

House Bill 2979

Sponsored by Representative HOLVEY; Representative KOMP

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**.

Directs parent, legal guardian or private teacher of homeschooled child to notify education service district each school year.

Modifies examination requirements of homeschooled children.

Directs district superintendent or designee, after issuing notification, to issue citation to parent or legal guardian of child who does not attend school and who is not homeschooled.

Declares emergency, effective July 1, 2007.

A BILL FOR AN ACT

1
2 Relating to children who do not attend public school; creating new provisions; amending ORS
3 339.035, 339.460 and 339.925; and declaring an emergency.

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

5 **SECTION 1.** ORS 339.035 is amended to read:

6 339.035. (1) As used in this section, "education service district" means the education service
7 district that contains the school district of which the child is a resident.

8 (2)(a) When a child is [*taught or is*] withdrawn from a public school to be taught by a parent,
9 legal guardian or private teacher, as provided in ORS 339.030, the parent, legal guardian or private
10 teacher must notify the education service district in writing. [*In addition,*]

11 **(b) Each school year that a child is taught by a parent, legal guardian or private teacher,**
12 **the parent, legal guardian or private teacher must notify the education service district in**
13 **writing.**

14 (c) When a child who is taught by a parent, legal guardian or private teacher moves to a new
15 education service district, the parent, legal guardian or private teacher shall notify the new educa-
16 tion service district in writing.

17 (d) The education service district shall acknowledge receipt of any notification in writing.

18 (3) Children being taught as provided in subsection (2) of this section shall be examined at
19 grades 3, 5, 8 and 10 in accordance with the following procedures:

20 (a) The State Board of Education shall adopt by rule a list of approved comprehensive exam-
21 inations that are readily available.

22 (b)(A) The parent or legal guardian shall select an examination from the approved list and ar-
23 range to have the examination administered to the child by a qualified neutral person, as defined
24 by rule by the State Board of Education.

25 (B) If the child was withdrawn from public school, the first examination shall be administered
26 to the child at least 18 months after the date on which the child was withdrawn from public school.

27 (C) If the child never attended public or private school, the first examination shall be adminis-
28 tered to the child prior to the end of grade three **or, if the child has completed grade three, the**
29 **first examination shall be administered to the child within 30 days of notifying the education**

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 **service district as provided in subsection (2) of this section.**

2 (c) The person administering the examination shall:

3 (A) Score the examination; and

4 (B) Report the results of the examination to the parent or legal guardian.

5 (d) *[Upon request of the superintendent of the education service district,]* The parent or legal
6 guardian shall submit the results of the examination to the education service district.

7 (4)(a) If the composite test score of the child places the child below the *[15th]* _____ percentile
8 based on national norms, the child shall be given an additional examination within one year of when
9 the first examination was administered.

10 (b) If the composite test score of the child on the second examination *[shows a declining score]*
11 **places the child below the _____ percentile based on national norms**, then *[the child shall be*
12 *given an additional examination within one year of when the second examination was administered*
13 *and]* the superintendent of the education service district *[may:]* **shall**

14 *[(A) Allow the child to continue to be taught by a parent, legal guardian or private teacher; or]*

15 *[(B) Place the education of the child under the supervision of a person holding a teaching license*
16 *who is selected by the parent or legal guardian at the expense of the parent or legal guardian. If the*
17 *composite test score of the child continues to show a declining score, the superintendent of the education*
18 *service district may:]*

19 *[(i) Allow the child to continue under the educational supervision of a licensed teacher selected by*
20 *the parent or legal guardian and require that the child be given an additional examination within one*
21 *year of when the last examination was administered;]*

22 *[(ii) Allow the child to be taught by a parent, legal guardian or private teacher and require that*
23 *the child be given an additional examination within one year of when the last examination was ad-*
24 *ministered; or]*

25 *[(iii)]* order the parent or legal guardian to send the child to school for a period not to exceed
26 12 consecutive months as determined by the superintendent.

27 *[(c) If the parent or legal guardian of the child does not consent to placing the education of the*
28 *child under the supervision of a licensed teacher who is selected by the parent or legal guardian, then*
29 *the superintendent of the education service district may order the child to return to school for a period*
30 *not to exceed 12 consecutive months as determined by the superintendent.]*

31 *[(d) If the composite test score of the child on an examination is equal to or greater than the*
32 *percentile score on the prior test, the child may be taught by a parent, legal guardian or private teacher*
33 *and for the next examination be examined pursuant to paragraph (a) of this subsection or subsection*
34 *(3) of this section.]*

35 (5)(a) Notwithstanding the examination requirements of subsections (3) and (4) of this section,
36 the parent or legal guardian of a child with disabilities who has an individualized education plan
37 and is receiving special education and related services through the school district or who is being
38 educated in accordance with a privately developed plan shall be evaluated for satisfactory educa-
39 tional progress according to the recommendations of the plan.

40 (b) The parent or legal guardian of a child with disabilities who was evaluated by service pro-
41 viders selected by the parent or legal guardian based on a privately developed plan shall submit a
42 report of such evaluation to the education service district in lieu of the examination results required
43 by subsections (3) and (4) of this section.

44 (c) A child with disabilities described in this subsection shall not be subject to the examination
45 requirements of subsections (3) and (4) of this section unless the examination is recommended in the

1 plan in effect for the child.

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

3 339.460. (1) Homeschooled students shall not be denied by a school district the opportunity to
4 participate in all interscholastic activities if the student fulfills the following conditions:

5 (a) The student must meet all school district eligibility requirements with the exception of:

6 (A) The school district’s school or class attendance requirements; and

7 (B) The class requirements of the voluntary association administering interscholastic activities.

8 (b)(A) The student must achieve a minimum score on an examination from the list adopted by
9 the State Board of Education pursuant to ORS 339.035. The examination shall be taken at the end
10 of each school year and shall be used to determine eligibility for the following year. The minimum,
11 composite test score that a student must achieve shall place the student at or above the [23rd]
12 _____ percentile based on national norms. The parent or legal guardian shall submit the examination
13 results to the school district; or

14 (B) A school district may adopt alternative requirements, in consultation with the parent or le-
15 gal guardian of a homeschooled student, that a student must meet to participate in interscholastic
16 activities, including but not limited to a requirement that a student submit a portfolio of work
17 samples to a school district committee for review to determine whether a student is eligible to
18 participate in interscholastic activities.

19 (c) Any public school student who chooses to be homeschooled must also meet the minimum
20 standards as described in paragraph (b) of this subsection. The student may participate while
21 awaiting examination results.

22 (d) Any public school student who has been unable to maintain academic eligibility shall be in-
23 eligible to participate in interscholastic activities as a homeschooled student for the duration of the
24 school year in which the student becomes academically ineligible and for the following year. The
25 student must take the required examinations at the end of the second year and meet the standards
26 described in paragraph (b) of this subsection to become eligible for the third year.

27 (e) The homeschooled student shall be required to fulfill the same responsibilities and standards
28 of behavior and performance, including related class or practice requirements, of other students
29 participating in the interscholastic activity of the team or squad and shall be required to meet the
30 same standards for acceptance on the team or squad. The homeschooled student must also comply
31 with all public school requirements during the time of participation.

32 (f) A homeschooled student participating in interscholastic activities must reside within the at-
33 tendance boundaries of the school for which the student participates.

34 (2) As used in this section:

35 (a) “Board” means the State Board of Education.

36 (b) “Homeschooled students” are those children taught by private teachers, parents or legal
37 guardians as described in ORS 339.030.

38 (c) “Interscholastic activities” includes but is not limited to athletics, music, speech, and other
39 related activities.

40 **SECTION 3.** ORS 339.925 is amended to read:

41 339.925. (1) In addition to any other persons permitted to enforce violations, the school district
42 superintendent or education service district superintendent, or any employee specifically designated
43 by either superintendent, [may] **shall** issue citations for violations established under ORS 339.990 in
44 the manner provided by ORS chapter 153.

45 (2) Prior to issuing the citation described in subsection [(3)] (4) of this section to the parent or

1 guardian of a student not regularly attending full-time school, a school district superintendent or
2 education service district superintendent shall:

3 (a) Provide a parent or guardian of the student and the student with written notification that:

4 (A) States that the student is required to attend regularly a full-time school;

5 (B) Explains that the failure to send the student and maintain the student in regular attendance
6 is a Class C violation;

7 (C) States that the superintendent may issue a citation;

8 (D) Requires the parent or guardian of the student and the student to attend a conference with
9 a designated official; and

10 (E) Is written in the native language of the parent or guardian of the student.

11 (b) Schedule the conference described in paragraph (a)(D) of this subsection.

12 **(3) A school district superintendent or education service district superintendent is re-**
13 **quired to issue the notification required by subsection (2) of this section only once prior to**
14 **issuing a citation.**

15 [(3)] (4) Notwithstanding ORS 1.525 or any provision of ORS chapter 153, the State Board of
16 Education by rule shall establish the citation form to be used by superintendents in citing violations
17 established under ORS 339.990. Notwithstanding ORS 153.045, each of the parts of the citation shall
18 contain the information required by the state board.

19 [(4)] (5) All fines and court costs recovered from compulsory school attendance violations shall
20 be paid to the clerk of the court involved. After deductions of court costs provided by law for the
21 proceeding, the clerk shall pay the remainder of the money to the State Treasurer to be deposited
22 in the Criminal Fine and Assessment Account in the General Fund.

23 **SECTION 4. The amendments to ORS 339.035, 339.460 and 339.925 by sections 1 to 3 of this**
24 **2007 Act first apply to the 2007-2008 school year.**

25 **SECTION 5. This 2007 Act being necessary for the immediate preservation of the public**
26 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**
27 **July 1, 2007.**

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