



To: Senate Committee on Judiciary and Ballot Measure 110 Implementation
From: Richard Donovan, Legislative Services Specialist
Re: Senate Bill 409
Date: March 10, 2021

OFFICERS

President
Maureen Wolf
Tigard-Tualatin SD

President-elect
Scott Rogers
Athena-Weston SD

Vice President
Sonja Mckenzie
Parkrose SD

Secretary-Treasurer
Patti Norris
Crook County SD

Past President
Kevin Cassidy
Baker SD

DIRECTORS

Sami Al-AbdRabbuh
*Oregon School Board
Members of Color Caucus*

Chris Cronin
John Day SD

Jackie Crook
South Coast ESD

Terry Deacon
Linn Benton Lincoln ESD

Katrina Doughty
Multnomah ESD

Libra Forde
North Clackamas SD

Linda Hamilton
Lane ESD

Kris Howatt
Gresham-Barlow SD

Greg Kintz
Vernonia SD

Melissa LaCrosse
Jefferson SD

Jesse Lippold
Salem-Keizer SD

Erika Lopez
Hillsboro SD

Brandy Penner
Newberg SD

Lori Theros
Klamath Falls City Schools

Dawn Watson
Phoenix-Talent SD

EX-OFFICIO DIRECTORS

COSA/OASE
Craig Hawkins

OAESD
Kelly Bissinger

State Board of Education
Kimberly Howard

EXECUTIVE DIRECTOR

Jim Green

DEPUTY EXECUTIVE DIRECTOR

Mary Paulson

Chair Prozanski, Vice-Chair Thatcher, and members of the committee:

On behalf of OSBA membership, including 197 school districts and 19 Education Service Districts, thank you for the opportunity to testify to register concerns with Senate Bill 409.

Senate Bill 409 would make changes to statutes around school sexual conduct, including creating a new right of action. Sexual conduct and illegal sexual discrimination is serious conduct, and high-profile attention to this kind of conduct has led to the enactment of multiple bills in recent legislative sessions to protect students and victims.

The most notable of these bills is SB 155 (2019). That bill represents a broad change to standards for employees who perpetrate sexual conduct against students. It has made it easier for public school districts to protect students from sexual conduct and is, as far as we know, working well.

Another such bill is HB 3077 (2019), which updated public school district requirements around the process for handling sex-based discrimination and harassment against students, inclusive of student-to-student conduct. This bill has caused school districts statewide to update and expand processes to appropriately handle sex-based discrimination and harassment to protect student victims.

If the goal of SB 409 is to expand these types of protections to non-public education providers, then perhaps the committee should consider expanding the applicability of these existing laws to these providers. These laws have caused change at the district and school level to protect students. When change does not occur, existing statutes, such as ORS 659.860 (Enforcement of ORS 659.850: Sanctions for noncompliance with discrimination prohibitions), that allow victims to compel compliance or deliver other remedies.

Thank you for your time and attention.