

House Bill 2989

Sponsored by Representative ALONSO LEON; Representatives DOHERTY, HERNANDEZ, MITCHELL, Senators DEMBROW, MANNING JR

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**.

Allows student enrolled in program provided by school district or education service district to earn General Educational Development (GED) certificate to participate in interscholastic activities. Declares emergency, effective July 1, 2019.

A BILL FOR AN ACT

1
2 Relating to students in a program to earn a General Educational Development certificate; creating
3 new provisions; amending ORS 339.450 and 339.460; and declaring an emergency.

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

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

6 339.450. A school, school district or association, whether public or private, may not deny any
7 grade or high school student the right to participate in interscholastic athletics solely on the ground
8 that the student:

9 (1) Transferred between schools[.];

10 (2) Attends a public charter school, as defined in ORS 338.005[. *or*];

11 (3) Participated in athletics at another school[.]; **or**

12 (4) **Is enrolled in a program provided by a school district or an education service district**
13 **to earn a General Educational Development (GED) certificate.**

14 **SECTION 2.** ORS 339.460, as amended by section 1, chapter 16, Oregon Laws 2018, is amended
15 to read:

16 339.460. (1) As used in this section:

17 (a) **“GED student” means a student who is enrolled in a program provided by a school**
18 **district or an education service district to earn a General Educational Development (GED)**
19 **certificate.**

20 [(a)] (b) **“Homeschooled student” means a child who is taught by a private teacher, a parent or**
21 **a legal guardian, as described in ORS 339.030.**

22 [(b)] (c) **“Interscholastic activities” includes:**

23 (A) For students in any grade from kindergarten through grade 12, athletics, music, speech and
24 other similar or related activities.

25 (B) For students in any grade from kindergarten through grade eight, activities that are offered
26 only before or after regular school hours and that may, but are not required to, involve interaction
27 among other schools.

28 [(c)] (d) **“Public charter school” has the meaning given that term in ORS 338.005.**

29 (2) A school district may not deny a **GED student**, a homeschooled student[,] or a student who
30 attends a public charter school that does not provide interscholastic activities[,] the opportunity to

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 participate in all interscholastic activities available in the school district within the attendance
2 boundaries in which the **GED student**, homeschooled student or public charter school student re-
3 sides if the student fulfills the following conditions:

4 (a)(A) For a **GED student** or a homeschooled student, the student must meet all school district
5 eligibility requirements except:

6 (i) The school district's school or class attendance requirements; and

7 (ii) The class requirements of the voluntary association that administers the interscholastic ac-
8 tivity, if applicable.

9 (B) For a student who attends a public charter school, the student must meet all school district
10 eligibility requirements except the school district's school or class attendance requirements.

11 (b) The **homeschooled student** or the student **who attends a public charter school** must
12 meet one of these requirements:

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

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

23 (3)(a) In addition to the requirements set forth in subsection (2) of this section, a public charter
24 school that enrolls a student who intends to participate in an interscholastic activity must pay to
25 the school district or school that offers the interscholastic activity, as appropriate and if the school
26 district or school requires payment as provided by this subsection:

27 (A) An annual fee that is equivalent to not more than five percent of the amount of the school
28 district's General Purpose Grant per ADMw, as calculated under ORS 327.013; and

29 (B) An additional annual fee that is equivalent to not more than five percent of the amount of
30 the school district's General Purpose Grant per ADMw, as calculated under ORS 327.013, if partic-
31 ipating in the interscholastic activity requires the student to enroll in a course for credit.

32 (b) The school district and the public charter school shall enter into an agreement to specify the
33 amount of the fees described in paragraph (a) of this subsection.

34 (c) A public charter school is required to pay a fee described in paragraph (a) of this subsection
35 only once per year per student participating in an interscholastic activity at a school in the school
36 district, regardless of the number of interscholastic activities in which the student participates.

37 (4) A homeschooled student or a student who attends a public charter school may participate
38 in interscholastic activities while awaiting examination results.

39 (5) A homeschooled student, or a student who attends a public charter school, who does not
40 maintain academic eligibility is ineligible to participate in interscholastic activities for the duration
41 of the school year in which the student becomes academically ineligible and for the following year.
42 The student must take the required examinations at the end of the second year and meet the stan-
43 dards described in subsection (2)(b) of this section to become eligible for the third year.

44 (6)(a) A **GED student**, a homeschooled student or a student who attends a public charter school
45 must fulfill the same responsibilities and standards of behavior and performance, including related

1 class or practice requirements, as other students who participate in the interscholastic activity. The
2 student must also comply with all public school requirements during the time of participation.

3 (b) A student who attends a public charter school must be allowed to participate in an inter-
4 scholastic activity in the same manner that a resident of the school district may participate in the
5 interscholastic activity. A school district may not give priority to residents of the school district to
6 participate in interscholastic activities, but may require a student who attends a public charter
7 school to satisfy any standards for acceptance for participation.

8 (7) A **GED student, a** homeschooled student, or a student who attends a public charter school,
9 who participates in interscholastic activities must reside within the attendance boundaries of the
10 school at which the student participates unless the school district has a policy that allows any
11 student attending a school of the school district to participate in interscholastic activities at any
12 school of the school district.

13 **SECTION 3. The amendments to ORS 339.450 and 339.460 by sections 1 and 2 of this 2019**
14 **Act first apply to the 2019-2020 school year.**

15 **SECTION 4. This 2019 Act being necessary for the immediate preservation of the public**
16 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**
17 **July 1, 2019.**

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