

Requested by Representative MCLANE

**PROPOSED AMENDMENTS TO  
HOUSE BILL 4036**

1 On page 1 of the printed bill, line 2, after “and” delete the rest of the line  
2 and line 3 and insert “declaring an emergency.”.

3 Delete lines 5 through 28 and delete page 2 and insert:

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

5 **“339.460. (1)** As used in this section:

6 **“(a)** ‘Homeschooled student’ means a child who is taught by a private  
7 teacher, a parent or a legal guardian, as described in ORS 339.030.

8 **“(b)(A)** ‘Interscholastic activities’ [*means*] **includes** athletics, music,  
9 speech and other similar or related activities **that are offered before or**  
10 **after regular school hours.**

11 **“(B)** Interscholastic activities may, but are not required to:

12 **“(i)** Be governed by a voluntary association that administers inter-  
13 **scholastic activities; or**

14 **“(ii)** Involve interaction among other schools if the activities are  
15 **for students in any grade from kindergarten through grade eight.**

16 **“(c)** ‘Public charter school’ has the meaning given that term in ORS  
17 338.005.

18 **“(2)** A school district may not deny a homeschooled student, or a student  
19 who attends a public charter school that does not provide interscholastic  
20 activities, the opportunity to participate in all interscholastic activities  
21 available in the school district within the attendance boundaries in which

1 the homeschooled student or public charter school student resides if the  
2 student fulfills the following conditions:

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

5 “(i) The school district’s school or class attendance requirements; and

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

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

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

12 “(A) Achieve a minimum score that places the student at or above the  
13 23rd percentile, based on national norms, on an examination from the list the  
14 State Board of Education adopts under ORS 339.035. The student must take  
15 the examination at the end of each school year, and the student’s parent or  
16 legal guardian must submit the results to the school district for use in de-  
17 termining eligibility for the following year.

18 “(B) Meet alternative requirements that a school district adopts, in con-  
19 sultation with the student’s parent or legal guardian, to participate in  
20 interscholastic activities, including but not limited to a requirement that a  
21 student submit a portfolio of work samples to a school district committee for  
22 review to determine whether the student is eligible to participate in inter-  
23 scholastic activities.

24 “(3)(a) In addition to the requirements set forth in subsection (2) of this  
25 section, a public charter school that enrolls a student who intends to par-  
26 ticipate in an interscholastic activity must pay to the school district or  
27 school that offers the interscholastic activity, as appropriate **and if the**  
28 **school district or school requires payment as provided by this sub-**  
29 **section:**

30 “[*a*] (A) [*A*] **An annual** fee that is equivalent to not more than five

1 percent of the amount of the school district's General Purpose Grant per  
2 ADMw, as calculated under ORS 327.013; and

3 “[*b*] **(B)** An additional **annual** fee that is equivalent to not more than  
4 five percent of the amount of the school district's General Purpose Grant per  
5 ADMw, as calculated under ORS 327.013, if participating in the interscho-  
6 lastic activity requires the student to enroll in a course for credit. [*The*  
7 *school district and the public charter school shall enter into an agreement to*  
8 *specify the fee required under this paragraph, but the agreement may not re-*  
9 *quire for each interscholastic activity in which the student participates a fee*  
10 *that is equivalent to more than five percent more than the fee required under*  
11 *paragraph (a) of this subsection.*]

12 **“(b) The school district and the public charter school shall enter**  
13 **into an agreement to specify the amount of the fees described in par-**  
14 **agraph (a) of this subsection.**

15 **“(c) A public charter school is required to pay a fee described in**  
16 **paragraph (a) of this subsection only once per year per student par-**  
17 **ticipating in an interscholastic activity at a school in the school dis-**  
18 **trict, regardless of the number of interscholastic activities in which**  
19 **the student participates.**

20 “(4) A homeschooled student or a student who attends a public charter  
21 school may participate in interscholastic activities while awaiting examina-  
22 tion results.

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

30 “(6)(a) A homeschooled student or a student who attends a public charter

1 school must fulfill the same responsibilities and standards of behavior and  
2 performance, including related class or practice requirements, as other stu-  
3 dents who participate in the interscholastic activity [*of the team or squad*  
4 *and must meet the same standards for acceptance on the team or squad*]. The  
5 student must also comply with all public school requirements during the time  
6 of participation.

7 **“(b) A student who attends a public charter school must be allowed**  
8 **to participate in an interscholastic activity in the same manner that**  
9 **a resident of the school district may participate in the interscholastic**  
10 **activity. A school district may not give priority to residents of the**  
11 **school district to participate in interscholastic activities, but may re-**  
12 **quire a student who attends a public charter school to satisfy any**  
13 **standards for acceptance for participation.**

14 **“(7) A homeschooled student, or a student who attends a public charter**  
15 **school, who participates in interscholastic activities must reside within the**  
16 **attendance boundaries of the school at which the student participates **unless****  
17 **the school district has a policy that allows any student attending a**  
18 **school of the school district to participate in interscholastic activities**  
19 **at any school of the school district.**

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

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