



1785 NE Sandy Blvd #300
Portland, OR 97232
youthrightsjustice.org
(503) 232-2540

To: House Committee on Judiciary
From: Jennifer McGowan, Supervising Attorney

Re: SB 170A

Dear Chair Kropf, Vice-Chairs Chotzen and Wallan, and Members of the Committee,

Youth, Rights & Justice, a non-profit public defense provider, has been dedicated exclusively to juvenile law for 50 years. Each year, we provide holistic, client-centered representation to hundreds of children, youth, and parents in Oregon's juvenile court system. Additionally, we provide early defense advocacy to keep families together and educational advocacy so children can attend, graduate, and succeed in school. In 2021, we launched our juvenile expunction clinic.

Youth, Rights & Justice created our SchoolWorks program over twenty years ago to address the lack of school success and the poor educational outcomes our juvenile court clients were facing. Since its creation, our SchoolWorks program has provided individual education advocacy in over 3900 cases to help our clients enroll in school, stay in school, succeed, and graduate.

Youth, Rights & Justice opposes the proposed ~A3 amendment to SB 170A.

That amendment would add two new ways that current misdemeanor crimes would become felony crimes. Unlike the current bill, which is directed at adults who are repeat offenders, these proposed amendments would disproportionately affect inexperienced schoolchildren, especially children with disabilities.

The first proposed amendment would turn a misdemeanor assault into a felony assault if the injured person is a public employee. The second would turn a harassment into an aggravated harassment if the person spits at or propels another bodily fluid or feces at a public employee. For children, these sorts of behaviors are often manifestations of immaturity or disabilities.

The definition of "public employee" in the ~A3 amendment would include school personnel. YRJ recognizes that the manifestations of children's disabilities can be frustrating and at times, risky for teachers and staff, and that staff often do not receive adequate support and tools to

respond. However, increasing criminal penalties for the child is not the answer, and in fact, is likely to create a worse outcome for the child, and thus society as a whole.

The school-to-prison pipeline is fueled by laws, policies, and practices in schools that push students into the criminal justice system. Research consistently shows that students of color and those with disabilities are disproportionately impacted. According to the UCLA Civil Rights Project, even a single school suspension reduces a student's likelihood of graduating by 24%.

Educators have many effective tools to address behavioral issues without resorting to the criminal justice system. For students without disabilities, schools already have the authority to impose disciplinary measures for the types of behavior this bill addresses. Even for students receiving special education services, if their behavior is *not* directly linked to their disability, they can be disciplined in the same way as any other student. Only when the behavior is found to be directly and substantially related to a student's disability are schools limited in the disciplinary actions they can take. However, they are able to provide additional services and supports. And in those cases, pushing the student into the juvenile justice system is not only inappropriate—it's ineffective.

Involvement in the juvenile justice system seriously disrupts a student's education. Detention can interrupt coursework, often causing students to lose an entire semester of high school credit. Oregon's educators have worked hard to raise graduation rates across the state. They've done this because we understand the long-term benefits: students who earn a diploma are more likely to be employed, less likely to live in poverty or struggle with addiction, and more likely to contribute positively to Oregon's economy and communities.

A child in a juvenile delinquency case can be ordered to complete five years of probation regardless of whether the offense is a misdemeanor or felony. The same array of probation terms are available whether the offense is a misdemeanor or felony. The primary effects of changing misdemeanor offenses to Class C felonies is that a child may be removed from parents and committed to OYA for five years instead of one, and that expungement of the juvenile offenses would not be available for four years after the youth completes supervision, rather than when the youth turns 18. It would be disproportionate and counterproductive to impose these additional barriers to normal development into a young adult on the children who are least culpable and most susceptible to adverse life outcomes due to disabilities. YRJ urges that the ~A3 amendments should not be adopted.

Thank you for your consideration of this important issue.

Sources:

Keefer, Emily. (2023). "Classroom or Courtroom? Problems and Solutions to the School to Prison Pipeline." Center for Public Justice.

Rumberger, Russell & Losen, Daniel. (2016). "The High Cost of Harsh Discipline and Its Disparate Impact." The Center for Civil Rights Remedies at The Civil Rights Project.

American Bar Association School-to-Prison Pipeline Toolkit. (2023). "School-to-Prison Pipeline Statistics."