

HB 4036 A STAFF MEASURE SUMMARY
House Committee On Education

Carrier: Rep. McLane

Action Date: 02/12/18

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 7-2-0-0

Yeas: 7 - Doherty, Evans, Hernandez, McLain, Sprenger, Whisnant, Wilson

Nays: 2 - Parrish, Sollman

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

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WHAT THE MEASURE DOES:

Modifies definition of "interscholastic activities" for purposes of homeschooled and charter school student participation in school district activities, specifying that existing definition of athletics, music, speech, and similar or related activities applies to students in any grade from kindergarten through grade 12 and adding that activities from kindergarten through grade eight offered before or after school may, but 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. Declares emergency, effective upon passage.

ISSUES DISCUSSED:

- Article by KGW8 in Summer 2017 discussing a charter school student at Beaverton elementary school who could not participate in 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 grades 9-12.

EFFECT OF AMENDMENT:

Replaces contents of measure.

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 required the charter school pay an additional 5 percent if the student enrolls in a course for credit.

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; and (3) the law only applies to activities sanctioned by the Oregon School

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Activities Association (OSAA).

HB 4036-A modifies the definition of "interscholastic activities" to specify that the existing definition of activities, which includes athletics, music, speech, and similar or related activities, applies to students in any grade from kindergarten through grade 12 and adding that activities from kindergarten through grade eight offered before or after school may, but are not required to, involve interaction among other schools. The bill clarifies current interpretation and practice of applying fees to charter schools for student participation. It prevent districts from prioritizing residents, while requiring districts to allow students to participate in activities. These activities available to non-chartered public school students be available to charter school and homeschooled students.