

Senator Dembrow, Senator Thomsen, Senator Gelser, Senator Gorsek, Senator Robinson,

I oppose Senate Bill 223 amending current law to require private schools to register with ODE or sacrifice their involvement in interscholastic sports and activities for the following reasons:

- There is a punitive aspect to this bill, indicating that for private schools to participate in interscholastic activities (spelling bees, battle of the books, sports, music competitions, etc) they are required to register with ODE. For years this has not been necessary, why now?

- Under the United States Constitution, parents have a fundamental right to direct the education of their children. In 1925 the Supreme Court recognized that "liberty," protected by the Fourteenth Amendment, includes the right to choose a private education. Confronted with an Oregon statute mandating public school attendance, the Supreme Court ruled the statute unconstitutional. *Pierce v. Society of Sisters of the Holy Names of Jesus and Mary*, 268 U.S. 510 (1925).

In the words of the Court,

The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the state to standardize its children by forcing them to accept instruction from public teachers only. The child is not the mere creature of the state; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations. (268 U.S. at 535)

- A state's excessive regulation may in fact eliminate a parent's right to direct the education of his or her child.

- Registration with ODE would be excessive regulation as it would extend state oversight over curriculum, student behavior & discipline policies, instructional time, student mental health & abuse investigation, facility health and safety, and teacher competency & background checks

- There is no stated rationale why there needs to be amendment to the current law which does not require private schools to register with ODE so they can participate in interscholastic activities

- Interscholastic activities are a benefit for all students, and the increased competition between multiple schools (private and public) only helps and challenges students to excel and reach their goals further. This proposed legislation is a barrier to access for all students to participate in these activities

- There really is no positive impact on the children with this bill that would amend laws for private school registration with ODE, this would only limit opportunities further, show partiality against private schools, and take away private school liberty.

- This proposed legislation will also carry the taxpayer burden of additional bureaucracy requiring the formation of advisory boards for registered private schools.

Again I ask, why is this bill necessary?

Please do not vote this bill into law. Please vote No on SB 223