

# Senate Bill 711

Sponsored by Senator STARR, Representative BARKER; Senators FERRIOLI, GEORGE, GIROD, KRUSE, OLSEN, TELFER, THOMSEN, WHITSETT, Representatives BREWER, LINDSAY

## 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**.

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

Declares emergency, effective July 1, 2011.

## A BILL FOR AN ACT

1  
2 Relating to children who are not taught in a 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 student" means a child who is taught by a private teacher, a parent**  
9 **or a legal guardian as described in ORS 339.030 (1)(d) and (e).**

10 (b) **"Interscholastic activity" includes athletics, music, speech and other related activ-**  
11 **ities.**

12 *[(1) Homeschooled students shall not be denied by a school district the opportunity to participate*  
13 *in all interscholastic activities if the student fulfills the following conditions:]*

14 (2) **A school district may not deny a homeschooled student the opportunity to participate**  
15 **in an interscholastic activity if the homeschooled student fulfills all of the following condi-**  
16 **tions:**

17 (a) The *[student must meet]* **homeschooled student meets** all school district eligibility require-  
18 ments with the exception of:

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

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

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

27 *[(B) A school district may adopt alternative requirements, in consultation with the parent or legal*  
28 *guardian of a homeschooled student, that a student must meet to participate in interscholastic activities,*  
29 *including but not limited to a requirement that a student submit a portfolio of work samples to a school*  
30 *district committee for review to determine whether a student is eligible to participate in interscholastic*

**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 *activities.]*

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

5 **(A) Achieving a minimum score on a nationally normed standardized achievement test**  
 6 **from a list adopted by the State Board of Education by rule. The test must be taken prior**  
 7 **to August 15 each year and shall be used to determine eligibility for the following school**  
 8 **year. The homeschooled student's composite test score must, at a minimum, place the stu-**  
 9 **dent at or above the 23rd percentile, based on national norms. The parent or legal guardian**  
 10 **of the homeschooled student must submit the test results to the school district.**

11 **(B) Meeting any requirements that a school district may have adopted in lieu of the test**  
 12 **requirements described in subparagraph (A) of this paragraph after consulting with the**  
 13 **parent or legal guardian of the homeschooled student. A school district that adopts require-**  
 14 **ments under this subparagraph may include a requirement that the homeschooled student**  
 15 **submit a portfolio of work samples to a school district committee for review to determine**  
 16 **whether the homeschooled student is eligible to participate in an interscholastic activity.**

17 **(c) The homeschooled student meets the same requirements that must be met by other**  
 18 **students participating in the interscholastic activity, including:**

19 **(A) Standards for acceptance for participation in the interscholastic activity; and**

20 **(B) Standards of behavior and performance for the interscholastic activity, including re-**  
 21 **lated class or practice requirements.**

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

24 *[(c)]* **(3)(a) [Any] A public school student who chooses to be homeschooled after a school year**  
 25 **has started** must also meet the minimum standards *[as described in paragraph (b) of this*  
 26 *subsection]* **described in subsection (2) of this section.** The student may participate **in an inter-**  
 27 **scholastic activity** while awaiting *[examination]* **test** results.

28 *[(d)]* **(b) [Any] A public school student who chooses to be homeschooled and who** has been  
 29 unable to maintain academic eligibility *[shall be]* **while attending public school is** ineligible to  
 30 participate in *[interscholastic activities]* **an interscholastic activity** as a homeschooled student for  
 31 the duration of the school year in which the student becomes academically ineligible and for the  
 32 following year. The **homeschooled** student must *[take the required examinations at]* **meet the re-**  
 33 **quirements described in subsection (2)(b) of this section** by the end of the second year *[and meet*  
 34 *the standards described in paragraph (b) of this subsection]* to become eligible for the third year.

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

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

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

43 *[(a)]* *"Board" means the State Board of Education.]*

44 *[(b)]* *"Homeschooled students" are those children taught by private teachers, parents or legal*  
 45 *guardians as described in ORS 339.030.]*

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

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

4       339.990. Violation of ORS 339.020 [*or the requirements of ORS 339.035*] is a Class C violation.

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

6       334.175. (1) An education service district shall provide regionalized core services to component  
7 school districts. The goals of these services are to:

8       (a) Assist component school districts in meeting the requirements of state and federal law;

9       (b) Improve student learning;

10      (c) Enhance the quality of instruction provided to students;

11      (d) Provide professional development to component school district employees;

12      (e) Enable component school districts and the students who attend schools in those districts to  
13 have equitable access to resources; and

14      (f) Maximize operational and fiscal efficiencies for component school districts.

15      (2) The services provided by an education service district shall be provided according to a local  
16 service plan developed by the education service district and component school districts. The educa-  
17 tion service district and component school districts shall develop the local service plan to meet the  
18 goals specified in subsection (1) of this section. The local service plan must include services in at  
19 least the following areas:

20      (a) Programs for children with special needs, including but not limited to special education ser-  
21 vices, services for at-risk students and professional development for employees who provide those  
22 services.

23      (b) Technology support for component school districts and the individual technology plans of  
24 those districts, including but not limited to technology infrastructure services, data services, in-  
25 structional technology services, distance learning and professional development for employees who  
26 provide those services.

27      (c) School improvement services for component school districts, including but not limited to:

28      (A) Services designed to support component school districts in meeting the requirements of state  
29 and federal law;

30      (B) Services designed to allow the education service district to participate in and facilitate a  
31 review of the state and federal standards related to the provision of a quality education by compo-  
32 nent school districts;

33      (C) Services designed to support and facilitate continuous school improvement planning;

34      (D) Services designed to address schoolwide behavior and climate issues;

35      (E) Services designed to support career and technical education; and

36      (F) Professional development for employees who provide the services described in this para-  
37 graph.

38      (d) Administrative and support services for component school districts, including but not limited  
39 to services designed to consolidate component school district business functions[,] **and** liaison ser-  
40 vices between the Department of Education and component school districts [*and registration of*  
41 *children being taught by private teachers, parents or legal guardians pursuant to ORS 339.035*].

42      (e) Other services that an education service district is required to provide by state or federal  
43 law, including but not limited to services required under ORS 339.005 to 339.090.

44      (3) In addition to the services specified in subsection (2) of this section, a local service plan may  
45 include other services that are designed to meet regional needs.

1 (4) A local service plan shall also contain annual performance measures for the education ser-  
2 vice district.

3 (5) A local service plan must:

4 (a) Be adopted by the board of the education service district.

5 (b) After being adopted by the board of the education service district, be approved on or before  
6 March 1 by resolution of two-thirds of the component school districts that are a part of the educa-  
7 tion service district and that have at least a majority of the pupils included in the average daily  
8 membership of the education service district, as determined by the reports of such school districts  
9 for the preceding year, enrolled in the schools of the school districts.

10 (6) Notwithstanding the process for approval and adoption required by subsection (5) of this  
11 section, if the component school districts approve an amendment to a local service plan pursuant  
12 to subsection (5)(b) of this section, the board of an education service district may amend a local  
13 service plan that has been previously adopted by the board and approved by the component school  
14 districts. An amendment to a local service plan may be done at any time.

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

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

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

23 336.668. As used in ORS 336.668 to 336.675:

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

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

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

31 (2) "Qualified private alternative education program" means a private alternative education  
32 program that:

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

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

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

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

42 (b) That had a contract with a qualified private alternative education program during the  
43 2006-2007 school year.

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

45 807.066. The Department of Transportation shall not issue driving privileges to a person who is

1 under 18 years of age unless the person:

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

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

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

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

12 (5) Provides the department with a form provided by the department and signed by the author-  
 13 ized representative of the community college attended by the person that declares that the person  
 14 is making satisfactory progress toward a high school diploma;

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

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

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

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

26 **SECTION 7. (1) The amendments to ORS 334.175, 336.668, 339.460, 339.990 and 807.066 by**  
 27 **sections 1 to 5 of this 2011 Act and the repeal of ORS 339.035 by section 6 of this 2011 Act**  
 28 **apply to children taught by a private teacher, parent or legal guardian on or after July 1,**  
 29 **2011.**

30 **(2) The amendments to ORS 807.066 by section 5 of this 2011 Act apply to driving privi-**  
 31 **leges issued on or after July 1, 2011.**

32 **SECTION 8. This 2011 Act being necessary for the immediate preservation of the public**  
 33 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**  
 34 **July 1, 2011.**