

I strongly urge a vote against SB 223 as a parent of two PUBLIC school kids.

The Issue:

The Senate Interim Committee on Education has proposed Senate Bill 223, which would restrict public schools from participating in interscholastic sports or activities (OSAA) with any private schools that are not registered with the Oregon Department of Education (ODE).

Currently, ODE policy states that "non-public education is recognized as a vital part of Oregon's educational system. Private schools do not have to register with the State of Oregon, unless they are contracting with public school district for services."

If enacted, SB223 would change this, and would:

- Require private schools to register with ODE annually
- Create an ODE advisory committee to oversee Oregon's private schools.

Private schools would be required to submit reports and information for approval by the committee in the following areas:

- Curriculum
- Student behavior & discipline policies
- Instructional time
- Student mental health & abuse investigation
- Facility health and safety
- Teacher competency & background checks

I strongly oppose this bill!

If private schools need ODE approval for all plans and procedures, they would become de facto public schools.

This is a grave threat to religious freedom and parental rights and choice and would undermine the broad educational goals of private education.

The Analysis

What Does This Solve?

- The Senate Committee on Education has provided no justification for creating these requirements.
- The Committee's fall meeting focused on the shortcomings of public education, not private. There was no mention of private school issues or the need for more oversight. But anti-choice sentiment was expressed by meeting presenters. For example, a "Reimagine Oregon" representative stated that "I don't think the answer is having lots of choice." (at the 1hr11m point of the meeting). Meeting recording can be viewed at: <https://olis.oregonlegislature.gov/liz/mediaplayer?clientID=4879615486&eventID=2020091179>

COVID-related Complaints:

- If the intention of the bill is to facilitate COVID-rule or other legal/reporting compliance, that can be managed in a more limited way, without overreach into curriculum, instructional time and student and staff management decisions.
- ODE could create a more streamlined complaint and response process, for example.

Legal Implications:

- The Supreme Court has upheld parents' First and Fourteenth Amendment rights as they relate to education.
- The First Amendment grants parents the right to choose education for their children that doesn't interfere with their religious beliefs.
- The Fourteenth Amendment protects parents' rights to direct the education of their children and ensures that differences between public and private school cannot be eradicated.
- State regulation of private education must be reasonable and not without limits.

This bill is not reasonable and its overreach into all aspects of private school administration seems limitless. It appears retaliatory and could have unintended consequences that would undermine the broad educational goals of private education!

Family Impact:

- Families of over 50,000 Oregon schoolchildren choose private schools for a reason. Many parents have religious or conscientious objections to public schooling for their children.
 - This bill is a threat to parents' First Amendment right to religious freedom and Fourteenth Amendment right to liberty, which includes the right to choose private education for their children.
 - This bill effectively puts a state committee in charge of all Oregon private schools. Private schools would become de facto public schools, putting ODE in charge of curriculum, schedule, facilities, policies, and staffing.
- (see next for continuation)- Stephanie Sur