

House Bill 3183 Toolkit

A Resource for Special Education Providers Regarding the Relevant Services and Placement Options for a Child Who Is Deaf, Deafblind, or Hard of Hearing

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Table of Contents

| | |
|--|---|
| 1. Overview | 2 |
| 2. House Bill 3183..... | 2 |
| 3. Intent of the Law | 2 |
| 4. What does HB 3183 Require? | 2 |
| 5. Implementation of Least Restrictive Environment and Free Appropriate Public Education ... | 3 |
| 6. Related Services | 5 |
| 7. HB 3183 Implementation Support Tools..... | 6 |
| • Educational Considerations for a Child Who Is Deaf, Deafblind, or Hard of Hearing (optional template) | 6 |
| • Special Education Placement Determination Template to Address HB 3183 for ECSE (optional template) | 7 |
| • Special Education Placement Determination Template to Address HB 3183 for K-12 (optional template) | 8 |
| • Information about Regional Inclusive Services..... | 9 |
| • Information about the Oregon School for the Deaf | 9 |

1. Overview

The Oregon Department of Education developed this toolkit as a resource for providers of special education services in the development and review of Individualized Family Service Plans (IFSPs) and Individualized Education Programs (IEPs) for children who are deaf, deafblind, or hard of hearing to ensure that they are provided a free appropriate public education (FAPE).

2. House Bill 3183

[HB 3183](#) was adopted in the 2021 legislative session as follows:

Relating to the education of children with hearing conditions. Be it enacted by the People of the State of Oregon:

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

SECTION 2. In addition to any other requirements prescribed by the State Board of Education by rule for individualized family service plan or individualized education programs, the board shall require that whenever a plan or program is developed, revised or reviewed for a child who is deaf, deafblind or who is hard of hearing, the parents of the child must be provided information about relevant services and placements offered by the school district, the education service district, regional programs and the Oregon School for the Deaf.

3. Intent of the Law

The parents of a child who is deaf, deafblind, or hard of hearing must be fully informed of the relevant services and placements offered by the School District, the Education Service District, Regional Inclusive Services, and the Oregon School for the Deaf. Relevant services and placements in this case mean the relevant services and placements that are appropriate to meet the child’s educational needs.

4. What does HB 3183 Require?

- The requirements of HB 3183 affects all IFSP and IEP processes for children who are deaf, deafblind, or hard of hearing.
- As a result of this legislation, when an IFSP or IEP is developed, revised, or reviewed for a child who is deaf, deafblind, or hard of hearing, the parents must be provided information about relevant services and placements available for their child. This information could include services and placements offered:
 - By school districts;
 - Within Regional Inclusive Services;
 - As part of EI/ECSE programs, and;
 - At the Oregon School for the Deaf.
- Parents must be provided information about relevant services and placements that are appropriate to meet the child’s educational needs. Parents are defined in OAR 581-015-2000(22) “parents” mean:
 - (a) One or more of the following persons;
 - (A) A biological or adoptive parent of a child;

- (B) Foster parent of the child;
- (C) A legal guardian, other than a state agency;
- (D) An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child’s welfare; or
- (E) A surrogate parent who has been appointed in accordance with [OAR 581-015-2320](#), for school-age children, or [OAR 581-015-2760](#) for preschool children.

- EI/ECSE Programs, School Districts, Regional Inclusive Services, and the Oregon School for the Deaf must continue to implement requirements of IDEA, ORS, and OAR.

5. Implementation of Least Restrictive Environment and Free Appropriate Public Education

The [Individuals with Disabilities Education Act](#) requires States to ensure that all eligible children receive a [free appropriate public education \(FAPE\)](#) in the [least restrictive environment \(LRE\)](#). LRE is determined through the [IFSP](#) and [IEP](#) development process. The IFSP or IEP for a child who is deaf, deafblind, or hard of hearing must support the child’s language and communication needs and opportunities. The needs of children who are deaf, deafblind, or hard of hearing are diverse, ranging from a need to access support to the need for highly specialized instruction.

LRE is not a place, but a setting that meets the unique needs of the child. LRE cannot be predetermined, but must be decided through the IFSP and IEP processes, as follows: the child’s developmental, academic and functional needs are assessed; developmental, academic, and functional goals are set; services to support the child in meeting those needs are documented; and a placement decision occurs. The placement decision must be made by a group of people, including the parents and others knowledgeable about the child, the meaning of the evaluation data, and the placement options.

Implementing LRE when Developing an IEP or IFSP



Figure 1: Flowchart for Implementing LRE when Developing an IEP or IFSP

Reference: [Optimizing Outcomes for Students Who Are Deaf or Hard of Hearing, 3rd edition.](#)

For a child who is deaf, deafblind, or hard of hearing, the IFSP team must consider the child’s language and communication needs, including developmental level, full range of needs, and opportunities for direct instruction and direct communication with peers and professional personnel in the child’s language and communication needs.

Ten key principles guide educational practices for children who are deaf or hard of hearing. Overarching these principles is the administrator’s responsibility to ensure a Free Appropriate Public Education (FAPE) designed to meet the individual needs of each child. These principles are the building blocks for programs and services for educating child’s who are deaf, deafblind, or hard of hearing.

To optimize the education of a child who is deaf, deafblind, or hard of hearing, these principles need to be considered:

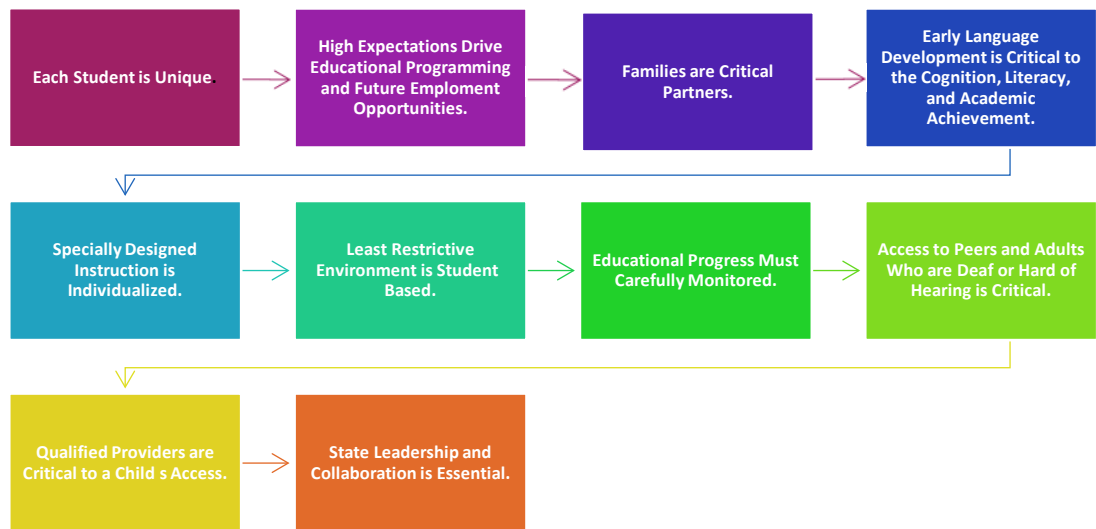


Figure 2: Ten Essential Principles for Effective Education of Children Who are Deaf or Hard of Hearing

Reference: [Optimizing Outcomes for Students Who Are Deaf or Hard of Hearing, 3rd edition.](#)

In interpreting IDEA Part B’s LRE requirements as applied to a child who is deaf, deafblind, or hard of hearing, [OSEP \(2011\)](#) has indicated that any setting that does not meet the communication and related needs of a child who is deaf does not allow for the provision of FAPE and cannot be considered the LRE for that child. Just as the IDEA requires placement in the general education setting when appropriate for the unique needs of a child who is deaf, deafblind, or hard of hearing, the law also requires placement outside the general education setting when the child’s needs cannot be met in that setting.

A full continuum of placement, program, and service options to serve children who are deaf, deafblind, or hard of hearing, including those children with additional disabilities should include, but not be limited to:

- General education classroom with specialized support provided with the general education environment;

- General education classroom with some specialized support provided in special education settings;
- Special education or Regional Inclusive Service classroom;
- Oregon School for the Deaf (grades k-12) including post high school transition;
- Homebound; or
- Hospital or residential facility.

The IFSP or IEP must include an explanation and consideration of all educational options offered by the school districts that are appropriate to meet the unique needs of the child.

6. Related Services

Each IFSP or IEP team must determine the specific related services needed for each child to benefit from special education. Related services are then documented on the service summary page of the IFSP or IEP. Related Services are defined in [OAR 581-015-2000\(29\)](#) in this way,

“Related services” includes transportation and such developmental, corrective and other supportive services as are required to assist a child with a disability to benefit from special education, and includes orientation and mobility services, speech language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation including therapeutic recreation, school health services and school nurse services, counseling services, including rehabilitation counseling services, social work services in schools, parent counseling and training, school health services and medical services for diagnostic or evaluation purposes, and includes early identification and assessment of disabling conditions in children. This definition incorporates the exception for services for children with surgically implanted devices, including cochlear implants, in 34 CFR 300.34(b) and the definitions for individual related services in 34 CFR 300.34(c).

7. HB 3183 Implementation Support Tools.

The following tools have been developed to assist in the implementation of the requirements associated with HB 3183. These are tools that IFSP and/or IEP teams may choose to use.

- **Educational Considerations for a Child Who Is Deaf, Deafblind, or Hard of Hearing (optional template)**

In developing an IFSP or IEP for a child who is deaf, deafblind, or who is hard of hearing, the team may want to consider some of these elements. As the team discusses each item, check off the areas of discussion.

| | |
|--------------------------|--|
| <input type="checkbox"/> | Input from parent or guardian regarding their placement preference(s). |
| <input type="checkbox"/> | Linguistic needs. |
| <input type="checkbox"/> | Communication needs, the child’s, and family’s preferred mode of communication. |
| <input type="checkbox"/> | Severity of hearing loss and potential for using residual hearing. |
| <input type="checkbox"/> | Academic level. |
| <input type="checkbox"/> | Social, emotional, and cultural needs including opportunities for peer interactions and communication. |
| <input type="checkbox"/> | Opportunities for direct interaction with peers. |
| <input type="checkbox"/> | More than one type of placement should be discussed (i.e. mainstream, center-based etc.). |
| <input type="checkbox"/> | There may be biases within the team about communication methods or range of placement. |
| <input type="checkbox"/> | Other programs available outside of district |
| <input type="checkbox"/> | Pros and cons of different options. |
| <input type="checkbox"/> | Discussion of services needed for home/neighborhood placement. |
| <input type="checkbox"/> | Opportunities for direct communication with peers and professional personnel in the child’s language and communication mode. |
| <input type="checkbox"/> | Full range of needs, including opportunities for direct instruction in the child’s language and communication modes. |
| <input type="checkbox"/> | The "Least Restrictive Environment" should be defined in context to the communication needs of the child. |
| <input type="checkbox"/> | Relevant services and placements offered by the school district, the education service district, regional programs and the Oregon School for the Deaf. |
| <input type="checkbox"/> | Other Items considered... |

References:

- [School Placement Considerations for Students Who Are Deaf or Hard of Hearing](#)
- [U.S. Department of Education Deaf Student Education Services](#)
- [Optimizing Outcomes for Students Who Are Deaf or Hard of Hearing](#)

- [Special Education Placement Determination Template to Address HB 3183 for ECSE \(optional template\)](#)

The Language of HB 3183 passed by the State Legislature in 2021:

In addition to any other requirements prescribed by the State Board of Education by rule for individualized family service plan or individualized education programs, the board shall require that whenever a plan or program is developed, revised or reviewed for a child who is deaf, deafblind, or hard of hearing, the parents of the child must be provided information about relevant services and placements offered by the school district, the education service district, regional programs and the Oregon School for the Deaf.

Special Education Placement Determination
(ODE form 581-1283-P adapted to make this template)

Child's Name: _____ Date of Birth: _____

Date of Placement Determination: _____

| Placement Options(s) Considered | Benefits | Possible Harmful Effects on the Child and/or Services to be Provided | Modifications, Supplemental Aids & Services Considered | Indicate Whether Option is Selected and Reason(s) Rejected or Selected |
|--|----------|--|--|--|
| Placement option(s) available through Community Early Childhood Programs (community preschools, Head Start, Migrant Head Start) Provide additional information: | | | | |
| Placement option(s) available through Early Childhood Special Education Programs: Provide additional information: | | | | |
| Placement option(s) available through Regional Inclusive Services: Provide additional information: | | | | |

- [Special Education Placement Determination Template to Address HB 3183 for K-12 \(optional template\)](#)

The Language of HB 3183 passed by the State Legislature in 2021:

In addition to any other requirements prescribed by the State Board of Education by rule for individualized family service plan or individualized education programs, the board shall require that whenever a plan or program is developed, revised or reviewed for a child who is deaf, deafblind, or hard of hearing, the parents of the child must be provided information about relevant services and placements offered by the school district, the education service district, regional programs and the Oregon School for the Deaf.

Special Education Placement Determination
(ODE form 581-5138b-P adapted to make this template)

Student's Name: _____ Date: _____ Student ID # _____

Placement Team _____

Person Knowledgeable About the Student: _____

Person Knowledgeable About the Placement Options: _____

Person Knowledgeable About the Evaluation Data: _____

Parent: _____

Other: _____

| Placement Options(s) Considered | Benefits | Possible Harmful Effects on the Child and/or Services to be Provided | Modifications, Supplemental Aids & Services Considered | Indicate Whether Option is Selected and Reason(s) Rejected or Selected |
|--|----------|--|--|--|
| Placement option(s) available through School District: Provide additional information: | | | | |
| Placement option(s) available through Education Service District: Provide additional information: | | | | |
| Oregon School for the Deaf: Provide additional information: | | | | |

- **Information about Regional Inclusive Services Contact**

Information

- ODE Director of Regional Inclusive Services- Kara Williams
- Phone- 503-689-5642
- E-mail- Kara.williams@ode.oregon.gov

ODE Informational Links

- [ODE- Regional Inclusive Services](#)
- [ODE- Regional Inclusive Services Program Information](#)
- [ODE- Deaf or Hard of Hearing \(D/HH\) Information](#)

- **Information about the Oregon School for the Deaf**

Contract Information

- Director- Sharla Jones
- Phone- 503-387-3825
- E-mail- sharla.jones@osd.k12.or.us
- Address- 999 Locust St. NE Salem, OR 97301-0954

OSD Informational Links

- [Oregon School for the Deaf: About OSD](#)
- [Oregon School for the Deaf: Admission Criteria and Process](#)
- [Oregon School for the Deaf: Educational Support Services](#)
- [Oregon School for the Deaf: Residential Program](#)
- [OAR 581-016-0536 Oregon School for the Deaf: Procedures for Referral and Placement](#)