

House Bill 2802

Sponsored by Representatives BARKER, GILLIAM; Representatives ESQUIVEL, NEARMAN, PARRISH

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Removes certain testing requirements that apply to children who are taught by private teacher, parent or legal guardian.

Declares emergency, effective July 1, 2015.

A BILL FOR AN ACT

1
2 Relating to children who are not taught in a public school; creating new provisions; amending ORS
3 339.035 and 339.460; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 339.460 is amended to read:

6 339.460. *[(1) Homeschooled students shall not be denied by a school district the opportunity to*
7 *participate in all interscholastic activities if the student fulfills the following conditions:]*

8 **(1) As used in this section:**

9 **(a) "Homeschooled student" means a child who is taught by a private teacher, a parent**
10 **or a legal guardian as described in ORS 339.030 (1)(d) and (e).**

11 **(b) "Interscholastic activity" includes athletics, music, speech and other related activ-**
12 **ities.**

13 **(2) A school district may not deny a homeschooled student the opportunity to participate**
14 **in an interscholastic activity if the homeschooled student fulfills all of the following condi-**
15 **tions:**

16 (a) The *[student must meet]* **homeschooled student meets** all school district eligibility require-
17 ments with the exception of:

18 (A) The school district's school or class attendance requirements; and

19 (B) The class requirements of the voluntary association administering interscholastic activities.

20 *[(b)(A) The student must achieve a minimum score on an examination from the list adopted by the*
21 *State Board of Education pursuant to ORS 339.035. The examination shall be taken at the end of each*
22 *school year and shall be used to determine eligibility for the following year. The minimum, composite*
23 *test score that a student must achieve shall place the student at or above the 23rd percentile based on*
24 *national norms. The parent or legal guardian shall submit the examination results to the school dis-*
25 *trict; or]*

26 *[(B) A school district may adopt alternative requirements, in consultation with the parent or legal*
27 *guardian of a homeschooled student, that a student must meet to participate in interscholastic activities,*
28 *including but not limited to a requirement that a student submit a portfolio of work samples to a school*
29 *district committee for review to determine whether a student is eligible to participate in interscholastic*
30 *activities.]*

31 **(b) The homeschooled student meets minimum academic standards. A homeschooled**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 student may fulfill the condition required by this paragraph by satisfying either of the fol-
 2 lowing:

3 (A) Achieving a minimum score on a nationally normed standardized achievement test
 4 from a list adopted by the State Board of Education by rule. The test must be taken prior
 5 to August 15 each year and shall be used to determine eligibility for the following school
 6 year. The homeschooled student’s composite test score must place the student at or above
 7 the 23rd percentile, based on national norms. The parent or legal guardian of the
 8 homeschooled student must submit the test results to the school district.

9 (B) Meeting any requirements that a school district may have adopted in lieu of the test
 10 requirements described in subparagraph (A) of this paragraph after consulting with the
 11 parent or legal guardian of the homeschooled student. A school district that adopts require-
 12 ments under this subparagraph may include a requirement that the homeschooled student
 13 submit a portfolio of work samples to a school district committee for review to determine
 14 whether the homeschooled student is eligible to participate in an interscholastic activity.

15 (c) The homeschooled student meets the same requirements that must be met by other
 16 students participating in the interscholastic activity, including:

17 (A) Standards for acceptance for participation in the interscholastic activity; and

18 (B) Standards of behavior and performance for the interscholastic activity, including re-
 19 lated class or practice requirements.

20 (d) The homeschooled student resides within the attendance boundaries of the school for
 21 which the student participates.

22 [(c)] (3)(a) [Any] A public school student who chooses to be homeschooled after a school year
 23 has started must also meet the minimum standards [as described in paragraph (b) of this
 24 subsection] described in subsection (2) of this section. The student may participate in an inter-
 25 scholastic activity while awaiting [examination] test results.

26 [(d)] (b) [Any] A public school student who chooses to be homeschooled and who has been
 27 unable to maintain academic eligibility [shall be] while attending public school is ineligible to
 28 participate in [interscholastic activities] an interscholastic activity as a homeschooled student for
 29 the duration of the school year in which the student becomes academically ineligible and for the
 30 following year. The homeschooled student must [take the required examinations at] meet the re-
 31 quirements described in subsection (2)(b) of this section by the end of the second year [and meet
 32 the standards described in paragraph (b) of this subsection] to become eligible for the third year.

33 [(e)] The homeschooled student shall be required to fulfill the same responsibilities and standards
 34 of behavior and performance, including related class or practice requirements, of other students par-
 35 ticipating in the interscholastic activity of the team or squad and shall be required to meet the same
 36 standards for acceptance on the team or squad. The homeschooled student must also comply with all
 37 public school requirements during the time of participation.]

38 [(f)] A homeschooled student participating in interscholastic activities must reside within the at-
 39 tendance boundaries of the school for which the student participates.]

40 [(2)] As used in this section:]

41 [(a)] “Board” means the State Board of Education.]

42 [(b)] “Homeschooled students” are those children taught by private teachers, parents or legal
 43 guardians as described in ORS 339.030.]

44 [(c)] “Interscholastic activities” includes but is not limited to athletics, music, speech, and other re-
 45 lated activities.]

1 **SECTION 2.** ORS 339.035 is amended to read:

2 339.035. (1) As used in this section, “education service district” means the education service
3 district that contains the school district of which the child is a resident.

4 (2) When a child is taught or is withdrawn from a public school to be taught by a parent, legal
5 guardian or private teacher, as provided in ORS 339.030, the parent, legal guardian or private
6 teacher must notify the education service district in writing.

7 (3) *[In addition,]* When a child who is taught by a parent, legal guardian or private teacher
8 moves to a new education service district, the parent, legal guardian or private teacher shall notify
9 the new education service district in writing.

10 (4) The education service district shall acknowledge receipt of *[any]* notification **received under**
11 **this section** in writing.

12 *[(3) Children being taught as provided in subsection (2) of this section shall be examined at grades*
13 *3, 5, 8 and 10 in accordance with the following procedures:]*

14 *[(a) The State Board of Education shall adopt by rule a list of approved comprehensive examina-*
15 *tions that are readily available.]*

16 *[(b)(A) The parent or legal guardian shall select an examination from the approved list and ar-*
17 *range to have the examination administered to the child by a qualified neutral person, as defined by*
18 *rule by the State Board of Education.]*

19 *[(B) If the child was withdrawn from public school, the first examination shall be administered to*
20 *the child at least 18 months after the date on which the child was withdrawn from public school.]*

21 *[(C) If the child never attended public or private school, the first examination shall be administered*
22 *to the child prior to the end of grade three.]*

23 *[(c) The person administering the examination shall:]*

24 *[(A) Score the examination; and]*

25 *[(B) Report the results of the examination to the parent or legal guardian.]*

26 *[(d) Upon request of the superintendent of the education service district, the parent or legal*
27 *guardian shall submit the results of the examination to the education service district.]*

28 *[(4)(a) If the composite test score of the child places the child below the 15th percentile based on*
29 *national norms, the child shall be given an additional examination within one year of when the first*
30 *examination was administered.]*

31 *[(b) If the composite test score of the child on the second examination shows a declining score, then*
32 *the child shall be given an additional examination within one year of when the second examination*
33 *was administered and the superintendent of the education service district may:]*

34 *[(A) Allow the child to continue to be taught by a parent, legal guardian or private teacher; or]*

35 *[(B) Place the education of the child under the supervision of a person holding a teaching license*
36 *who is selected by the parent or legal guardian at the expense of the parent or legal guardian. If the*
37 *composite test score of the child continues to show a declining score, the superintendent of the education*
38 *service district may:]*

39 *[(i) Allow the child to continue under the educational supervision of a licensed teacher selected by*
40 *the parent or legal guardian and require that the child be given an additional examination within one*
41 *year of when the last examination was administered;]*

42 *[(ii) Allow the child to be taught by a parent, legal guardian or private teacher and require that*
43 *the child be given an additional examination within one year of when the last examination was ad-*
44 *ministered; or]*

45 *[(iii) Order the parent or legal guardian to send the child to school for a period not to exceed 12*

1 *consecutive months as determined by the superintendent.]*

2 *[(c) If the parent or legal guardian of the child does not consent to placing the education of the*
 3 *child under the supervision of a licensed teacher who is selected by the parent or legal guardian, then*
 4 *the superintendent of the education service district may order the child to return to school for a period*
 5 *not to exceed 12 consecutive months as determined by the superintendent.]*

6 *[(d) If the composite test score of the child on an examination is equal to or greater than the*
 7 *percentile score on the prior test, the child may be taught by a parent, legal guardian or private teacher*
 8 *and for the next examination be examined pursuant to paragraph (a) of this subsection or subsection*
 9 *(3) of this section.]*

10 *[(5)(a) Notwithstanding the examination requirements of subsections (3) and (4) of this section, the*
 11 *parent or legal guardian of a child with a disability who has an individualized education program and*
 12 *is receiving special education and related services through the school district or who is being educated*
 13 *in accordance with a privately developed plan shall be evaluated for satisfactory educational progress*
 14 *according to the recommendations of the program or plan.]*

15 *[(b) The parent or legal guardian of a child with a disability who was evaluated by service pro-*
 16 *viders selected by the parent or legal guardian based on a privately developed plan shall submit a re-*
 17 *port of such evaluation to the education service district in lieu of the examination results required by*
 18 *subsections (3) and (4) of this section.]*

19 *[(c) A child with a disability described in this subsection may not be subject to the examination*
 20 *requirements of subsections (3) and (4) of this section unless the examination is recommended in the*
 21 *program or plan in effect for the child.]*

22 **SECTION 3. The amendments to ORS 339.035 and 339.460 by sections 1 and 2 of this 2015**
 23 **Act apply to children taught by a private teacher, parent or legal guardian on or after July**
 24 **1, 2015.**

25 **SECTION 4. This 2015 Act being necessary for the immediate preservation of the public**
 26 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
 27 **July 1, 2015.**

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