

A-Engrossed
House Bill 2817

Ordered by the House March 29
Including House Amendments dated March 29

Sponsored by Representative ALONSO LEON; Representatives REARDON, SMITH DB, WRIGHT (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.

Allows student enrolled in program provided by school district or education service district to earn General Educational Development (GED) certificate to participate in interscholastic activities. Declares emergency, effective July 1, 2021.

A BILL FOR AN ACT

1
2 Relating to students in a program to earn a General Educational Development certificate; creating
3 new provisions; amending ORS 339.450 and 339.460; 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. A school, school district or association, whether public or private, may not deny any
7 grade or high school student the right to participate in interscholastic athletics solely on the ground
8 that the student:

9 (1) Transferred between schools[.];

10 (2) Attends a public charter school, as defined in ORS 338.005[*or*];

11 (3) Participated in athletics at another school[.]; **or**

12 (4) **Is eligible to attend school under ORS 339.115 (1) and is enrolled in a program provided**
13 **by a school district or an education service district to earn a General Educational Develop-**
14 **ment (GED) certificate.**

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

16 339.460. (1) As used in this section:

17 (a) **“GED program” means a program provided by a school district or an education ser-**
18 **vice district to assist a student in earning a General Educational Development (GED) cer-**
19 **tificate.**

20 (b) **“GED student” means a student who is eligible to attend school under ORS 339.115**
21 **(1) and who is enrolled in a GED program.**

22 [(a)] (c) **“Homeschooled student” means a child who is taught by a private teacher, a parent or**
23 **a legal guardian, as described in ORS 339.030.**

24 [(b)] (d) **“Interscholastic activities” includes:**

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

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

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 among other schools.

2 [(c)] (e) "Public charter school" has the meaning given that term in ORS 338.005.

3 (2) A school district may not deny a **GED student**, a homeschooled student[,] or a student who
4 attends a public charter school that does not provide interscholastic activities[,] the opportunity to
5 participate in all interscholastic activities available in the school district within the attendance
6 boundaries in which the **GED student**, homeschooled student or public charter school student re-
7 sides if the student fulfills the following conditions, **as applicable**:

8 (a)(A) For a **GED student** or a homeschooled student, the student must meet all school district
9 eligibility requirements except:

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

11 (ii) The class requirements of the voluntary association that administers the interscholastic ac-
12 tivity, if applicable.

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

15 (b) **For a homeschooled student or a student who attends a public charter school**, the
16 student must meet one of these requirements:

17 (A) Achieve a minimum score that places the student at or above the 23rd percentile, based on
18 national norms, on an examination from the list the State Board of Education adopts under ORS
19 339.035. The student must take the examination at the end of each school year, and the student's
20 parent or legal guardian must submit the results to the school district for use in determining eli-
21 gibility for the following year.

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

27 (c) **For a GED student, the student must demonstrate that, prior to beginning the**
28 **interscholastic activity, the student has passed at least one practice test administered**
29 **through the GED program.**

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

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

36 (B) An additional annual fee that is equivalent to not more than five percent of the amount of
37 the school district's General Purpose Grant per ADMw, as calculated under ORS 327.013, if partic-
38 ipating in the interscholastic activity requires the student to enroll in a course for credit.

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

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

44 (4) A **GED student**, a homeschooled student or a student who attends a public charter school
45 may participate in interscholastic activities while awaiting examination **or practice test** results.

1 (5) A **GED student, a** homeschooled student[,] or a student who attends a public charter
2 school[,] who does not maintain academic eligibility is ineligible to participate in interscholastic
3 activities for the duration of the school year in which the student becomes academically ineligible
4 and for the following year. The student must take the required examinations **or practice tests** at
5 the end of the second year and meet the standards described in subsection (2)(b) **or (c)** of this sec-
6 tion to become eligible for the third year.

7 (6)(a) A **GED student, a** homeschooled student or a student who attends a public charter school
8 must fulfill the same responsibilities and standards of behavior and performance, including related
9 class or practice requirements, as other students who participate in the interscholastic activity. The
10 student must also comply with all public school requirements during the time of participation.

11 (b) A student who attends a public charter school must be allowed to participate in an inter-
12 scholastic activity in the same manner that a resident of the school district may participate in the
13 interscholastic activity. A school district may not give priority to residents of the school district to
14 participate in interscholastic activities, but may require a student who attends a public charter
15 school to satisfy any standards for acceptance for participation.

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

21 **SECTION 3. The amendments to ORS 339.450 and 339.460 by sections 1 and 2 of this 2021**
22 **Act first apply to the 2021-2022 school year.**

23 **SECTION 4. This 2021 Act being necessary for the immediate preservation of the public**
24 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**
25 **July 1, 2021.**