

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action: Do Pass
Vote: 5 - 0 - 0
Yeas: Beyer, Kruse, Prozanski, Walker, Burdick
Nays: 0
Exc.: 0
Prepared By: Matt Kalmanson, Counsel
Meeting Dates: 5/10

WHAT THE MEASURE DOES: Establishes that a person claiming to be aggrieved by unlawful discrimination in public education, not simply “higher education,” may bring a discrimination action in circuit court.

ISSUES DISCUSSED:

- Nature of anti-discrimination laws pertaining to public education
- Procedures in discrimination actions against public schools
- Nature of circuit court review if discrimination action pertains to grades Kindergarten through 12
- Role of Superintendent of Public Instruction in discrimination actions under Administrative Procedures Act
- Grievance procedures required by Oregon law

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: ORS 659.850 prohibits discrimination in public education. It provides that no person in Oregon “shall be subjected to discrimination in any public elementary, secondary or community college education program or service, school or interschool activity or in any higher education program or service, school or interschool activity where the program, service, school or activity is financed in whole or in part by moneys appropriated by the Legislative Assembly.” ORS 659.860, however, only allows actions in civil court if the person claims “to be aggrieved by unlawful discrimination in higher education.” Persons claiming unlawful discrimination in public education other than higher education, such as high school, have sought relief through contested case proceedings before administrative bodies. HB 2906 deletes the phrase “higher education” from ORS 659.860.