

## SENATE AMENDMENTS TO HOUSE BILL 3168

By COMMITTEE ON RULES

July 8

- 1 On page 2 of the printed bill, restore lines 32 and 33.
- 2 In line 33, after the period insert “‘Parent’ may be further defined by rules adopted by the State  
3 Board of Education.”.
- 4 Delete lines 34 through 40.
- 5 On page 3, delete lines 33 through 45.
- 6 On page 4, delete line 1 and insert:  
7 “(20) ‘Ward of the state’ means a child who is temporarily or permanently in the custody of, or  
8 committed to, a public or private agency through the action of the juvenile court. ‘Ward of the  
9 state’ may be further defined by rules adopted by the State Board of Education.”.
- 10 On page 14, delete lines 33 through 45.
- 11 On page 15, delete lines 1 through 17 and insert:  
12 “**SECTION 14.** ORS 419B.220 is amended to read:  
13 “419B.220. *[(1) As a part of the investigation, before making a child a ward of the court, a pre-*  
14 *liminary evaluation shall also be conducted to determine if the child may be eligible for special edu-*  
15 *cation as provided in ORS chapter 343. This preliminary evaluation of disabling conditions shall not*  
16 *constitute a final determination of the child’s eligibility for special education but shall be used as the*  
17 *basis for appointing a surrogate to protect the child’s due process rights pursuant to ORS chapter*  
18 *343.]*  
19 “[**(2)**] **(1) Upon the request of any party,** the court shall appoint a surrogate for a child [*when*  
20 *that child is made a ward of the court if*] **who is temporarily or permanently in the custody of,**  
21 **or committed to, a public or private agency through the action of the juvenile court if:**  
22 “**(a)** The court finds that the child may be eligible for special education programs because of a  
23 disabling condition as provided in ORS chapter 343[. *This finding of probable eligibility shall be*  
24 *based on the preliminary evaluation conducted pursuant to subsection (1) of this section.*];  
25 “**(b) The child does not already have a surrogate appointed by a school district or other**  
26 **educational agency; and**  
27 “**(c) The requesting party nominates a person who is willing to serve as the surrogate**  
28 **and who meets the requirements described in subsection (2) of this section.**  
29 “**(2) A surrogate appointed under this section:**  
30 “**(a) May not be an employee of the state educational agency, a school district or any**  
31 **other agency that is involved in the education or care of the child;**  
32 “**(b) May not have a conflict of interest that would interfere with the surrogate repre-**  
33 **senting the special education interests of the child; and**  
34 “**(c) Shall have knowledge and skills that ensure that the surrogate can adequately rep-**  
35 **resent the child in special education decisions.**

1       “**SECTION 15.** ORS 419C.220 is amended to read:

2       “419C.220. [(1) *As a part of the investigation, before finding a youth to be within the jurisdiction*  
3 *of the court, a preliminary evaluation shall be conducted to determine if the youth may be eligible for*  
4 *special education as provided in ORS chapter 343. This preliminary evaluation of disabling conditions*  
5 *does not constitute a final determination of the youth’s eligibility for special education but shall be used*  
6 *as the basis for appointing a surrogate to protect the youth’s due process rights pursuant to ORS*  
7 *chapter 343.*]

8       “[(2)] (1) **Upon the request of any party, the court shall appoint a surrogate for a youth or**  
9 **youth offender who is temporarily or permanently in the custody of, or committed to, a public**  
10 **or private agency through the action of the juvenile court if:**

11       “(a) The court finds that the **youth or** youth offender may be eligible for special education  
12 programs because of a disabling condition as provided in ORS chapter 343[. *This finding of probable*  
13 *eligibility shall be based on the preliminary evaluation conducted pursuant to subsection (1) of this*  
14 *section.*];

15       “(b) **The youth or youth offender does not already have a surrogate appointed by a school**  
16 **district or other educational agency; and**

17       “(c) **The requesting party nominates a person who is willing to serve as the surrogate**  
18 **and who meets the requirements described in subsection (2) of this section.**

19       “(2) **A surrogate appointed under this section:**

20       “(a) **May not be an employee of the state educational agency, a school district or any**  
21 **other agency that is involved in the education or care of the youth or youth offender;**

22       “(b) **May not have a conflict of interest that would interfere with the surrogate repre-**  
23 **senting the special education interests of the youth or youth offender; and**

24       “(c) **Shall have knowledge and skills that ensure that the surrogate can adequately rep-**  
25 **resent the youth or youth offender in special education decisions.”.**

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