

## **2021 Regular Session Legislative Testimony**

**Date:** February 22, 2021

**To:** Representative Karin Power, Presiding Chair

House Committee On Judiciary House Subcommittee On Civil Law

**From:** Kassandra Shepherd

**Subject:** SB 2937: Provides that students who experience incidents of harassment, discrimination or intimidation based on student's race, color, religion, gender identity, sexual orientation, disability, or national origin, has cause of action against the school district and perpetrator/s of the incident.

Chair Power and members of the Committee,

As the parent of a student who was deeply affected by racial discrimination in school, I am writing to you on behalf of my son to show our support for SB 2937. School districts need to be held accountable for their actions, and students need avenues of redress and compensation.

I filed a discrimination complaint against a coach at my son's school, as well as against the coach's child. The school's Athletic Director, Principle, and Superintendent ignored my complaint, labeled it a "miscommunication," publicly praised the coach, and allowed the discrimination to continue - culminating in a school sports ceremony where my son was given a "rebel scum" award, and a Columbian exchange student was given a "best Mexican" award. Under the guise of praise, the discriminatory actions of the coach and her son were lauded and exemplified by the school staff so the student athletes would know what type of discriminatory behavior was allowed and protected.

As an employee in that school district, I was retaliated against, placed under investigation, and intimidated in an effort to make me drop my complaint. The school board denied that any racial discrimination had taken place, refused to acknowledge that I had been retaliated against, and took no action in defense of my son.

It took almost three years for the Civil Rights investigators at the Oregon Department of Education to close their case. They found that my son was subject to discrimination on the basis of race, that my son and I were subjected to disparate treatment on the basis of race, and that I was subject to discriminatory retaliation. In those three years, most of the statutes of limitations to seek redress have run out. There is now little legal recourse or compensation for my son and I to pursue, and there are no consequences from ODE

to register justice. I've been told that ODE cannot enforce staff firings, demotions, place explanatory documentation in employee files, or even enact new school district policies to deter repeats of their discrimination. ODE also won't punish school districts monetarily, because they don't want to negatively affect other students. Without consequences, what is the motivation for school districts to change their behavior?

While the school district was discriminating and retaliating against my son and I, they were in the midst of making national news for discriminating against two LGBTQ students by forcing them to read the bible as punishment and retaliating against the employee that spoke out in defense of those students. The district had no shame or remorse for its actions and willfully continued the exact same pattern of discrimination and retaliation against my son and I.

My son's life was completely altered by what he was subjected to, and knowing that there will be no consequences for the district is demoralizing. SB 2937 is necessary because it will create more avenues for students who are subjected to discrimination at school to hold the perpetrators of discrimination accountable and discourage them from continuing that behavior. Without accountability there is no motivation to change, and this bill will provide that accountability.

Respectfully,

Kassandra Shepherd