



PORTLAND PUBLIC SCHOOLS
OFFICE OF THE SUPERINTENDENT

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To: Senate Committee on Judiciary and Ballot Measure 110 Implementation
From: Courtney Westling, Portland Public Schools
Re: Senate Bill 409
Date: March 11, 2021

Chair Prozanski, Vice-Chair Thatcher, and members of the committee:

For the record, my name is Courtney Westling and I'm the Director of Government Relations for Portland Public Schools. For the last several years Portland Public Schools has worked with our colleagues and the legislature to more comprehensively keep students safe from sexual misconduct. Providing a place to learn, free from inappropriate sexual behavior, has been at the forefront of our policy work. The concerns being addressed in SB 409 seek to ensure a school, public or private, never ignores its responsibility to address any kind of harassment or discrimination. While we wholeheartedly support the intent, we are concerned the current draft inappropriately includes **student** sexual conduct in statutes focused on a separate issue: sexual misconduct by adults in schools. The distinction between sexual misconduct and sexual harassment and discrimination is that sexual misconduct is focused on the grooming of students by school staff.

Oregon has other statutes better suited to incorporate these fixes including laws related to sexual harassment applied to public education (ORS 342.700 to 342.708), a harassment, intimidation and bullying law that applies to public education (ORS 339.351 to 339.364), and a teen dating violence and domestic violence law (339.366 to 339.368). As noted, currently these statutes only apply to public schools, but could be expanded to include private education. These laws impose thorough administrative requirements at the school level and the opportunity for appeal to the Oregon Department of Education.

Additionally, ORS 659.850 through 659.860 prohibit discrimination in Oregon education. The statutes provide parents and students with a private right of action for sex discrimination or harassment in public schools. Applying these statutes to private education settings allow a court to award the full spectrum of damages including emotional distress damages, reimbursement for attorney fees, and costs to parents and students regardless of education setting.

Finally, Title IX also prohibits sex discrimination and harassment in schools and contains a private right of action that allows a student or parent to file a lawsuit against the school for failing to comply with Title IX. This applies to any school receiving federal funding, including a private school.

We look forward to working with you to ensure these critical changes are made to ensure all Oregon students are protected from sexual misconduct and abuse. Thank you for the opportunity to share our suggestions about how we might get there.

Courtney Westling
Director of Government Relations
Portland Public Schools