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To: Senate Committee On Education  
From: Chris Shank, Staff Attorney

Re: **Support for SB 1578**

Dear Chair Dembrow, Vice-Chair Thomsen and Members of the Committee,

Youth, Rights & Justice is Oregon's only non-profit juvenile public defense firm. Every year, YRJ represents over 1200 children, youth and parents in Oregon's juvenile court system. Nearly all of our clients come from low-income families. Most have suffered significant trauma and many experience physical, mental health and/or substance abuse issues. Approximately 45% are people of color. Because of our unique position handling court-appointed juvenile cases, we often see the same systemic problems and we work to change the policies that contribute to these problems.

YRJ established our SchoolWorks program in 2002 to help our clients succeed in school. SchoolWorks provides legal advocacy to clients to ensure students are enrolled in school, have appropriate educational supports, and are not unfairly excluded due to excessive discipline. To date, SchoolWorks attorneys have handled over 3,200 cases, all aimed at ensuring students achieve their goals and graduate.

YRJ Supports SB 1578.

#### **What SB 1578 Does**

SB 1578 will allow ODE to immediately investigate complaints in circumstances in which a student's physical safety is at risk, or the student is being denied access to full days of school due to a school district's alleged violation of state or federal law. This means that in situations where students are subjected to discrimination, excessive or unnecessary restraint and seclusion, unfair disciplinary practices or abbreviated school days by a school district, students and families can access an impartial complaint resolution process.

#### **The Status of the Current Law**

The current complaint process is needlessly difficult for families to navigate and takes too long to reach a resolution. Currently, the law requires families to pursue a complaint process within the district, which can take weeks to months to resolve. Only then can a family appeal the district's decision to the Oregon Department of Education (ODE).

### **Why it is Important to Improve the Law**

There are several problems with the current model. The first is that the process can take too long to resolve, especially when a child is being excluded from school such as in disciplinary situations or when placed on an abbreviated school day. In addition, each school district creates their own complaint process, so it's often difficult for children and their families to determine who to submit the complaint to, what the various steps of the process are, and what the timeline is for resolution. Finally, it is often true when these situations arise, that families feel that trust has been broken with the district. Requiring families to engage in a lengthy process with the same entity against whom they have complaints in which they are unlikely to get a different result, has the potential to further frustrate the family and aggravate the situation, rather than resolving it.

SB 1578 would solve these problems by providing a means for complainants to pursue a complaint with the ODE prior to the resolution of the district complaint process in certain circumstances, when the stakes are highest. It also provides for two student and family advocates at ODE who will assist students and families as they go through the complaint process. This should significantly improve a student or family's experience of the complaint process by providing them with a contact outside of the district to consult with.

SB 1578 also seeks to improve the district level complaint process by providing more equitable access to the process by permitting complaints to be submitted in any language. It also requires districts to notify the complainant of any deficiencies in the complaint and specifies that complaints do not have to refer to specific statutes or regulations. This means that any Oregonian, regardless of skill level or years of education obtained, can access the complaint process without attorney involvement. It also seeks to reduce to clarify the process for those filing a complaint by requiring written acknowledgement of receipt of the complaint, and timelines in which the investigation and resolution will be completed.

SB 1578 would greatly improve access to impartial resolution of significant issues that arise between children, families and their school districts. YRJ urges you to support this bill.