

February 22, 2021

Good afternoon, Madame Chair, members of the committee.

I am State Representative Janelle Bynum, serving House District 51 which includes E. Portland, Damascus, Gresham, Boring, N. Clackamas and Happy Valley.

In addition to my job as legislator, my primary job is as parent to four children, Christine, Ellis, Caroline and Asa. Over the past 13 years of having them in school, I have seen first hand the incidents of racial injustice our students have been suffering in educational settings. In 38 collective years of parenting school-aged Black children, I've personally seen it from administrators, educators, and students themselves.

I have written letters, attended school conferences, even brought my son with me to testify at a school board meeting about repeatedly being called the n-word. He didn't even know what it was, but somehow he knew it was wrong. And frankly, he was puzzled.

As a legislator, I have also been on the receiving end of a number of reports from parents around the state who are tired, frustrated, and angry at the treatment their children are facing at school. School boards and administrators either are unwilling or unable to employ the tools necessary bring these behaviors to an end. You should note that the Oregon School Boards Association testimony points out that we have a number of laws on the books, but they are in effect, useless. The patchwork is confusing and the time it takes to receive a response serves to delay justice. Some parents have been waiting for months, even years to have their claims validated, all while their children are stuck in schools that are hurting them.

We cannot expect student success when students continue to face injustice in our schools. The stories of bias crimes, incidents and white supremacy utilized against marginalized groups of children across Oregon is vast.

The problem we are here to resolve today is multi-faceted. We have not done enough to address hate crimes and behavior in this state.

1. When I worked to achieve hate crime reform in the 2019 session with SB 577, I noted, that the bill was just a start, and when advocates pushed for greater funding of that bill they were denied. It was those advocates' position that the legislature should devote greater resources to helping survivors of hate, but we didn't hear them. They asked for 10 positions across the state and all we could give them was one person. Since it's founding, that one person has been responsible for handling 1100 calls. Hate is quickly outpacing system supports and it is festering.
2. It isn't just the DOJ's bias crime hotline that is understaffed, it's also Oregon Department of Education's civil rights department that investigates these incidents. My office has found that there is a backlog of cases to be investigated by ODE. These investigations

are often a precursor to litigation, but in the meantime, it means that justice delayed is justice denied. We are repeatedly forcing students to live in trauma-filled atmospheres.

3. This bill is also a follow up to the anti-harassment bill 3409 in 2019. The bill called for a prohibition on schools participating in activities coordinated by an association unless that association develops and adopts policies on "equality, civility, dignity and civil rights." In follow up briefings, the Oregon Student Activities Association noted that the bill has greatly improved the competitive environment for students and the spectator community. The racial harassment and hazing incidents are now being taken far more seriously than before.

The advocates of SB 577 and I knew that without adequate support systems devoted to anti-racist work that the problem of hate would fester. It festered far and wide and systems abandoned people especially students. **If the state and local institutions refuse to create clear pathways to justice and safety, the marginalized should be able to easily find that through the courts.**

Passing HB 2937 is that way. HB 2937 provides that students who experience harassment, discrimination or intimidation based on their race, color, religion, gender identity, sexual orientation, disability or national origin, have a cause of action against a school district and perpetrator of an incident. Further, it mandates that schools must report bias crimes to the DOJ's bias crime hotline.

Further, it requires giving students the ability to transfer schools when they are a victim of these circumstances.

I have heard about how administrators have coddled perpetrators instead of victims. I have heard the overwhelming frustration that these families feel. I have heard the genuine trauma of these beautiful children and I am frustrated too. These systems must fundamentally change.

HB 2937 is tool for change. I urge your open-mindedness and support.