

**Enrolled**  
**House Bill 4036**

Sponsored by Representative MCLANE; Representatives BUEHLER, DOHERTY, ESQUIVEL, LEWIS, NEARMAN, NOBLE, OLSON, SMITH DB, SPRENGER, STARK, VIAL, WHISNANT, WILSON, Senator LINTHICUM (Pre-session filed.)

CHAPTER .....

AN ACT

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

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

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

339.460. (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] **includes:**

**(A) For students in any grade from kindergarten through grade 12, athletics, music, speech and other similar or related activities.**

**(B) For students in any grade from kindergarten through grade eight, activities that are offered only before or after regular school hours and that may, but are not required to, involve interaction among other schools.**

(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 **the interscholastic [activities] activity, if applicable.**

(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)(a) 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 **and if the school district or school requires payment as provided by this subsection:**

[(a)] (A) [A] **An annual** 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)] (B) An additional **annual** 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.*]

(b) **The school district and the public charter school shall enter into an agreement to specify the amount of the fees described in paragraph (a) of this subsection.**

(c) **A public charter school is required to pay a fee described in paragraph (a) of this subsection only once per year per student participating in an interscholastic activity at a school in the school district, regardless of the number of interscholastic activities in which the student participates.**

(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) 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.

(b) **A student who attends a public charter school must be allowed to participate in an interscholastic activity in the same manner that a resident of the school district may participate in the interscholastic activity. A school district may not give priority to residents of the school district to participate in interscholastic activities, but may require a student who attends a public charter school to satisfy any standards for acceptance for 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 **unless the school district has a policy that allows any student attending a school of the school district to participate in interscholastic activities at any school of the school district.**

**SECTION 2. This 2018 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2018 Act takes effect on its passage.**

**Passed by House February 15, 2018**

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

**Passed by Senate March 1, 2018**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M,....., 2018

**Approved:**

.....M,....., 2018

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2018

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Dennis Richardson, Secretary of State