

C-Engrossed
Senate Bill 208

Ordered by the House June 16
Including Senate Amendments dated April 24 and House Amendments
dated June 7 and June 16

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Education)

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.

Provides that school district may not deny participation in interscholastic activities by student who attends public charter school. Specifies requirements that student must meet to participate in interscholastic activities and fee that public charter school must pay to school district for student who participates in interscholastic activity.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to student participation in interscholastic activities; amending ORS 339.450 and 339.460;
3 and declaring an emergency.

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

5 **SECTION 1.** ORS 339.450 is amended to read:

6 339.450. *[No]* **A** school, school district or association, whether public or private, *[shall]* **may not**
7 deny any grade or high school student the right to participate in interscholastic athletics solely on
8 the ground that the student transferred between schools, **attends a public charter school, as de-**
9 **defined in ORS 338.005**, or participated in athletics at another school.

10 **SECTION 2.** ORS 339.460 is amended to read:

11 339.460. *[(1) Homeschooled students shall not be denied by a school district the opportunity to*
12 *participate in all interscholastic activities if the student fulfills the following conditions:]*

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

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

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

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

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

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 *activities.]*

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

5 *[(d) Any public school student who has been unable to maintain academic eligibility shall be inel-*
6 *igible to participate in interscholastic activities as a homeschooled student for the duration of the school*
7 *year in which the student becomes academically ineligible and for the following year. The student must*
8 *take the required examinations at the end of the second year and meet the standards described in*
9 *paragraph (b) of this subsection to become eligible for the third year.]*

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

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

17 *[(2) As used in this section:]*

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

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

21 *[(c) "Interscholastic activities" includes but is not limited to athletics, music, speech, and other re-*
22 *lated activities.]*

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

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

26 **(b) "Interscholastic activities" means athletics, music, speech and other similar or re-**
27 **lated activities.**

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

29 **(2) A school district may not deny a homeschooled student, or a student who attends a**
30 **public charter school that does not provide interscholastic activities, the opportunity to**
31 **participate in all interscholastic activities available in the school district within the attend-**
32 **ance boundaries in which the homeschooled student or public charter school student resides**
33 **if the student fulfills the following conditions:**

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

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

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

39 **(B) For a student who attends a public charter school, the student must meet all school**
40 **district eligibility requirements except the school district's school or class attendance re-**
41 **quirements.**

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

43 **(A) Achieve a minimum score that places the student at or above the 23rd percentile,**
44 **based on national norms, on an examination from the list the State Board of Education**
45 **adopts under ORS 339.035. The student must take the examination at the end of each school**

1 year, and the student's parent or legal guardian must submit the results to the school dis-
2 trict for use in determining eligibility 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
5 not limited to a requirement that a student submit a portfolio of work samples to a school
6 district committee for review to determine whether the student is eligible to participate in
7 interscholastic activities.

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

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

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

21 (4) A homeschooled student or a student who attends a public charter school may par-
22 ticipate in interscholastic activities while awaiting examination results.

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

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

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

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