

# Senate Bill 536

Sponsored by Senator THATCHER; Representative WILSON (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**.

Provides that school district may not deny participation in interscholastic activities by student who attends public charter school or virtual public charter school. Specifies requirements that student must meet to participate in interscholastic activities.

## A BILL FOR AN ACT

1  
2 Relating to student participation in interscholastic activities; amending ORS 339.450 and 339.460.

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

4 **SECTION 1.** ORS 339.450 is amended to read:

5 339.450. *[No]* **A** school, school district or association, whether public or private, *[shall]* **may not**  
6 deny any grade or high school student the right to participate in interscholastic athletics solely on  
7 the ground that the student transferred between schools, **attends a public charter school or a**  
8 **virtual public charter school, as defined in ORS 338.005**, or participated in athletics at another  
9 school.

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

11 339.460. *[(1) Homeschooled students shall not be denied by a school district the opportunity to*  
12 *participate in all interscholastic activities if the student fulfills the following conditions:]*

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

14 *[(A) The school district's school or class attendance requirements; and]*

15 *[(B) The class requirements of the voluntary association administering interscholastic activities.]*

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

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

27 *[(c) Any public school student who chooses to be homeschooled must also meet the minimum stan-*  
28 *dards as described in paragraph (b) of this subsection. The student may participate while awaiting*  
29 *examination results.]*

30 *[(d) Any public school student who has been unable to maintain academic eligibility shall be inel-*  
31 *igible to participate in interscholastic activities as a homeschooled student for the duration of the school*

**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 year in which the student becomes academically ineligible and for the following year. The student must  
 2 take the required examinations at the end of the second year and meet the standards described in  
 3 paragraph (b) of this subsection to become eligible for the third year.]

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

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

11 [(2) As used in this section:]

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

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

15 [(c) "Interscholastic activities" includes but is not limited to athletics, music, speech, and other re-  
 16 lated activities.]

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

18 **(a) "Homeschooled student" means a child who is taught by a private teacher, a parent  
 19 or a legal guardian, as described in ORS 339.030.**

20 **(b) "Interscholastic activities" means athletics, music, speech and other similar or re-  
 21 lated activities.**

22 **(c) "Public charter school" has the meaning given that term in ORS 338.005.**

23 **(d) "Virtual public charter school" has the meaning given that term in ORS 338.005.**

24 **(2) A school district may not deny a homeschooled student or a student who attends a  
 25 public charter school or virtual public charter school the opportunity to participate in all  
 26 interscholastic activities if the student fulfills the following conditions:**

27 **(a) The student must meet all school district eligibility requirements except:**

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

29 **(B) The class requirements of the voluntary association that administers interscholastic  
 30 activities.**

31 **(b) The student must either:**

32 **(A) Achieve a minimum score that places the student at or above the 23rd percentile,  
 33 based on national norms, on an examination from the list the State Board of Education  
 34 adopts under ORS 339.035. The student must take the examination at the end of each school  
 35 year, and the student's parent or legal guardian must submit the results to the school dis-  
 36 trict for use in determining eligibility for the following year.**

37 **(B) Meet alternative requirements that a school district adopts, in consultation with the  
 38 student's parent or legal guardian, to participate in interscholastic activities, including but  
 39 not limited to a requirement that a student submit a portfolio of work samples to a school  
 40 district committee for review to determine whether the student is eligible to participate in  
 41 interscholastic activities.**

42 **(3) A homeschooled student or a student who attends a public charter school or a virtual  
 43 public charter school may participate in interscholastic activities while awaiting examination  
 44 results.**

45 **(4) A homeschooled student, or a student who attends a public charter school or a virtual**

1 **public charter school, who does not maintain academic eligibility is ineligible to participate**  
2 **in interscholastic activities for the duration of the school year in which the student becomes**  
3 **academically ineligible and for the following year. The student must take the required ex-**  
4 **aminations at the end of the second year and meet the standards described in subsection**  
5 **(2)(b) of this section to become eligible for the third year.**

6 **(5) A homeschooled student or a student who attends a public charter school or a virtual**  
7 **public charter school must fulfill the same responsibilities and standards of behavior and**  
8 **performance, including related class or practice requirements, as other students who par-**  
9 **ticipate in the interscholastic activity of the team or squad and must meet the same stan-**  
10 **dards for acceptance on the team or squad. The student must also comply with all public**  
11 **school requirements during the time of participation.**

12 **(6) A homeschooled student, or a student who attends a public charter school or a virtual**  
13 **public charter school, who participates in interscholastic activities must reside within the**  
14 **attendance boundaries of the school at which the student participates.**