



Chair Neron, Vice-Chair Dobson, Vice-Chair McIntire,

My name is Hugh Ady. I'm with Statecraft, a government relations firm representing Better Public Education, a nonprofit association dedicated to improving Oregon's public education system through increased funding, standards that measure progress, and choice that allows students to thrive in the setting that's best for them.

Better Public Education opposes Senate Bill 1098 as currently drafted. We believe the bill is well intended; discrimination has no place in Oregon public schools. Some of the examples that have been given, of American history being omitted from school libraries, are disturbing. Students should be exposed to different viewpoints and challenging history, regardless of how uncomfortable it might be.

We are concerned that the enforcement approach in Senate Bill 1098 is heavy handed and will do more harm than good in trying to achieve the core objective of the bill. The bill revises existing law to tie alleged violations to education non-discrimination statute. That connection would create two enforcement mechanisms against a school that allegedly engages in discrimination under Senate Bill 1098. One, the state Department of Education can sanction a school, which includes possible withholding of their funding. Two, a private right of action is created. This means a person claiming to be a victim of discrimination as the bill defines it can initiate a lawsuit against a school or school district. The specter of a potential lawsuit or loss of funding represents dramatic and costly escalations, when the approach should be resolution and clear communication between the Department of Education and a school or school district. In the lawsuit scenario, even if a school district were to prevail, the legal fees alone would represent a tremendous financial setback that would jeopardize the delivery of education at the district level. Such a scenario should be avoided.

We urge this committee to amend Senate Bill 1098 to include a clear process that requires the Department of Education to work with a school or school district to ensure discrimination in materials placement is not taking place, while providing a "rational basis" option in placing materials based on a credible standard, such as whether or not the content is age appropriate, etc. The goal of Senate Bill 1098 should be to prevent, deescalate, and resolve, not to punish.

Better Public Education urges this committee to make the recommended adjustments to Senate Bill 1098 that prevents discrimination in K-12 education and ensures that schools and school districts are not subjected to unnecessary risk while achieving that objective.