

[Oregon House Bill 4140](#)
Frequently Asked Questions
September 2021

1. What does the term public education program mean?

A public education program means an education program provided by any of the following: a school district; a public charter school; an education service district; a long-term care or treatment facility, the youth corrections education program; or The Oregon School for the Deaf. (ORS 329.901)

2. What should a public education program do with the Traumatic Brain Injury Accommodation form?

Each public education program should develop a Concussion/Traumatic Brain Injury Awareness Team, which would consider the process that will be implemented when the public education program receives notice that a student has been diagnosed with a concussion or other brain injury, which can consider the short-term academic accommodation needs of the student.

3. Who should be on the public education program's Concussion/Traumatic Brain Injury Awareness team?

Each public education program is likely to have a unique set of individuals on their Concussion/Traumatic Brain Injury Awareness Team. Members could include but are not limited to the following individuals: superintendents, risk managers, administrators, building principals, athletic directors, school nurses, 504 plan coordinators, special education directors, coaches, general education teachers, school counselors, special education teachers, support staff and school psychologists.

4. Who should fill out section one of the Traumatic Brain Injury Accommodations form?

The parent, guardian, or adult student (age 18+) should complete section one.

5. Who should fill out section two of the Traumatic Brain Injury Accommodations form?

A medical professional, school nurse or athletic trainer if the student is waiting to see a doctors should complete section 2.

6. Who should fill out section three of the Traumatic Brain Injury Accommodations form?

It depends upon the unique aspects of the public education program and the short-term academic needs of the student. A team which may include the parent(s), student (if appropriate), school nurse, general education teacher(s,) and other individuals with an understanding of the student's current curricular expectations should make up the team that considers the academic accommodations listed on the Traumatic Brain Injury Accommodations form.

7. How does the student's team know which academic accommodations the student may need?

When a student is initially diagnosed with a concussion or other brain injury, a medical professional may provide a list of suggested accommodations to the family. This list of accommodations should be considered by the student's team to determine their appropriateness within the educational setting. The purpose of providing academic accommodations is to enable the student to access and benefit from the student's educational program. In order for the student to access and benefit from their educational program, the team should consider the student's short-term academic accommodation needs in the areas of environment, method of instruction, transitions, memory deficits, behavior needs, academic progress, assistive technology, fine motor difficulties, processing delays, fatigue, visual spatial deficits, gross motor/mobility difficulties, curriculum, organizational skills, attention, physical activity and athletics. Accommodations should align with the symptoms that the student is currently experiencing. The form is broken down into categories that should assist in identifying accommodations that go with the different symptoms. Having a school nurse on your team would be a benefit in identifying appropriate accommodations

8. How long does a public education program need to provide academic accommodations to the student?

It is not required to provide the suggested accommodations, but highly recommended. It depends upon the ongoing and unique needs of the student. The academic accommodations documented on the Traumatic Brain Injury Accommodation form are intended to meet the short-term needs of the student. If a student is experiencing prolonged symptoms a 504 or IEP should be considered.

9. When the Concussion/Traumatic Brain Injury Awareness team receives notice of a student's diagnosis of a concussion or other brain injury, should the team consider initiating an evaluation to determine eligibility for special education?

Yes, if the team believes the student's concussion or other brain injury will last more than 60 days and it is likely that the student will meet this definition of a traumatic brain injury: "Traumatic Brain Injury" means 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 developmental progress (age 3 through 5) or educational performance (age 5 through 21). Traumatic brain injury applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgement; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. Traumatic brain injury does not apply to brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma. The team should initiate a comprehensive special education evaluation to consider the student's eligibility for special education in the area of traumatic brain injury.

10. What are the components of a comprehensive evaluation to consider a student's eligibility for special education in the area of traumatic brain injury?

- Medical examination or guided credible history interview process
- Psychological assessment
- Developmental history

- Other assessments including but not limited to
 - motor assessment(s) if the child exhibits motor impairment;
 - communication assessment(s) if the child exhibits communication disorders;
 - psychosocial assessment(s) if the child exhibits changed behavior
- Other information related to the child’s specific disability, including pre-injury performance and a current measure of adaptive ability
- Observation in the classroom and in at least one other setting
- Any additional assessments necessary to determine the impact of the suspected disability
 - on the child’s developmental progress for a preschool child (age 3 through 5)
 - on the child’s educational performance for a school-age child (age 5 through 21)
- Any additional evaluation or assessment necessary to identify the child’s educational needs.

11. What does “*The Department of Education shall develop a form for public education programs to use when a student has been diagnosed with a concussion or other brain injury.*” mean?

ODE is mandated to develop a form that describes academic accommodations that public education program may make for a student who has been diagnosed with a concussion or other brain injury. This form must be made available to educators and other program employees, students, parents, and guardians.

12. What does “*The accommodations must be optional for a public education program to provide and must be nonmedical.*” mean?

ODE is not requiring the use of the Traumatic Brain Injury Accommodation form or to provide any or all academic accommodations described on the Traumatic Brain Injury Accommodations form.

13. What does “*The department must distribute the form developed under this section to public programs.*” mean?

ODE must share the Traumatic Brain Injury Accommodation form with public education programs.

14. What does “*The department must make the form developed under this section available for use by educators and other program employees, students, parents and guardians.*” mean?

ODE must share the Traumatic Brain Injury Accommodation form in a manner in which public program educators, program employees, students, parents, and guardians have access to the form.

15. What does “*A public education program must make the form developed under this section available as soon as practicable to an educator, a program employee, a student, a parent or a guardian.*” mean?

The public education program must make the Traumatic Brain Injury Accommodations form available to educators, program employees, students, parents, and guardians.

16. What does “*The public education program receives notice that a student has been diagnosed with a concussion or other brain injury.*” mean?

When a parent, guardian, and/or student (ages 18+) shares information in a written form or verbally that a diagnosis of a concussion or other brain injury has been made by a medical professional for a specific student to a staff member of the public education program.

17. What does “*Requested by an educator, a program employee, a student or a guardian.*” mean?

The public education program must make the Traumatic Brain Injury Accommodations form available when requested by an educator, a program employee, a student (ages 18+), a parent or guardian.

18. What does “*Nothing in this subsection requires a public education program to provide any or all of the academic accommodations described on the form.*” mean?

Public education programs are not required to provide the academic accommodations listed on the Traumatic Brain Injury Accommodations form.

19. What does “*The State Board of Education may adopt any rules necessary for the implementation of this section.*” mean?

The State Board of Education may develop OAR(s) to implement components of HB 4140.

20. What does “*Section 1 of this 2020 Act becomes operative on August 1, 2021.*” mean?

ODE must develop and distribute the Traumatic Brain Injury Accommodations form to public education programs by August 1, 2021.