



Oregon  
Tina Kotek, Governor



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DEPARTMENT OF  
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**Colt Gill**

Director of the Department of Education

**TO: Chair Neron & Members of the House Education Committee**

**DATE: Jan 25, 2023**

**FROM: Zoe Larmer, Government Relations Director**

**RE: Question posed about the Oregon Department of Education's proposals**

Chair Neron and Members of the House Education Committee,

Thank you so much for the opportunity to provide information about our bill, House Bill 2280 - Definition of Consent for School Policies. We are more than happy to continue providing information to you on our work and look forward to our continued partnership on behalf of all Oregon students. Please do not hesitate to reach out to me if you need further clarification.

With gratitude,  
Zoe Larmer

### **Questions & Answers For HB 2280 (Definition of Consent for School Policies)**

**Question: Do we know of reports disapproved by districts this would correct?**

***Response:***

ODE is only aware of these reports anecdotally, through informal technical assistance conversations with families and districts.

ODE currently only formally reviews discrimination complaints on appeal, and we are not aware of any of our appeals that would have fallen into this gap. However, only a very small percentage of discrimination complaints make it to ODE on appeal; many families are not aware of ODE's appeal process, and may experience a number of barriers before they get to the appeal stage that cause them to drop out of the complaints process at the district level.



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**Question: Which partners did you work with on this bill?**

**Response:** The impetus for this bill was both an identified misalignment in Oregon law and rule as well as informal technical assistance conversations with districts and families over the years. Since January 2020, ODE's Title IX Specialist has had frequent conversations with families whose child experienced sexual harassment that the school had dismissed. Some of these situations fell into this gap area, specifically several instances where a student had verbally said yes because of a power differential or repeated pressure even though the student did not feel comfortable and did not consent. Several districts over the past several years have also noted that this is a gap area in the current definition.

In response to these conversations with families and districts, ODE developed the proposed definition in consultation with ODE's Sexuality Education Specialist, partners at the Oregon Health Authority, and partners at the Oregon Sexual Assault Task Force.

Once this legislative concept had been drafted, ODE shared it with many partners, including the Coalition of School Administrators (COSA), Oregon School Boards Association (OSBA), Oregon Educators Association (OEA), and Foundations for a Better Oregon (FBO). We are currently working on an amendment with COSA and OSBA to clarify the district appointed Civil Rights Coordinators' role.