

Charter student not allowed to join choir at Beaverton elementary school

Charter school students and homeschooled students can't be denied participation in "interscholastic activities." However, the school says choir isn't one of those activities because it's not governed by the Oregon School Activities Association.

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Published: 9:48 PM PDT September 21, 2017

BEAVERTON, Ore. -- A Beaverton mom is upset after her son wasn't allowed to join an elementary school choir. The reason: he's a charter school student.

Ben Machuca, 9, attends Baker Web Academy, an online charter school. While studying from home mostly, Ben's mom, Cynda Machuca, says he has interaction with teachers online on a weekly basis and receives in-person visits a couple of times a month. Cynda says Baker Web fits Ben's advanced education level, but

The Machucas recently learned of a before-school choir program that was starting up at Oak Hills Elementary, the nearest grade school to the Machuca home. Ben was not only interested in choir, but had friends joining up too.

"He got really excited about that. And I thought: this is a great opportunity," said Cynda.

"That's why I really want to go to choir, is so I can get better at music," said Ben. "Because I love it, and I love doing it. And so I can be with my friends."

When Cynda reached out to Oak Hills Elementary about Ben joining, she was met with bad news. She says school staff informed her that Ben wouldn't be able to join because of his status as a charter school student. While staff were understanding and apologetic of Ben's situation, they said policy didn't allow it.

"I just remember thinking that I was so frustrated for Ben," said Cynda.

Cynda initially thought that a bill recently passed by Oregon lawmakers would help out Ben's situation. [Senate Bill 208](#) essentially states that both charter school students and homeschooled students can't be denied participation in "interscholastic activities." The bill's language was at one point amended from "athletics" to "interscholastic activities."

However, Cynda would later be told by the Beaverton School District that choir programs don't fall under that definition.

Maureen Wheeler, a public communications officer for the school district, told KGW that under the bill, "interscholastic activities" are activities governed by the Oregon School Activities Association. Choir isn't one of those activities.

“The Oak Hills Elementary before school choir does not fall under these provisions and it is not an interscholastic activity,” said Wheeler in an email. “In addition, about 90 Oak Hills Elementary students have returned permission forms to participate in this choir. School administration is concerned about managing the current Oak Hills student interest.”

Cynda says she understands the wording of the law, but feels that it should be interpreted in a different way.

“The spirit of the law is let kids do stuff with their public school. Let them be part of the community,” she said. “Why deny [charter students] the opportunities to be a part of music and art when they are allowed to be in sports?”

“Just because I’m not in their school, doesn’t mean they have to exclude me,” said Ben Machuca.

Cynda is now holding out hope that the district may change its mind.

Wheeler, meanwhile, added that the district was bound by law in regards to Ben’s situation. She added that the district did reach out to legal counsel to get clarification on the Machuca’s request.