

HOUSE COMMITTEE ON EDUCATION

March 18, 2005 Hearing Room E

1:00 P.M. Tapes 59 - 60

MEMBERS PRESENT: Rep. Linda Flores, Chair

Rep. John Dallum, Vice-Chair

Rep. Steve March, Vice-Chair

Rep. John Lim

Rep. Arnie Roblan

Rep. Chip Shields

MEMBER EXCUSED: Rep. Debi Farr

STAFF PRESENT: Jim Keller, Committee Administrator

Kellie Whiting, Committee Assistant

MEASURES/ISSUES HEARD:

HB 2624 – Public Hearing

HB 2339 – Work Session

HB 2571 – Public Hearing

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
TAPE 59, A		
002	Chair Flores	Calls the meeting to order at 1:01 p.m. Opens a public hearing on HB 2624.

HB 2624 – PUBLIC HEARING

014	Rep. Steve March	House District 46. Indicates there are amendments in progress for HB 2624.
022	Chair Flores	Closes the public hearing on HB 2624. Opens a work session on HB 2339.

HB 2339 – WORK SESSION

026	Rep. Dallum	MOTION: Moves to SUSPEND the rules for the purpose of reconsidering the vote on HB 2339.
029		VOTE: 6-0-1
	Chair Flores	Hearing no objection, declares the motion CARRIED.
032	Rep. Dallum	MOTION: Moves to RECONSIDER the vote by which HB 2339 was sent to the floor with a due pass recommendation and rescinding the subsequent referral to Ways and Means.
037		VOTE: 6-0-1
		AYE: 6 - Lim, Roblan, Shields, March, Dallum, Flores
		EXCUSED: 1 - Farr
	Chair	The motion Carries.
033	Chair Flores	Closes the work session on HB 2339 and opens a public hearing on HB 2571.

HB 2571 – PUBLIC HEARING

045	Jim Keller	Committee Administrator. Reads HB 2571.
058	Nancy Latini	Office of Student Learning and Partnerships. Testifies in opposition of HB 2571. Submits and reads from prepared testimony (EXHIBIT A) . Submits and refers to the Behavior Crisis Response Guide (EXHIBIT B) .
120	Rep. Dallum	Inquires if the measures are a part of the plan.
125	Latini	Responds they should be.
128	Rep. Dallum	Inquires about the number of incidents dealt with.
133	Latini	Responds the Oregon Advocacy Center has shared six disconcerting cases with her.
139	Rep. Roblan	Inquires about the number of schools that have regular, individual officers.
145	Latini	Responds she does not have that information.
147	Rep. Lim	Inquires how they define a student disability.
151	Latini	Responds there are 13 categories included in the Federal Special Education Law.
155	Chair Flores	Requests the list of the 13 categories.
158	Latini	Responds she will provide the list.
160	Chair Flores	Inquires if drug addicted students are included in the list of categories.
163	Latini	Responds drug additions are not included as a category, but the effects and outcomes of the addiction are within the disability categories.
170	Chair Flores	Comments on the contamination of children who live in meth houses. Inquires if Ms. Latini thinks schools are using police inappropriately.

183	Latini	Responds that overall, she does not believe they are.
187	Chair Flores	Inquires if there have been any complaints from parents or advocates, other than the six instances referenced.
190	Latini	Responds she has not had complaints brought forward other than one complaint four years ago.
196	Rep. Shields	Inquires if it is appropriate to have policies in place in which schools could presumably be held accountable if they go outside of those policies.
209	Latini	Responds the districts should have policies in place to keep students safe, but notes the bill may not help improve behaviors or train teachers to avoid occurrences.
207	Rep. Lim	Comments they need to find out what triggers the behavior. Comments the use of police should be a last resort and there need to be studies conducted to determine the cause of the behavior.
230	Latini	Concurs.
235	Chair Flores	Refers to (EXHIBIT B) and asks when it was published.
242	Latini	Responds it was two years in the making and training started in September or October 2004.
255	Chair Flores	Inquires if the guide is considered to be existing standards and protocol.
259	Latini	Concurs.
261	Chair Flores	Inquires if there are any pre-existing standards or protocol for the use of police in schools.
268	Latini	Responds not through her office.
272	Chair Flores	Inquires if there is any collected data pertaining to existing protocol or standards. Inquires if there is any follow up work conducted when there have been police interventions for children with disabilities.

278	Latini	Responds the data collected would pertain to suspensions or expulsions. Responds there is a statewide investigation team in their office, but there is no follow up strategy.
279	Chair Flores	Inquires about the role and the implementation stage of the guide.
280	Latini	Responds they have contractors to conduct training to school districts and to work on a collaborated strategy.
282	Chair Flores	Inquires about a timeframe.
283	Latini	Responds they are just starting and does not have a timeframe.
285	Rep. Dallum	Inquires if the knowledge of the rules enters into the system fairly quickly.
294	Latini	Concurs.
301	Rep. Dallum	Comments the rules are known and are disseminated quickly.
306	Latini	Responds the rules are disseminated through the Department of Education for special education and are put into a system for policy and procedure review.
312	Chair Flores	Inquires if Rep. Dallum is referring to administrative rules and the timeframe thereof.
314	Rep. Dallum	Responds the rules are in place and teachers are ready to respond fairly quickly to changes in special education.
316	Rep. Shields	Comments on a taserd student and inquires if that situation was included in the six cases previously mentioned.
324	Latini	Responds it was not one of the six cases shared with her.
325	Rep. Shields	Inquires if the mentioned procedures would have prevented that from happening.
327	Latini	Responds the school did everything they could by calling the police and offering support.

- 337 Rep. Roblan Comments on the special education issues deriving from mandates and notes the rules are changing do to judicial interpretation and communication is sent quickly.
- 343 Rep. Lim Comments on the need to educate children to be more sensitive to the disabled and to cultural differences as an approach to preventing harmful behavior.
- 362 Chair Flores Inquires about the training curriculum.
- 363 Latini Responds 67 school districts have received the information.
- 370 Chair Flores Inquires if districts are required to have any policy regarding the use of police for the mentioned situations.
- 372 Latini Responds she cannot answer.
- 381 Rep. Dallum Comments about DARE officers and the developed policies adopted to place officers on campus. Comments on the challenges of controlling a large, angry student.
- 400 Rep. Roblan Concurs with Rep. Dallum. Speaks about the campuses having onsite officers and the positive relationship the officers can have with the students and teachers.
- 419 Chair Flores Inquires if an intervention plan for an eight-year-old child should involve removal from school by police.
- 432 Latini Responds that disturbed students can be placed in the wrong places and can end up in public schools. States she hopes removal from schools by police would be used as a last resort.

TAPE 60, A

- 003 Chair Flores Inquires if she thinks the concern of using police to remove a child would devolve or evolve into consideration of a liability issue.
- 007 Latini Responds that it could be. Comments the concern is around law stating schools districts have to have policy and procedures approved

by the department, and the data collection issues. Notes she would like to look at training staff to avoid occurrences.

- 013 Chair Flores Inquires about the role of the Oregon Department of Education to ensure safety of children with disabilities.
- 016 Latini Responds there is an on-going training program called the Positive Behavior Support Program. Notes it deals with support for certain types of behavior and how to behave appropriately in school.
- 023 Rep. Dallum Inquires what the outcome is for when an incidence happens in which there is not a policy addressing it. Inquires if there has always been a procedure of redress for a parent who is concerned about their child.
- 031 Latini Responds through the IDEA process there are options including informal complaints and investigations.
- 032 Rep. Dallum Inquires what avenue of redress was used in the six mentioned cases.
- 035 Latini Responds they happened before her time.
- 041 Chair Flores Clarifies the timeframe is contingent upon certain funding and there were 67 districts present when they introduced the program. Inquires when the other schools districts will be receive the training.
- 041 Latini Responds the funding for the training has already been set aside. Comments she will provide a timeline.
- 057 Alan Tresidner Representing the Oregon Advocacy Center. Testifies in support of HB 2571. States the Oregon School Board Association will adopt and draft model polices for the use of police officers in schools districts and disseminate it to the districts.
- 074 Bob Joondeph Executive Director, Oregon Advocacy Center. Submits and reads from prepared testimony (**EXHIBIT C**). Testifies in support of HB 2571. Speaks about the investigation process in regards to incidents involving the use of police. States the Department of Education stated they were working on a training curriculum and could be reviewed by the Oregon Advocacy Center. Discusses the requirements for districts to participate in the training.
- 174 Joondeph

		Refers to page two and explains two incidents involving students with disabilities.
194	Tresidner	Reiterates the need for policies addressing the issue. States calling the police is becoming common, rather than rare. States the special education teachers and the schools need tools to address the issues.
226	Rep. Shields	Expresses his concern.
244	Rep. Dallum	Inquires if the Behavior Crisis Response Guide is an adequate guide and addresses the concerns.
250	Joondeph	Concurs.
254	Rep. Dallum	Inquires if there are avenues and remedies available that are less oppressive than legislation, for persons to take.
262	Tresidner	Responds they are not asking for the passage of the HB 2571, but rather presenting the possibility of an increasing problem.
266	Rep. Dallum	Inquires what it is that they want him to do.
268	Tresidner	Requests the committee to direct the Department of Education to work with the districts and the Advocacy Center to collect data and to develop uniform and consistent polices that address the issues.
281	Rep. Dallum	Clarifies that he is not asking for the passage of legislation at this time.
288	Tresidner	Concurs.
292	Joondeph	Comments the manual should help, however is not going to be referred to at the time of the incident.
312	Rep. Dallum	Inquires if the manual assists in creating a safe environment.
313	Joondeph	Responds the manual makes recommendations on how to do that.
318	Rep. Roblan	Comments on where and when the incidents can happen. Expresses concern over the escalation of these types of incidents.

345	Chair Flores	Inquires about what it would take to get the Oregon Department of Education to have a working relationship with the Oregon Advocacy Center in regard to this issue.
358	Latini	Responds they have a working relationship together and they are willing to work together to ensure safety in schools.
372	Chair Flores	Inquires if there is a will, a way and a vehicle to collect pertinent information so work can be done during the interim regarding this issue.
380	Latini	Responds the Parent Information Center and the Oregon Advocacy Center could help with the data collection. Comments that a training packet could be created for law enforcement that could be separate and an addition to the manual.
392	Chair Flores	Clarifies there would be a collaborative working relationship.
394	Latini	Concurs.
400	Rep. Shields	Requests a follow up before the end of session in regards to the dialog that has taken place.
402	Chair Flores	Responds this area will be addressed again. Closes the public hearing on HB 2571 and adjourns the meeting at 2:03 p.m.

EXHIBIT SUMMARY

- A. **HB 2571, prepared testimony, Nancy Latini, 1 pp**
- B. **HB 2571, Behavior Crisis Response Guide, Nancy Latini, 211 pp**
- C. **HB 2571, prepared testimony, Bob Joondeph, 4 pp**