



Oregon

Kate Brown, Governor



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EDUCATION

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Colt Gill

Deputy Superintendent of Public Instruction

HB 2697 - Every Student Belongs
House Education Committee
February 23, 2023

Chair Alonso Leon, Vice-Chair Weber and Neron, and members of the committee, I am Colt Gill, Director of the Oregon Department of Education. I am here today to speak in support of HB 2697, which puts into statute the Every Student Belong Rules (OAR OAR 581-022-2312) adopted by the State Board of Education.

By codifying The Every Student Belongs rule, the legislature will send a clear and strong message that the presence or use of the noose, symbols of neo-Nazi ideology, and the battle flag of the Confederacy on school grounds or in any program is prohibited - ensuring that all students in Oregon have access to their education in our schools.

BACKGROUND

In July, an Oregon high school student sent letters to local Legislators and Governor Kate Brown asking for help. In the letter, the student stressed the importance of banning the Confederate flag in Oregon public schools. In the student's words, "Banning the Confederate flag is far more than just an act to please some people. It shows students and educators that the State of Oregon sees them in their struggles to be considered equal and aiding in the fight against racism. Right now is a great time for Oregon to be a leader for its own citizens and throughout the United States and install this overdue policy."

In response, Governor Brown wrote to the State Board of Education, urging members "to take immediate action to address and correct the adverse impacts symbols of hate and other manifestations of hate speech have on students in Oregon public schools." Governor Brown requested that the Board establish rules to ensure that no Oregon student "be subject to actions or expressions of hate, intolerance, marginalization, or racism." The Board received a similar letter from Representatives McKeown and Brock-Smith asking it to take immediate action.

In September of 2020, ODE staff presented the Every Student Belongs rule, and the Board voted to adopt the rule. The temporary rule (1) prohibited the presence or use of the swastika, noose, or confederate flag on school grounds or in any program, service, school or activity financed in whole or in part by moneys appropriated by the Legislative Assembly except where used in teaching curriculum that is aligned the Oregon State Standards; (2) required school districts, public charter schools, and education service districts to adopt policies prohibiting the use or display of those symbols; and (3) required school districts, public charter schools, and education service districts to develop procedures for addressing bias incidents.

Partner & Community Input

ODE staff have engaged in the following outreach with community and Partners:

- Four Kitchen Table Conversations with community elders;
- Multiple ongoing conversations with national experts including the Western States Center, the Southern Poverty Law Center, and others;
- Conversations with education researchers;
- Conversation with agency partners including Youth Development Division;
- Focus group with superintendents and district equity leaders;
- Focus group with principals and building administrators;
- Meetings with Oregon Department of Education staff and leadership across agency;
- Education partners meeting including COSA, OSBA, OEA, and OSEA;
- Four Community Meetings with community based organizations, philanthropy, African-American Black Student Success Advisory Group, Latinx Student Success Advisory Committee, EL Student Success Advisory Group, LGBTQ+ Student Success Advisory Group;
- Government-to-Government and American Indian/Alaska Native Advisory Committee;
- Presentation and discussion with superintendents at the COSA All Superintendents Meeting;
- Multiple presentations and discussions with COSA Equity Board and COSA Administrators of Color Affinity Group Meeting;
- Follow-up presentation at COSA Superintendents Meeting;
- Presentation to Oregon Association of Central Office Administrators;
- Presentation to the Oregon Association of Secondary School Administrators;
- Workshop at the Oregon School Boards Association (OSBA) Conference;
- Student listening sessions and focus groups with the Oregon Association of Student

Councils;

- Presentation to the Oregon Education Association (OEA);
- Conversations with the Oregon School Activities Association (OSAA);
- Presentation to the Oregon Latinx Leaders Network; and
- Kitchen Table Conversations with members of federally recognized tribes in Oregon, experts on Eastern religions, staff the Oregon Jewish Museum and Center for Holocaust Education, and Hindu student and community leaders from the Corvallis School District.

In Oregon, we value both freedom and responsibility, and are charged with ensuring that Every Student Belongs. This means affording our school communities the freedom of expression while removing barriers to students' educational progress, including banning hateful symbols that incite fear and violence, and cause emotional distress and traumatic stress. The presence of symbols of hate on the basis of race, color, religion, gender identity, sexual orientation, disability or national origin causes harm, and significantly disrupts the operation of schools. When one person in a school community is treated poorly, everyone suffers.

The presence of symbols of hate on the basis of race, color, religion, gender identity, sexual orientation, disability or national origin including the noose, symbols of neo-Nazi ideology, and the battle flag of the Confederacy are reasonably likely to create a material and substantial disruption in school activities and the learning environment by creating an atmosphere of fear and intimidation and interfere with the rights of students by denying them full access to the services, activities, and opportunities offered by a school.

At the August Board retreat, I read for the Board a list of examples from school districts in Oregon where hate symbols and hate speech have been present on school campuses and at school activities. Over the course of the rulemaking process, the Board heard from students, parents, and school leaders from across Oregon about other similar incidents. There are students at a few school districts in Oregon right now asking their school boards, superintendents, and principals to take action on symbols of hate like the battle flag of the Confederacy. [A group of Sandy High School students is petitioning and calling on the Oregon Trail School District to ban the Confederate flag, saying the flag is part of a larger culture of racism at the school.](#)

Over the past several years, the Oregon State Board of Education and ODE have focused on

ensuring that schools are safe and welcoming places for all students. The Every Student Belongs rule is another important step in that process. Students must feel like they belong in school if they are to learn, work, and develop to their fullest potential

HOUSE BILL 2697

The bill puts into statute, with some modifications, OAR 581-022-2312 All Students Belong, which was adopted by the State Board in September 2020.

The bill:

- Requires education providers to prohibit the use or display of any symbols of hate on school property or in an education program except when the use or display aligns with the state standards of education for public schools
- Requires education providers to adopt a policy to address bias incidents and symbols of hate

The Need for a Statewide Ban

Oregon's students, families and staff feel the harmful impacts of racism, discrimination, exclusion, inequitable access to services and supports regardless of their geographic location. This is particularly true for our students and families who are Black, Indigenous, People of Color, members of tribal communities and federally recognized tribes in Oregon, and members of LGBTQ2SIA+ communities, who are known to be disproportionately targeted by these behaviors.

Although the open display of symbols like the noose, symbols of neo-Nazi ideology, and the battle flag of the Confederacy may not be intended to cause harm, their impact is hostile, violent and detrimental nonetheless. For many, viewing these symbols and hearing hate speech and racial slurs cause [physiological and psychological stress](#) and emotional pain. In addition, these symbols serve as emotional triggers for intergenerational and historical trauma and [race based traumatic stress](#).

All who engage with our school communities are entitled to participate in school-related activities without fear for their personal safety. This is true regardless of where they live in Oregon. Given Oregon's long history of racism, and the differing political beliefs of stakeholders

across the state, as well as the ways in which policies and procedures regarding bias have been disproportionately adopted and implemented, or ignored altogether, there is little guarantee that students and staff across the state will be afforded equal protection.

A statewide ban by the legislature of these symbols is necessary to ensure that every Oregon student and staff can participate in, and fully benefit from, their educational experience. HB 2697 will send a clear message that Every Student Belongs.

I urge your passage of HB 2967.

Colt Gill
Director
Oregon Department of Education