

HB 4036 -3 STAFF MEASURE SUMMARY

House Committee On Education

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Meeting Dates: 2/5, 2/12

WHAT THE MEASURE DOES:

Allows school districts to allow homeschooled students and public charter school students to participate in interscholastic activities regardless of the affiliation with any voluntary associations. Clarifies current interpretation and practice that fees are required on an annual basis, and that charter schools pays up to 5 percent of the school district's General Purpose Grant weighted Average Daily Membership (ADMw) to participate in the activity and an additional 5 percent if the student enrolls in a course for credit. Effective on July 1, 2018.

REVENUE: No revenue impact

FISCAL: No fiscal impact

ISSUES DISCUSSED:

- Article by KGW8 in Summer 2017 discussing a charter school student at Beaverton elementary school who could not join choir, despite passage of Senate Bill 208 (2017)
- Clarifying statutory interpretation of SB 208 (2017) and definition of interscholastic activities
- Application of interscholastic activity definition from grades Kindergarten through eight, and nine through twelfth grade.

EFFECT OF AMENDMENT:

-3 Replaces contents of measure.

Defines "interscholastic activities" as for students in any grade from kindergarten through grade 12 and specifies activities from kindergarten through grade eight offered before or after school are not required to involve interaction among other schools. Clarifies current interpretation and practice that fees are required on an annual basis, and that charter schools pay up to 5 percent of the school district's General Purpose Grant weighted Average Daily Membership (ADMw) to participate in the activity and an additional 5 percent if the student enrolls in a course for credit. Clarifies current interpretation and practice that a public charter school pay a fee once per year, per student, regardless of the number of activities, if the school district or school requires payment. Requires a student attending a public charter school be allowed to participate in the same manner as a resident of the school district. Prevents school districts from prioritizing residents of a district, but requires students satisfy any standards for participation. Requires those activities available to non-chartered public school students be available to charter school and homeschooled students. Takes effect upon passage.

REVENUE: No revenue impact

FISCAL: May have fiscal impact, but no statement yet issued

BACKGROUND:

Senate Bill 208 (2017) prohibited a school district from denying homeschooled or public charter school students the opportunity to participate in interscholastic activities in a school district. It required the charter school to pay school districts a fee of not more than 5 percent of the General Purpose Grant weighted Average Daily Membership (ADMw) to participate in the activity. SB 208 requires the charter school pay an additional 5 percent if the student enrolls in a course for credit.

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The Oregon Department of Education filed Oregon Administrative Rules on December 21, 2017 to address the statutory changes required by SB 208. The rules indicated: (1) The fee would be charged on an annual basis. (2) The fee may not exceed 5 percent of the school district's General Purpose Grant per ADMw and an additional 5 percent if participating in a course for credit. (3) The law only applies to activities sanctioned by the Oregon School Activities Association (OSAA).

HB 4036 removes the requirement that interscholastic activities be affiliated with any voluntary association (ex: the Oregon School Activities Association) for homeschooled and charter school students to participate.