

Requested by Representative DOHERTY

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 208**

1 On page 1 of the printed A-engrossed bill, line 2, after the semicolon in-
2 sert “creating new provisions; and”.

3 On page 3, after line 31, insert:

4 **“SECTION 3.** ORS 339.450, as amended by section 1 of this 2017 Act, is
5 amended to read:

6 “339.450. A school, school district or association, whether public or pri-
7 vate, may not deny any grade or high school student the right to participate
8 in interscholastic athletics solely on the ground that the student transferred
9 between schools[, *attends a public charter school, as defined in ORS*
10 *338.005,*] or participated in athletics at another school.

11 **“SECTION 4.** ORS 339.460, as amended by section 2 of this 2017 Act, is
12 amended to read:

13 “339.460. (1) As used in this section:

14 “(a) ‘Homeschooled student’ means a child who is taught by a private
15 teacher, a parent or a legal guardian, as described in ORS 339.030.

16 “(b) ‘Interscholastic activities’ means athletics, music, speech and other
17 similar or related activities.

18 “[*(c) ‘Public charter school’ has the meaning given that term in ORS*
19 *338.005.*]

20 “(2) A school district may not deny a homeschooled student[, *or a student*
21 *who attends a public charter school that does not provide interscholastic ac-*

1 *tivities,*] the opportunity to participate in all interscholastic activities avail-
2 able in the school district within the attendance boundaries in which the
3 homeschooled student [*or public charter school student*] resides if the student
4 fulfills the following conditions:

5 “(a) The student must meet all school district eligibility requirements
6 except:

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

8 “(B) The class requirements of the voluntary association that administers
9 interscholastic activities.

10 “(b) The student must meet one of these requirements:

11 “(A) Achieve a minimum score that places the student at or above the
12 23rd percentile, based on national norms, on an examination from the list the
13 State Board of Education adopts under ORS 339.035. The student must take
14 the examination at the end of each school year, and the student’s parent or
15 legal guardian must submit the results to the school district for use in de-
16 termining eligibility for the following year.

17 “(B) Meet alternative requirements that a school district adopts, in con-
18 sultation with the student’s parent or legal guardian, to participate in
19 interscholastic activities, including but not limited to a requirement that a
20 student submit a portfolio of work samples to a school district committee for
21 review to determine whether the student is eligible to participate in inter-
22 scholastic activities.

23 “[*(3) In addition to the requirements set forth in subsection (2) of this sec-*
24 *tion, a public charter school that enrolls a student that intends to participate*
25 *in an interscholastic activity must pay to the school district or school that of-*
26 *fers the interscholastic activity, unless the school district sponsors the public*
27 *charter school that the student attends, as appropriate:]*

28 “[*(a) A fee that is equivalent to not more than five percent of the amount*
29 *of the school district’s General Purpose Grant per ADMw, as calculated under*
30 *ORS 327.013; and]*

1 “[(b) *An additional fee that is equivalent to not more than five percent of*
2 *the amount of the school district’s General Purpose Grant per ADMw, as cal-*
3 *culated under ORS 327.013, if participating in the interscholastic activity re-*
4 *quires the student to enroll in a course for credit. The school district and the*
5 *public charter school shall enter into an agreement to specify the fee required*
6 *under this paragraph, but the agreement may not require for each interscho-*
7 *lastic activity in which the student participates a fee that is equivalent to more*
8 *than five percent more than the fee required under paragraph (a) of this sub-*
9 *section.*]

10 “[(4) **(3)** A homeschooled student [*or a student who attends a public*
11 *charter school*] may participate in interscholastic activities while awaiting
12 examination results.

13 “[(5) **(4)** A homeschooled student[, *or a student who attends a public*
14 *charter school,*] who does not maintain academic eligibility is ineligible to
15 participate in interscholastic activities for the duration of the school year
16 in which the student becomes academically ineligible and for the following
17 year. The student must take the required examinations at the end of the
18 second year and meet the standards described in subsection (2)(b) of this
19 section to become eligible for the third year.

20 “[(6) **(5)** A homeschooled student [*or a student who attends a public*
21 *charter school*] must fulfill the same responsibilities and standards of behav-
22 ior and performance, including related class or practice requirements, as
23 other students who participate in the interscholastic activity of the team or
24 squad and must meet the same standards for acceptance on the team or
25 squad. The student must also comply with all public school requirements
26 during the time of participation.

27 “[(7) **(6)** A homeschooled student[, *or a student who attends a public*
28 *charter school,*] who participates in interscholastic activities must reside
29 within the attendance boundaries of the school at which the student partic-
30 ipates.

