

March 6, 2021

Dear Senate Education Committee Members,

I'm writing in opposition to SB223 as it is an unconstitutional attempt to restrict First and Fourteenth Amendment Rights of Oregon children and parents by "*prohibiting school districts from being member of voluntary organization that administers interscholastic activities unless organization limits participation in interscholastic activities to private schools that are registered*" (2021 Regular Session SB223 Summary).

Mandating private schools to register annually with ODE and therefore requiring private schools to submit unfunded reports for ODE approval and oversight will effectively turn private schools into de facto public schools, which then violates a parent's constitutional right to determine the education that is best for their children.

SB223 is an attempt to reenact the Oregon Compulsory Public Education Act of 1922, which was a bigoted bill sponsored by the KKK and Masonic Lodge to mandate children into attending public schools in effort to control "religious propaganda" as was determined by the government. The Act of 1922 was eventually rendered unconstitutional and nullified by the Supreme Court in 1925 by the *Walter M. Pierce v. Society of Sisters* unanimous decision.

As SB223 is discussed in Senate Committee on March 17th, please keep in mind a key paragraph of the *Walter M. Pierce v. Society of Sisters* decision as was written almost 100 years ago:

"The Act of 1922 unreasonably interferes with the liberty of parents and guardians to direct the upbringing and education of children under their control. As often heretofore pointed out, rights guaranteed by the Constitution may not be abridged by legislation which has no reasonable relation to some purpose within the competency of the state. The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the state to standardize its children by forcing them to accept instruction from public teachers only. The child is not the mere creature of the state; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations."

SB223 is a threat to school choice and the diversity of educational options that currently exist in Oregon. This bill is financially wasteful and unnecessary. Given the lack of resources ODE currently experiences (i.e multiple parent complaints regarding discrimination and retaliation against public school students by public school staff/district/school board on appeal for years before ODE issues final report; multiple complaints in 2019 and 2020, some concerning OEA intimidation and threats toward parents, that have yet to even be investigated due to ODE's self-described lack of resources), please vote no on SB223 and instead, devote time, energy, and financial resources on safeguarding the rights of parents and children as guaranteed to us by the Constitution.

Sincerely,
Shannon Garlitz
La Grande, OR