) Notify members of the individualized education program team or the team that cre-**  
15 **ated the 504 Plan of any changes to the behavior intervention plan.**

16 **SECTION 3. Section 2 of this 2017 Act first applies to the 2017-2018 school year.**

17 **SECTION 4. This 2017 Act being necessary for the immediate preservation of the public**  
18 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**  
19 **July 1, 2017.**

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