

House Bill 2108

Sponsored by Representative BARKER; Senator BOQUIST (at the request of The Oregon Christian Home Education Association Network) (Pre-session 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 **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, 2017.

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, 339.460, 339.990, 341.522 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) Homeschooled students shall not be denied by a school district the opportunity to*
8 *participate in all interscholastic activities if the student fulfills the following conditions:]*

9 **(1) As used in this section:**

10 **(a) "Homeschooled student" means a child who is taught by a private teacher, a parent**
11 **or a legal guardian as described in ORS 339.030 (1)(d) or (e).**

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

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 place the student at or above**
 9 **the 23rd percentile, based on national norms. The parent or legal guardian of the**
 10 **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 334.175 is amended to read:

4 334.175. (1) An education service district shall provide regionalized core services to component
 5 school districts. The goals of these services are to:

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

7 (b) Improve student learning;

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

9 (d) Enable component school districts and the students who attend schools in those districts to
 10 have equitable access to resources; and

11 (e) Maximize operational and fiscal efficiencies for component school districts.

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

17 (a) Programs for children with special needs, including but not limited to special education ser-
 18 vices and services for at-risk students.

19 (b) Technology support for component school districts and the individual technology plans of
 20 those districts, including but not limited to technology infrastructure services, data services, in-
 21 structional technology services and distance learning.

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

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

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

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

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

30 (E) Services designed to support career and technical education.

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

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

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

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

41 (5) A local service plan must:

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

43 (b) After being adopted by the board of the education service district, be approved on or before
 44 March 1 by resolution of two-thirds of the component school districts that are a part of the educa-
 45 tion service district and that have at least a majority of the pupils included in the average daily

1 membership of the education service district, as determined by the reports of such school districts
 2 for the preceding year, enrolled in the schools of the school districts.

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

8 (7) If a component school district determines that a local service plan, or the provision of ser-
 9 vices under a local service plan, does not meet the service needs of the component school district,
 10 the component school district may contract with a public entity for the provision of services.

11 (8) An education service district may provide the services required by the local service plan
 12 directly through the staff of the district. In addition, an education service district may provide ser-
 13 vices required by the local service plan through the operation of a public school, a public charter
 14 school pursuant to ORS chapter 338, an alternative school or a preschool.

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

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

19 339.990. Violation of ORS 339.020 [*or the requirements of ORS 339.035*] is a Class C violation.

20 **SECTION 4.** ORS 341.522, as amended by section 1, chapter 75, Oregon Laws 2016, is amended
 21 to read:

22 341.522. (1) The Office of Student Access and Completion shall administer the Oregon Promise
 23 program as provided by this section.

24 (2) Subject to subsections (5) and (6) of this section, the office shall provide a waiver of tuition
 25 for community college courses to a person who meets the criteria described in subsections (3) and
 26 (4) of this section. The waiver shall be a grant and limited as provided by subsections (5) and (6)
 27 of this section.

28 (3) A grant shall be awarded under this section to a person who meets the following criteria:

29 (a) Is enrolled in courses that are:

30 (A) Offered at a community college in this state; and

31 (B) Determined by the office, in accordance with rules adopted by the Higher Education Coor-
 32 dinating Commission, to be required for completion of:

33 (i) A one-year curriculum for students who plan to transfer to another post-secondary institution
 34 of education;

35 (ii) An associate degree; or

36 (iii) A program in career and technical education;

37 (b) Has been a resident of this state for at least 12 months prior to enrolling in the courses
 38 described in paragraph (a) of this subsection;

39 (c) Attained the person's highest level of education in this state prior to:

40 (A) Receiving a diploma under ORS 329.451;

41 (B) Receiving a General Educational Development (GED) certificate as provided by ORS 350.175;

42 (C) Completing grade 12 [*in compliance with the requirements of ORS 339.035*] **by being educated**
 43 **by a private teacher, parent or legal guardian, as described in ORS 339.030 (1)(d) or (e);** or

44 (D) Completing grade 12 at a private or parochial school, as described in ORS 339.030 (1)(a);

45 (d) Attained the person's highest level of education as described in paragraph (c) of this sub-

1 section within six months from the date that the person first enrolls in courses described in para-
2 graph (a) of this subsection for the purpose of receiving a grant under this section;

3 (e) Earned a cumulative grade point average of 2.5 or better in high school or otherwise dem-
4 onstrated an equivalent academic ability, as determined by the office according to rules adopted by
5 the commission;

6 (f) Completed and submitted the Free Application for Federal Student Aid for each academic
7 year and accepted all state and federal aid grants available to the person, if eligible to file the ap-
8 plication; and

9 (g) Has not completed either of the following:

10 (A) More than a total of 90 credit hours, or the equivalent, at a post-secondary institution of
11 education; or

12 (B) A curriculum, degree or program, as described in paragraph (a)(B) of this subsection.

13 (4)(a) A person continues to remain eligible to receive a grant under this section if the person,
14 in addition to satisfying the criteria specified in subsection (3) of this section, meets the following
15 criteria:

16 (A) Maintains at least the minimum cumulative grade point average prescribed by the commis-
17 sion based on federal aid grant requirements;

18 (B) Makes satisfactory academic progress toward a curriculum, degree or program, as described
19 in subsection (3)(a)(B) of this section, as prescribed by the commission based on federal aid grant
20 requirements;

21 (C) Enrolls in courses described in subsection (3)(a) of this section for a sufficient number of
22 credit hours to be considered at least a half-time student each term for at least three terms in each
23 consecutive academic year; and

24 (D) Completes a first-year experience, as identified by the community college and reported by
25 the community college to the commission.

26 (b) A person who fails to meet an eligibility requirement described in paragraph (a) of this
27 subsection becomes ineligible to receive a grant under this section for the term after which the
28 person fails to meet the eligibility requirement, unless the eligibility requirement is waived by the
29 office according to rules adopted by the commission.

30 (5)(a) The total amount of a grant awarded under this section shall be based on each term that
31 a person is enrolled in courses described in subsection (3)(a) of this section. After the amount of
32 tuition for the person for the term is reduced by \$50, to be paid by the person, and reduced by any
33 amounts received by the person in state and federal aid grants, the person shall be eligible for a
34 grant under this section in an amount that equals:

35 (A) Except as provided by paragraph (b) of this subsection, not less than the greater of:

36 (i) \$1,000; and

37 (ii) The person's actual cost for tuition.

38 (B) Not more than the lesser of:

39 (i) The average cost of tuition at a community college in this state, as determined by the office;
40 and

41 (ii) The person's actual cost for tuition.

42 (b) The minimum amount of a grant, as calculated under paragraph (a) of this subsection, may
43 be prorated for a person who is enrolled in courses described in subsection (3)(a) of this section for
44 a sufficient number of credit hours to be considered at least a half-time student but not a full-time
45 student.

1 (c) The commission may prescribe by rule whether to include fees, and any limitations related
 2 to the inclusion of fees, when determining the actual cost of tuition or the average cost of tuition
 3 under this subsection.

4 (6) The total amount in grants awarded under this section by the office may not exceed \$10
 5 million per fiscal year, or any lesser amount available to the office for the purpose of this section.
 6 The commission may adopt by rule the priority by which grants are awarded, which may allow for
 7 preference to be given to persons enrolled in school districts or high schools that meet specified
 8 criteria.

9 (7) The commission shall adopt any rules necessary for the administration of this section, in-
 10 cluding any requirements related to:

11 (a) Specifying the form and timelines for submitting an application for a grant under this section;

12 (b) Determining whether a person is eligible for a grant under this section, including whether
 13 the person shall be given priority as allowed under subsection (6) of this section;

14 (c) Implementing programs or policies that improve the academic success or completion rates for
 15 persons who receive a grant under this section;

16 (d) Prescribing eligibility requirements and grant calculations for persons dually enrolled in a
 17 community college and a public university; and

18 (e) Evaluating the impact of the program established under this section, including any require-
 19 ments for reporting data needed for evaluations.

20 (8) No later than December 31 of each even-numbered year, the commission shall submit to an
 21 interim legislative committee related to education a report that summarizes the commission's
 22 findings on the impact of the program established under this section. The report shall include:

23 (a) Student completion rates of curricula, degrees and programs described in subsection (3)(a)(B)
 24 of this section;

25 (b) The amount of federal aid grants received by persons who received a grant under this sec-
 26 tion;

27 (c) The financial impact of the program on school districts that had students receive a grant
 28 under this section;

29 (d) The financial impact and the enrollment impact of the program on community colleges and
 30 public universities in this state; and

31 (e) The overall success rate of the program and financial impact of the program.

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

33 807.066. (1) Subject to subsection (2) of this section, the Department of Transportation may not
 34 issue driving privileges to a person who is under 18 years of age unless:

35 (a) The person has graduated from high school and provides the department with proof of
 36 graduation satisfactory to the department;

37 (b) The person has received a General Educational Development (GED) certificate from a com-
 38 munity college and provides the department with proof of the certificate satisfactory to the depart-
 39 ment; or

40 (c) The person's parent or legal guardian certifies that the person is:

41 (A) Enrolled in a school of this state, or any other state or any other country;

42 (B) Enrolled in a community college and making satisfactory progress toward a General Edu-
 43 cational Development (GED) certificate or high school diploma;

44 (C) Being taught by a private teacher, legal guardian or parent [*in compliance with ORS*
 45 *339.035*], **as described in ORS 339.030 (1)(d) or (e);**

1 (D) Exempted from school attendance requirements due to circumstances beyond the control of
 2 the person; or

3 (E) Exempt under ORS 339.030 (2) from the requirement to attend school.

4 (2) The department may not issue driving privileges to a person who is under 18 years of age
 5 and whose driving privileges are suspended under ORS 809.423 (3) for withdrawing from school un-
 6 less the person:

7 (a) Has graduated from high school and provides the department with proof of graduation sat-
 8 isfactory to the department;

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

11 (c) Provides the department with a form provided by the department and signed by the principal,
 12 or the designee of the principal, of the school attended by the person that declares that the person
 13 is enrolled in a school of this state, or any other state or any other country;

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

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

20 (f) Provides the department with a form provided by the department and signed by *[the author-*
 21 *ized representative of the education service district or school district having jurisdiction over the area*
 22 *of the person's residence that declares that the person is being taught by a private teacher, legal*
 23 *guardian or parent in compliance with ORS 339.035]* **a parent or legal guardian of the person that**
 24 **declares that the person is being taught by a private teacher or by a parent or legal guardian**
 25 **of the person, as described in ORS 339.030 (1)(d) or (e);**

26 (g) Provides the department with documentation satisfactory to the department that indicates
 27 that the person is exempted from school attendance requirements due to circumstances beyond the
 28 control of the person; or

29 (h) Provides the department with documentation satisfactory to the department that the person
 30 is exempt under ORS 339.030 (2) from the requirement to attend school.

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

32 **SECTION 7. (1) The amendments to ORS 334.175, 339.460 and 339.990 by sections 1 to 3**
 33 **of this 2017 Act and the repeal of ORS 339.035 by section 6 of this 2017 Act apply to children**
 34 **taught by a private teacher, parent or legal guardian on or after July 1, 2017.**

35 **(2) The amendments to ORS 341.522 by section 4 of this 2017 Act apply to grants applied**
 36 **for on or after July 1, 2017.**

37 **(3) The amendments to ORS 807.066 by section 5 of this 2017 Act apply to driving privi-**
 38 **leges issued on or after July 1, 2017.**

39 **SECTION 8. This 2017 Act being necessary for the immediate preservation of the public**
 40 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**
 41 **July 1, 2017.**