



Better Public Education

Better Public Education (BPE) is a 501(c)4 nonprofit association dedicated to strengthening Oregon’s K-12 public education system.

Senate Bill 1583 “prohibits discrimination when selecting textbooks, instructional materials, program materials or library books that are used in the public schools of this state.”

Discrimination has no place in Oregon’s education system and ensuring that the textbooks and instructional materials used in our classrooms or in school libraries are representative of our country’s rich and complicated history is important. It’s also important that in preventing discrimination in our education system, that we seek to avoid any unintended consequences that might occur as a result. As currently drafted, Better Public Education has identified several potential issues with Senate Bill 1583 and is initially opposed to the measure.

1. **No Discretion Provided.** SB 1583 prohibits discrimination in curriculum, textbooks, and library books in Oregon school districts on the basis of those materials containing a study of the roles and contributions of individuals and groups against whom discrimination is prohibited. However, there may be instances when a district school board, committee, or officer responsible for the adoption of textbooks or other instructional materials may prohibit or decline to use certain textbooks or instructional materials not because they include a study of the roles and contributions of any individual or group, but because in their judgement certain materials are not age appropriate for certain grades, are culturally insensitive, historically inaccurate, or other valid reasons. SB 1583 does not currently have a mechanism for a district school board, committee, or officer to certify their rationale for prohibiting certain materials, clarify their reason for doing so, and avoid a lawsuit or sanction from the State Board of Education.
2. **Enforcement Ambiguity.** SB 1583 does not clearly prescribe a specific penalty, enforcement mechanism, or reporting process as it relates to “on the basis” discrimination. Furthermore, the bill currently contains no “notice provision” from the Oregon Department of Education, where the ODE can inform a school district of a potential violation, and the Department and the district can mediate towards a resolution, eliminate any potential confusion, and the district is given an opportunity to change course if they need to.
3. **Legal Exposure.** Senate Bill 1583 applies ORS 659.855 (sanctions from the State Board of Education) and ORS 659.860 (civil action). By tying the school district’s curriculum, textbooks, and library books to nondiscrimination statute, all 197 school districts in Oregon are exposed to potential civil lawsuits, with no process provided for a district to avoid significant legal costs, even if they ultimately prevail.

We ask this committee to amend this well intended bill to factor in the circumstances under which a school district board, committee, or officer might prohibit or modify curriculum, textbooks, or library books not on the basis of the content containing individuals or groups that are a protected class, but for a legitimate reason that would meet the standard of common sense for the State of Oregon, this legislature, school districts, and parents. If there exists any such scenario, we ask that Senate Bill 1583 be amended to include it.