

House Bill 2797

Sponsored by Representative BARKER, Senator STARR (at the request of Oregon Home Education Network and Oregon Christian Education Association Network)

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**.

Repeals notification and examination requirements that apply to children who are taught by private teacher, parent or legal guardian.

Declares emergency, effective July 1, 2009.

A BILL FOR AN ACT

1
2 Relating to children who are not taught in public school; creating new provisions; amending ORS
3 334.175, 336.668, 339.460, 339.990 and 807.066; repealing ORS 339.035; and declaring an emer-
4 gency.

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

6 **SECTION 1.** ORS 339.460 is amended to read:

7 339.460. (1) **As used in this section:**

8 (a) **"Homeschooled students" means children who are taught by private teachers, parents**
9 **or legal guardians as described in ORS 339.030 (1)(d) and (e).**

10 (b) **"Interscholastic activities" includes but is not limited to athletics, music, speech and**
11 **other related activities.**

12 [(1)] (2) A homeschooled [*students*] **student** shall not be denied by a school district the oppor-
13 tunity to participate in [*all*] **an interscholastic [*activities*] activity** if the **homeschooled** student
14 fulfills **all of** the following conditions:

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

17 (A) The school district's school or class attendance requirements; and

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

19 (b) **The homeschooled student meets minimum academic standards. A homeschooled**
20 **student may fulfill the condition required by this paragraph by satisfying either of the fol-**
21 **lowing:**

22 [(b)(A)] (A) [*The student must achieve*] **Achieving** a minimum score on [*an examination from*
23 *the*] **a nationally normed standardized achievement test from a list adopted by rule by** the State
24 Board of Education [*pursuant to ORS 339.035. The examination shall be taken at the end of each*
25 *school year*]. **The test must be taken prior to August 15 each year** and shall be used to determine
26 eligibility for the following **school year**. The minimum, composite test score that a student must
27 achieve [*shall*] **must** place the student at or above the 23rd percentile based on national norms.
28 The parent or legal guardian [*shall*] **must** submit the [*examination*] **test** results to the school
29 district[; *or*].

30 (B) [*A school district may adopt alternative requirements, in consultation*] **Meeting any require-**

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 **ments that a school district may have adopted in lieu of the test requirements described in**
 2 **subparagraph (A) of this paragraph after consulting** with the parent or legal guardian of [a] **the**
 3 **homeschooled student[,]. A school district that adopts requirements under this subparagraph**
 4 **that a homeschooled student must meet to participate in interscholastic activities[, including but**
 5 **not limited to] may include** a requirement that [a] **the homeschooled** student submit a portfolio of
 6 work samples to a school district committee for review to determine whether [a] **the homeschooled**
 7 student is eligible to participate in interscholastic activities.

8 **(c) The homeschooled student fulfills the same responsibilities and meets the same**
 9 **standards of behavior and performance, including related class or practice requirements, of**
 10 **other students participating in the interscholastic activity and meets the same standards for**
 11 **acceptance for the interscholastic activity. The homeschooled student must also comply with**
 12 **all public school requirements during the time of participation.**

13 **(d) The homeschooled student resides within the attendance boundaries of the school for**
 14 **which the student participates.**

15 [(c)] **(3)(a) [Any] A public school student who chooses to be homeschooled after a school year**
 16 **has started** must also meet the minimum standards [as] described in [paragraph (b) of this
 17 subsection] **subsection (2) of this section.** The student may participate **in interscholastic activ-**
 18 **ities** while awaiting [examination] **test** results.

19 [(d)] **(b) [Any] A public school student who chooses to be homeschooled and** who has been
 20 unable to maintain academic eligibility [shall be ineligible] **while attending the public school is**
 21 **not eligible** to participate in interscholastic activities as a homeschooled student for the duration
 22 of the school year in which the student becomes academically ineligible and for the following year.
 23 The **homeschooled** student must take the [required examinations] **test** at the end of the second year
 24 and meet the [standards] **requirements** described in [paragraph (b) of this subsection] **subsection**
 25 **(2)(b) of this section** to become eligible for the third year.

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

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

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

34 [(a) *“Board” means the State Board of Education.*]

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

37 [(c) *“Interscholastic activities” includes but is not limited to athletics, music, speech, and other re-*
 38 *lated activities.*]

39 **SECTION 2.** ORS 339.990 is amended to read:

40 339.990. Violation of ORS 339.020 [or the requirements of ORS 339.035] is a Class C violation.

41 **SECTION 3.** ORS 334.175 is amended to read:

42 334.175. (1) An education service district shall provide regionalized core services to component
 43 school districts. The goals of these services are to:

- 44 (a) Assist component school districts in meeting the requirements of state and federal law;
- 45 (b) Improve student learning;

- 1 (c) Enhance the quality of instruction provided to students;
- 2 (d) Provide professional development to component school district employees;
- 3 (e) Enable component school districts and the students who attend schools in those districts to
- 4 have equitable access to resources; and
- 5 (f) Maximize operational and fiscal efficiencies for component school districts.
- 6 (2) The services provided by an education service district shall be provided according to a local
- 7 service plan developed by the education service district and component school districts. The educa-
- 8 tion service district and component school districts shall develop the local service plan to meet the
- 9 goals specified in subsection (1) of this section. The local service plan must include services in at
- 10 least the following areas:
- 11 (a) Programs for children with special needs, including but not limited to special education ser-
- 12 vices, services for at-risk students and professional development for employees who provide those
- 13 services.
- 14 (b) Technology support for component school districts and the individual technology plans of
- 15 those districts, including but not limited to technology infrastructure services, data services, in-
- 16 structional technology services, distance learning and professional development for employees who
- 17 provide those services.
- 18 (c) School improvement services for component school districts, including but not limited to
- 19 services designed to support component school districts in meeting the requirements of state and
- 20 federal law, services designed to allow the education service district to participate in and facilitate
- 21 a review of the state and federal standards related to the provision of a quality education by com-
- 22 ponent school districts, services designed to support and facilitate continuous school improvement
- 23 planning, services designed to address schoolwide behavior and climate issues and professional
- 24 technical education and professional development for employees who provide those services.
- 25 (d) Administrative and support services for component school districts, including but not limited
- 26 to services designed to consolidate component school district business functions[,] **and** liaison ser-
- 27 vices between the Department of Education and component school districts [*and registration of*
- 28 *children being taught by private teachers, parents or legal guardians pursuant to ORS 339.035*].
- 29 (e) Other services that an education service district is required to provide by state or federal
- 30 law, including but not limited to services required under ORS 339.005 to 339.090.
- 31 (3) In addition to the services specified in subsection (2) of this section, a local service plan may
- 32 include other services that are designed to meet regional needs.
- 33 (4) A local service plan shall also contain annual performance measures for the education ser-
- 34 vice district.
- 35 (5) A local service plan must:
- 36 (a) Be adopted by the board of the education service district.
- 37 (b) After being adopted by the board of the education service district, be approved on or before
- 38 March 1 by resolution of two-thirds of the component school districts that are a part of the educa-
- 39 tion service district and that have at least a majority of the pupils included in the average daily
- 40 membership of the education service district, as determined by the reports of such school districts
- 41 for the preceding year, enrolled in the schools of the school districts.
- 42 (6) Notwithstanding the process for approval and adoption required by subsection (5) of this
- 43 section, if the component school districts approve an amendment to a local service plan pursuant
- 44 to subsection (5)(b) of this section, the board of an education service district may amend a local
- 45 service plan that has been previously adopted by the board and approved by the component school

1 districts. An amendment to a local service plan may be done at any time.

2 (7) An education service district may provide the services required by the local service plan
 3 directly through the staff of the district. In addition, an education service district may provide ser-
 4 vices required by the local service plan through the operation of a public school, a public charter
 5 school pursuant to ORS chapter 338, an alternative school or a preschool.

6 (8) An education service district may provide the services required by the local service plan in
 7 cooperation with another education service district or with a school district. In addition, an educa-
 8 tion service district may contract with a public or private entity for the provision of services.

9 **SECTION 4.** ORS 336.668 is amended to read:

10 336.668. As used in ORS 336.668 to 336.675:

11 (1) "Qualified homeschooled child" means a child [*who is registered as a child*] who is taught by
 12 a [*parent, legal guardian or private teacher under ORS 339.035*] **private teacher, parent or legal**
 13 **guardian as described in ORS 339.030 (1)(d) and (e)** and who is:

14 (a) A resident of a county with a population of more than 320,000 but less than 325,000 accord-
 15 ing to the federal decennial census conducted in 2000; or

16 (b) A resident of a school district that contracted with a qualified private alternative education
 17 program prior to the 2007-2008 school year.

18 (2) "Qualified private alternative education program" means a private alternative education
 19 program that:

20 (a) First contracted with a qualified school district beginning with the 1996-1997 school year,
 21 and has continued to have a contract with a qualified school district through the 2006-2007 school
 22 year, to provide services to homeschooled students; and

23 (b) Is in compliance with ORS 336.615 to 336.675 and rules adopted by the State Board of Edu-
 24 cation that relate to private alternative education programs.

25 (3) "Qualified school district" means a school district:

26 (a) With an administrative office located in the county seat of a county with a population of
 27 more than 320,000 but less than 325,000 according to the federal decennial census conducted in 2000;
 28 and

29 (b) That had a contract with a qualified private alternative education program during the
 30 2006-2007 school year.

31 **SECTION 5.** ORS 807.066 is amended to read:

32 807.066. The Department of Transportation shall not issue driving privileges to a person who is
 33 under 18 years of age unless the person:

34 (1) Has graduated from high school and provides the department with proof of graduation sat-
 35 isfactory to the department;

36 (2) Has received a General Educational Development (GED) certificate from a community col-
 37 lege and provides the department with proof of the certificate satisfactory to the department;

38 (3) Provides the department with a form provided by the department and signed by the principal,
 39 or the designee of the principal, of the secondary school attended by the person that declares that
 40 the person is enrolled in a secondary school of this state or any other state;

41 (4) Provides the department with a form provided by the department and signed by the author-
 42 ized representative of the community college attended by the person that declares that the person
 43 is making satisfactory progress toward a General Educational Development (GED) certificate;

44 (5) Provides the department with a form provided by the department and signed by the author-
 45 ized representative of the community college attended by the person that declares that the person

1 is making satisfactory progress toward a high school diploma;

2 (6) Provides the department with a form provided by the department and signed by [*the author-*
3 *ized representative of the education service district or school district having jurisdiction over the area*
4 *of the person's residence that declares that the person is being taught by a private teacher or parent*
5 *in compliance with ORS 339.035*] **a parent or legal guardian of the person that declares that the**
6 **person is taught by a private teacher or by a parent or legal guardian of the person;**

7 (7) Provides the department with documentation satisfactory to the department that indicates
8 that the person is exempted from school attendance requirements due to circumstances beyond the
9 control of the person; or

10 (8) Provides the department with documentation satisfactory to the department that the person
11 is exempt under ORS 339.030 (2) from the requirement to attend school.

12 **SECTION 6. ORS 339.035 is repealed.**

13 **SECTION 7.** (1) **The amendments to ORS 334.175, 336.668, 339.460, 339.990 and 807.066 by**
14 **sections 1 to 5 of this 2009 Act and the repeal of ORS 339.035 by section 6 of this 2009 Act**
15 **apply to children taught by a private teacher, parent or legal guardian on or after July 1,**
16 **2009.**

17 (2) **The amendments to ORS 807.066 by section 5 of this 2009 Act apply to driving privi-**
18 **leges issued on or after July 1, 2009.**

19 **SECTION 8.** **This 2009 Act being necessary for the immediate preservation of the public**
20 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
21 **July 1, 2009.**

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