



**Oregon**  
Tina Kotek, Governor



**OREGON**  
**DEPARTMENT OF**  
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**Colt Gill**

Director of the Department of Education

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**SB 291: Investigations Related to Discrimination, Restraint and Seclusion and Religious Activity**  
**Senate Education Committee**  
**February 7, 2023**

Chair Dembrow, Vice-Chair Weber, and members of the committee, I am Colt Gill, Director for the Oregon Department of Education (ODE). Thank you for the opportunity to provide information on Senate Bill 291 regarding investigations of noncompliance with laws related to discrimination, restraint and seclusion and religious activity. Currently, ODE has no position on this bill.

**Background**

Before we turn to analysis of this particular bill, ODE must first recognize the grounding truth that our system doesn't serve all its students equitably. The agency is fully committed to creating lasting systems change in partnership with the Legislature; we must make real progress for our students, particularly our students experiencing harm or discrimination. Every student has the right to fully access a free public education. Our ultimate goal as an agency is ensuring that every student who interacts with our educational system feels that not only have they received what they are legally entitled to, but they have truly received an inclusive and meaningful education—full of joy, understanding, exploration, and learning. The concept behind this bill moves Oregon closer to this goal.

**Opportunities**

Senate Bill 291 explicitly expands ODE's authority to investigate discrimination, educational retaliation, restraint and seclusion, and religious entanglement. Specifically, the bill requires ODE to investigate potential violations when the agency determines on its own initiative that a violation may have occurred and grants ODE the power to require public schools to review and rewrite policies, undergo training, receive other technical assistance, and, upon finding an act of discrimination, order compensatory services.

**Additional Considerations**

Upon failure to comply, ODE would be able to impose sanctions, including withholding State School Funds. By increasing ODE's investigatory and enforcement powers, Senate Bill 291 provides ODE with greater opportunity to serve students experiencing harm or who belong to a protected class, and a greater ability to make such students whole.



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ODE would benefit from the inclusion of an applicability clause that clearly denotes the date or school year to which the bill first applies. Further, requiring ODE to accept complaints from “any person” may increase the scope of ODE’s powers beyond that which is intended. ODE would require additional resources to implement this bill. Further discussion could allow the Legislature to determine the level of oversight and associated staffing needed for effective implementation.

ODE looks forward to working with this Committee to expand the state’s accountability tools.

Respectfully submitted,

Colt Gill  
Director