

Senator Michael Dembrow
District 23



OREGON LEGISLATIVE ASSEMBLY

3/17/2021

RE: Concerns raised on Senate bill 223

I understand and appreciate the various concerns that have been raised with SB 223 in its current form, so I want to take some time to explain what it seeks to do and what it does not.

Let me say first of all that it is NOT coming from a desire to limit private schools, change what they teach, or affect their curriculum in any way. I fully respect the rights of parents to send their children to the private school of their choice.

The primary purpose of the bill is to make sure that all schools, public and private, are keeping our kids safe and free from predatory teachers. Those predatory teachers (or other education workers or volunteers) unfortunately exist in the public sector and in the private sector.

We need to make sure that all schools have policies in place to keep kids safe, prevent bad things from happening, and make sure that predatory teachers are reported and not hired or rehired. We know that most schools are doing the right thing and taking all the steps that we all would hope for, but there have been exceptions that have resulted in students being the victims, resulted in criminal charges, resulted in people accusing government of not stopping these tragedies from occurring. In order to make sure that every school is taking the necessary steps to protect students, there needs to be some degree of oversight. It doesn't need to be a lot, and I'm committed to keeping that oversight limited to student safety. That's the sole purpose for which schools are being asked to register with the Department of Education.

If you look at the draft of SB 223 (you'll find it at <https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/SB223/Introduced>), you'll see that it makes clear in the beginning of Section 4 that a "private school is not required to comply with statutes and rules that apply to public schools." The only exceptions, and they're laid out in Section 4, have to do with items related to student safety, such as bullying, suicide prevention, prevention of abuse and sexual conduct by teachers.

Under SB 233 private schools are not required to register with the state. That will be up to the individual school. However, if they are not registered with the state—i.e., if the state does not have the certainty that they are following safety standards in Section 4 of the bill—then they cannot participate in inter-scholastic activities that are open to public schools and registered private schools.

Contact: Sen.MichaelDembrow@OregonLegislature.gov

I will say with regret that there was an error in drafting the bill, which I spotted once the bill came out, with respect to Section 4(1)(h). It would have opened the door for the State Board of Education to impose all sorts of public-school policies onto private schools. That was not my intent. So we had an amendment drafted last month to reflect that intent by limiting that authority to rules involving the health, safety or well-being of students. (See <https://olis.oregonlegislature.gov/liz/2021R1/Downloads/ProposedAmendment/18488>) Those rules would need to be developed in consultation with a 7-person advisory committee, of whom 6 are from private schools.

I'm open to any other suggestions that would make the legislation more acceptable while meeting the needs that I've laid out here.

I intend to convene a group of advocates for private schools, along with those who advocate for children's health and safety, to make improvements in the legislation. Again, the goal here is to make sure kids are safe wherever they're getting their education, not to compromise the independence of private schools.

This is a long-term effort. If we can get this done during the current session, great. If not, we'll keep working.

