

A-Engrossed
House Bill 4036

Ordered by the House February 13
Including House Amendments dated February 13

Sponsored by Representative MCLANE; Representatives BUEHLER, DOHERTY, ESQUIVEL, LEWIS, NEARMAN, NOBLE, OLSON, SPRENGER, STARK, VIAL, WHISNANT, WILSON (Presession filed.)

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.

[Requires school districts to allow homeschooled students and students who attend public charter schools to participate in interscholastic activities, regardless of whether activities are governed by voluntary association that administers interscholastic activities.]

Modifies description of types of interscholastic activities in which homeschooled students and students who attend public charter schools must be allowed to participate if students are in any grade from kindergarten through grade eight. Requires school district to allow students who attend public charter school to participate in interscholastic activities in same manner that residents of school district are allowed to participate.

Clarifies requirements for charging fee for public charter school students participating in interscholastic activities.

[Takes effect July 1, 2018.]

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to participation in interscholastic activities; amending ORS 339.460; and declaring an
3 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) As used in this section:

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

9 (b) "Interscholastic activities" *[means]* **includes:**

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

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

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

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

21 (a)(A) For a homeschooled student, the student must meet all school district eligibility require-
22 ments except:

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

2 (ii) The class requirements of the voluntary association that administers **the** interscholastic
3 *[activities]* **activity, if applicable.**

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

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

7 (A) Achieve a minimum score that places the student at or above the 23rd percentile, based on
8 national norms, on an examination from the list the State Board of Education adopts under ORS
9 339.035. The student must take the examination at the end of each school year, and the student's
10 parent or legal guardian must submit the results to the school district for use in determining eligi-
11 bility for the following year.

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

17 (3)(a) In addition to the requirements set forth in subsection (2) of this section, a public charter
18 school that enrolls a student who intends to participate in an interscholastic activity must pay to
19 the school district or school that offers the interscholastic activity, as appropriate **and if the school**
20 **district or school requires payment as provided by this subsection:**

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

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

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

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

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

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

43 (6)(a) A homeschooled student or a student who attends a public charter school must fulfill the
44 same responsibilities and standards of behavior and performance, including related class or practice
45 requirements, as other students who participate in the interscholastic activity [*of the team or squad*

1 *and must meet the same standards for acceptance on the team or squad].* The student must also comply
2 with all public school requirements during the time of participation.

3 **(b) A student who attends a public charter school must be allowed to participate in an**
4 **interscholastic activity in the same manner that a resident of the school district may par-**
5 **ticipate in the interscholastic activity. A school district may not give priority to residents**
6 **of the school district to participate in interscholastic activities, but may require a student**
7 **who attends a public charter school to satisfy any standards for acceptance for participation.**

8 (7) A homeschooled student, or a student who attends a public charter school, who participates
9 in interscholastic activities must reside within the attendance boundaries of the school at which the
10 student participates **unless the school district has a policy that allows any student attending**
11 **a school of the school district to participate in interscholastic activities at any school of the**
12 **school district.**

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

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