



March 11, 2021

To Whom It May Concern:

As leaders of three separate Seventh-day Adventist Offices of Education representing 34 K-12 Seventh-day Adventist schools in the State of Oregon, the undersigned wish to register the following objections to SB 409:

1. The adoption of SB 155 in 2019 already addresses the very issues SB 409 seeks to resolve.
2. Allowing only individuals not licensed by the TSPC to be sued is unfair and discriminatory because:
 - a. it will have a disproportionately negative impact on private schools and those whom they employ, and
 - b. it applies consequences in an inequitable manner since teachers licensed by the TSPC do not face the threat of civil litigation for their inappropriate conduct.

It appears that the prohibited conduct outlined in SB 409 is already covered by existing mandatory reporting laws and is therefore redundant. If there are areas that are not addressed by existing mandatory reporting laws, the statutes that already exist could easily be amended. It is a Class A violation for failing to file reports of inappropriate conduct, and this penalty applies equally to individuals licensed by the TSPC and those not licensed by them.

Private schools tend to employ more individuals who are not licensed by the TSPC. Since SB 409 singles them out as the only ones able to be sued for their inappropriate conduct or failure to report the inappropriate conduct of others, the proposed law unfairly discriminates against private schools. Should there be a need for language that addresses individuals not licensed by the TSPC, amending SB 155 with language that addresses the problem but does not unfairly discriminate against private schools would be the simpler way to achieve this.

SB 155 currently requires that all claims of sexual misconduct against school employees not under TSPC jurisdiction be investigated by the Oregon Department of Education. All schools are required to check both TSPC and ODE records to see if there are any active investigations or findings of sexual misconduct before hiring school employees. The investigations that SB 155 calls on ODE to conduct are very much like the investigations done by TSPC for similar allegations and address the concerns that SB 409 is ostensibly being written to resolve. We believe that SB 155 already has in place the mechanism whereby an individual, whether licensed by the TSPC or not, can be investigated and disciplined for inappropriate conduct.

First, the bill requires the department to investigate allegations of suspected sexual misconduct involving a student and any school employee, contractor, agent, or volunteer. The authority to conduct those investigations went into effect on July 1, 2020.

Second, before hiring anyone schools are required to verify with the department whether there are any ongoing investigations or any substantiated reports of sexual misconduct for any prospective employee who is not licensed with the TSPC. Schools also are required to run any contractor, agent, or volunteer who is not licensed with TSPC through the same process before they can accept any services from that individual.

Finally, ODE is required to advise schools when it receives notification from the Department of Human Services that a report of abuse involving a child and a person who is a school employee, contractor, agent or volunteer has been made. This entire process renders the need for additional legislation unnecessary.

Statutes and processes are already in place to address the concerns that SB 409 is being proposed to resolve. Adding a new law that disproportionately affects private schools simply because they employ teachers not licensed by the TSPC and adds nothing significant to the vetting process already in place is discriminatory and unfair.

Our private school system already implements background checks as a part of an extensive vetting process to ensure our students' safety and wellbeing. We want nothing more than to protect our students from any and all inappropriate behavior by adults, and believe that our process is equal to the mechanism that the state employs.

Sincerely,



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