



To: House Judiciary Committee  
From: Richard Donovan, Oregon School Boards Association  
Re: Senate Bill 327-A  
Date: May 8, 2017

Chair Barker and members of the House Judiciary Committee:

On behalf of OSBA's membership, including 197 school districts, 19 Education Service Districts, and 17 community colleges throughout the state of Oregon, thank you for the opportunity to testify in support of SB 327-A.

OSBA supports the passage of SB 327-A. The bill addresses concerns relating recreational immunity. We are members of the Coalition to Restore Recreational Immunity, which was organized to support passage of SB 327.

Much of the debate around SB 327-A has been about money, specifically around remedies, costs, and whether suits for damages should be permitted to proceed. While these discussions matter, OSBA members view SB 327-A through a different lens, specifically a lens of access. SB 327-A is necessary for continued public access to school facilities.

OSBA members control a tremendous amount of real property, including recreational facilities commonly used by the public. In most cities, towns, and counties in Oregon, school facilities are *de facto* public lands. Consider, for a moment, how the citizens of each of your home districts take advantage of the tremendous number of playgrounds, athletic fields, track facilities, basketball courts, and other facilities that are owned and maintained by local school districts. I encourage you to do a quick mental tally of these kinds of facilities in your districts. If your district is anything like my home district of Salem-Keizer, then the results of the tally will be staggering.

Absent passage of SB 327-A, schools will be forced to prohibit public access to facilities. The results of *Johnson v. Gibson* mean that any school district employee, from bus driver to Physical Education Specialist to Superintendent, could be personally named in a lawsuit. The risk, and corresponding costs associated with insurance and liability protection, of these kinds of lawsuits will force schools and school districts to shut down public access to school facilities.

This is not something anyone would like to see occur. SB 327-A has no known opposition, and failing to pass the bill would result in a tremendous negative impact on the public generally. I urge your support for the passage of SB 327-A.

I am happy to answer any questions.

#### OFFICERS

President  
**Betty Reynolds**  
West Linn-Wilsonville SD  
President-elect  
**LeeAnn Larsen**  
Beaverton SD  
Vice President  
**Tass Morrison**  
North Santiam SD  
Secretary-Treasurer  
**Don Cruise**  
Philomath SD  
Past President  
**Doug Nelson**  
High Desert DSD

#### DIRECTORS

**Paul Anthony**  
Portland PS  
**Kevin Cassidy**  
Baker SD  
**Carlos Castañeda**  
Gladstone SD  
**Sherry Duerst-Higgins**  
Lane ESD/South Lane SD  
**Susan FitzGerald**  
Yamhill-Carlton SD  
**Cheri Helt**  
Bend-La Pine SD  
**Kris Howatt**  
Gresham-Barlow SD  
**Kaye Jones**  
Jefferson SD  
**Greg Kintz**  
Vernonia SD  
**Hank Perry**  
Douglas ESD  
**Craig Prewitt**  
Phoenix-Talent SD  
**Scott Rogers**  
Athena-Weston SD  
**Lori Theros**  
Klamath Falls City SD  
**Maureen Wolf**  
Tigard-Tualatin SD  
**Michelle Vo**  
Corbett SD

#### EX-OFFICIO DIRECTORS

COSA/OASE  
**Craig Hawkins**  
OAESD  
**Joel Robe**  
State Board of Education  
**Charles Martinez, Jr.**

#### EXECUTIVE DIRECTOR

**Jim Green**

#### DEPUTY EXECUTIVE DIRECTOR

**Mary Paulson**