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Colt Gill

Director of the Department of Education

House Bill 2281 - District Appointed Civil Rights Coordinator
House Education Committee
January 23, 2023

Chair Neron, Vice Chairs Wright and Hudson and members of the House Education Committee, I am Emily Nazarov, Government and Legal Affairs Manager for the Oregon Department of Education. Thank you for the opportunity to provide written testimony in support of House Bill 2281.

Public school districts are responsible for the prompt resolution of complaints of discrimination under both state and federal law. Under Oregon law, a person may file a discrimination complaint first with the local school district and then with the Oregon Department of Education. A person may also file a complaint directly with the United States Department of Education's Office for Civil Rights.

Over the past few years, the number of discrimination complaints in public education have increased significantly. In 2019, the Oregon Department of Education received 36 complaints alleging discrimination. In 2020, the Department received 78 complaints alleging discrimination. In 2021, the Department received 129 complaints alleging discrimination. In 2022, the Department received 163 complaints alleging discrimination. From 2019 to 2022, that is a 450% increase in discrimination complaints submitted to the Department. A recent article in the New York Times reports that the United States Department of Education's Office for Civil Rights is experiencing a similar increase in discrimination complaints.[1]

Students who are subjected to discrimination in our public schools experience significant adverse impacts including lowered academic achievement and aspirations, increased anxiety, loss of self-esteem and confidence, depression, post-traumatic stress, general deterioration in physical health, feelings of alienation in the school environment, and increased absenteeism from school.

HB 2281 requires school districts to designate a civil rights coordinator for the school district. The coordinator may be an employee of the district. The district may also enter into a contract with an education service district to provide the civil rights coordinator services. The bill sets responsibilities for the coordinator, including overseeing efforts to avoid the occurrence of discrimination, implementing the district's discrimination complaint procedures, and coordinating and monitoring the investigation of complaints alleging discrimination. Finally, the bill requires the Oregon Department of Education to provide annual training for the civil rights coordinators.

During the summer of 2022, the Department held eight separate listening sessions. A total of 44 invitees attended the listening sessions. Invitees included students, parents or caregivers, advocates, administrators from nine school districts, members of education organizations, and members of advisory groups. The purpose of the listening session was to gather input from the community regarding their experiences with the Department's complaint and appeal process and to elicit suggestions for improvement. The Department also solicited attendee input regarding the proposal to require districts to designate a civil rights coordinator.

Community members expressed support for this proposal but noted that training is critical and must be provided for these positions. District participants expressed concern that the proposal requires designation of a new coordinator but does not include funding for that position. District participants also noted that small districts may not have sufficient staff to cover this responsibility and may not have funds to hire someone with the appropriate training to serve in this role. It was in response to these concerns raised by districts that the Department revised its initial proposal to include the ability to contract with an education service district and the requirement for the Department to provide annual training.

The Department is well prepared to support districts in this work. We currently employ two civil rights specialists. Their job is to provide leadership in advancing and assuring public school civil rights, equal opportunity, and safe learning environment activities throughout Oregon. This is accomplished primarily through consultation, technical assistance and training for school districts. Both of these civil rights specialists have experience working with a network of Coordinators - districts are currently required to designate a 504 coordinator and a Title IX coordinator - and we have seen great success working within this coordinator system. Our civil rights specialists work closely together and are already planning how to provide training for and support these coordinators in an aligned and proactive way. This bill does not create a new body of work for the Department or the districts. Rather it is an effort to create a more coordinated approach to how districts implement federal and state discrimination laws and the Department supports those efforts by utilizing a system we already know is effective.

Thank you for the opportunity to provide comments, and we welcome any questions you may have. We urge your support of HB 2281.

Respectfully submitted,

Emily Nazarov

Government and Legal Affairs Manager

[1] Green, E.L. (2023, January 1). Strife in Schools: Education Dept. Logs Records Number of Discrimination Complaints. The New York Times.

<https://www.nytimes.com/2023/01/01/us/politics/education-discrimination.html>.