

Enrolled Senate Bill 208

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CHAPTER

AN ACT

Relating to student participation in interscholastic activities; amending ORS 339.450 and 339.460; and declaring an emergency.

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

SECTION 1. ORS 339.450 is amended to read:

339.450. *[No]* A school, school district or association, whether public or private, *[shall]* **may not** deny any grade or high school student the right to participate in interscholastic athletics solely on the ground that the student transferred between schools, **attends a public charter school, as defined in ORS 338.005,** or participated in athletics at another school.

SECTION 2. ORS 339.460 is amended to read:

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

[(a) The student must meet all school district eligibility requirements with the exception of:]

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

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

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

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

[(c) Any public school student who chooses to be homeschooled must also meet the minimum standards as described in paragraph (b) of this subsection. The student may participate while awaiting examination results.]

[(d) Any public school student who has been unable to maintain academic eligibility shall be ineligible to participate in interscholastic activities as a homeschooled student for the duration of the school year in which the student becomes academically ineligible and for the following year. The student must

take the required examinations at the end of the second year and meet the standards described in paragraph (b) of this subsection to become eligible for the third year.]

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

[(f) A homeschooled student participating in interscholastic activities must reside within the attendance boundaries of the school for which the student participates.]

[(2) As used in this section:]

[(a) "Board" means the State Board of Education.]

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

[(c) "Interscholastic activities" includes but is not limited to athletics, music, speech, and other related activities.]

(1) As used in this section:

(a) "Homeschooled student" means a child who is taught by a private teacher, a parent or a legal guardian, as described in ORS 339.030.

(b) "Interscholastic activities" means athletics, music, speech and other similar or related activities.

(c) "Public charter school" has the meaning given that term in ORS 338.005.

(2) A school district may not deny a homeschooled student, or a student who attends a public charter school that does not provide interscholastic activities, the opportunity to participate in all interscholastic activities available in the school district within the attendance boundaries in which the homeschooled student or public charter school student resides if the student fulfills the following conditions:

(a)(A) For a homeschooled student, the student must meet all school district eligibility requirements except:

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

(ii) The class requirements of the voluntary association that administers interscholastic activities.

(B) For a student who attends a public charter school, the student must meet all school district eligibility requirements except the school district's school or class attendance requirements.

(b) The student must meet one of these requirements:

(A) Achieve a minimum score that places the student at or above the 23rd percentile, based on national norms, on an examination from the list the State Board of Education adopts under ORS 339.035. The student must take the examination at the end of each school year, and the student's parent or legal guardian must submit the results to the school district for use in determining eligibility for the following year.

(B) Meet alternative requirements that a school district adopts, in consultation with the student's parent or legal guardian, to participate in interscholastic activities, including but not limited to a requirement that a student submit a portfolio of work samples to a school district committee for review to determine whether the student is eligible to participate in interscholastic activities.

(3) In addition to the requirements set forth in subsection (2) of this section, a public charter school that enrolls a student who intends to participate in an interscholastic activity must pay to the school district or school that offers the interscholastic activity, as appropriate:

(a) A fee that is equivalent to not more than five percent of the amount of the school district's General Purpose Grant per ADMw, as calculated under ORS 327.013; and

(b) An additional fee that is equivalent to not more than five percent of the amount of the school district's General Purpose Grant per ADMw, as calculated under ORS 327.013, if participating in the interscholastic activity requires the student to enroll in a course for credit. The school district and the public charter school shall enter into an agreement to specify the fee required under this paragraph, but the agreement may not require for each interscholastic activity in which the student participates a fee that is equivalent to more than five percent more than the fee required under paragraph (a) of this subsection.

(4) A homeschooled student or a student who attends a public charter school may participate in interscholastic activities while awaiting examination results.

(5) A homeschooled student, or a student who attends a public charter school, who does not maintain academic eligibility is ineligible to participate in interscholastic activities for the duration of the school year in which the student becomes academically ineligible and for the following year. The student must take the required examinations at the end of the second year and meet the standards described in subsection (2)(b) of this section to become eligible for the third year.

(6) A homeschooled student or a student who attends a public charter school must fulfill the same responsibilities and standards of behavior and performance, including related class or practice requirements, as other students who participate in the interscholastic activity of the team or squad and must meet the same standards for acceptance on the team or squad. The student must also comply with all public school requirements during the time of participation.

(7) A homeschooled student, or a student who attends a public charter school, who participates in interscholastic activities must reside within the attendance boundaries of the school at which the student participates.

SECTION 3. This 2017 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect on its passage.

Passed by Senate April 26, 2017

Received by Governor:

Repassed by Senate June 26, 2017

.....M.,....., 2017

Approved:

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Lori L. Brocker, Secretary of Senate

.....M.,....., 2017

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Peter Courtney, President of Senate

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Kate Brown, Governor

Passed by House June 19, 2017

Filed in Office of Secretary of State:

.....M.,....., 2017

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Tina Kotek, Speaker of House

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Dennis Richardson, Secretary of State