

Requested by Representative ALONSO LEON

**PROPOSED AMENDMENTS TO
HOUSE BILL 2817**

1 On page 1 of the printed bill, line 12, after “Is” insert “eligible to attend
2 school under ORS 339.115 (1) and is”.

3 Delete lines 14 through 31 and delete page 2.

4 On page 3, delete lines 1 through 10 and insert:

5 **“SECTION 2.** ORS 339.460 is amended to read:

6 “339.460. (1) As used in this section:

7 **“(a) ‘GED program’ means a program provided by a school district**
8 **or an education service district to assist a student in earning a Gen-**
9 **eral Educational Development (GED) certificate.**

10 **“(b) ‘GED student’ means a student who is eligible to attend school**
11 **under ORS 339.115 (1) and who is enrolled in a GED program.**

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

14 “[*b*] (d) ‘Interscholastic activities’ includes:

15 “(A) For students in any grade from kindergarten through grade 12, ath-
16 letics, music, speech and other similar or related activities.

17 “(B) For students in any grade from kindergarten through grade eight,
18 activities that are offered only before or after regular school hours and that
19 may, but are not required to, involve interaction among other schools.

20 “[*c*] (e) ‘Public charter school’ has the meaning given that term in ORS
21 338.005.

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

8 “(a)(A) For a **GED student** or a homeschooled student, the student must
9 meet all school district 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
12 the interscholastic activity, if applicable.

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

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

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

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

30 “(c) **For a GED student, the student must demonstrate that, prior**

1 **to beginning the interscholastic activity, the student:**

2 **“(A) Had consistent attendance at the GED program for at least one**
3 **month;**

4 **“(B) Attended at least 80 percent of the courses offered through the**
5 **GED program; and**

6 **“(C) Has passed at least one practice test administered through the**
7 **GED program.**

8 “(3)(a) In addition to the requirements set forth in subsection (2) of this
9 section, a public charter school that enrolls a student who intends to par-
10 ticipate in an interscholastic activity must pay to the school district or
11 school that offers the interscholastic activity, as appropriate and if the
12 school district or school requires payment as provided by this subsection:

13 **“(A) An annual fee that is equivalent to not more than five percent of the**
14 **amount of the school district’s General Purpose Grant per ADMw, as calcu-**
15 **lated under ORS 327.013; and**

16 **“(B) An additional annual fee that is equivalent to not more than five**
17 **percent of the amount of the school district’s General Purpose Grant per**
18 **ADMw, as calculated under ORS 327.013, if participating in the interscho-**
19 **lastic activity requires the student to enroll in a course for credit.**

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

23 **“(c) A public charter school is required to pay a fee described in para-**
24 **graph (a) of this subsection only once per year per student participating in**
25 **an interscholastic activity at a school in the school district, regardless of the**
26 **number of interscholastic activities in which the student participates.**

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

30 **“(5) A GED student, a homeschooled student[,] or a student who attends**

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

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

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

20 “(7) A **GED student, a** homeschooled student[,] or a student who attends
21 a public charter school[,] who participates in interscholastic activities must
22 reside within the attendance boundaries of the school at which the student
23 participates unless the school district has a policy that allows any student
24 attending a school of the school district to participate in interscholastic ac-
25 tivities at any school of the school district.”.

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