

# House Bill 4036

Sponsored by Representative MCLANE; Representatives DOHERTY, ESQUIVEL, LEWIS, NEARMAN, NOBLE, OLSON, SPRENGER, STARK, VIAL, WHISNANT, WILSON (Pre-session 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 **as introduced**.

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.

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

Takes effect July 1, 2018.

## A BILL FOR AN ACT

1  
2 Relating to participation in interscholastic activities; amending ORS 339.460; and prescribing an ef-  
3 fective date.

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 athletics, music, speech and other similar or related ac-  
10 tivities, **regardless of whether the interscholastic activities are governed by a voluntary as-**  
11 **sociation that administers interscholastic activities.**

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

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

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

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

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

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

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

26 (A) Achieve a minimum score that places the student at or above the 23rd percentile, based on  
27 national norms, on an examination from the list the State Board of Education adopts under ORS  
28 339.035. The student must take the examination at the end of each school year, and the student's

**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 parent or legal guardian must submit the results to the school district for use in determining eligi-  
 2 bility for the following year.

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

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

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

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

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

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

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

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

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

37 **SECTION 2. This 2018 Act takes effect on July 1, 2018.**