

CHAPTER 70

AN ACT

HB 2817

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

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

SECTION 1. ORS 339.450 is amended to read:

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

(1) Transferred between schools[,];

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

(3) Participated in athletics at another school[,];

or

(4) Is eligible to attend school under ORS 339.115 (1) and is enrolled in a program provided by a school district or an education service district to earn a General Educational Development (GED) certificate.

SECTION 2. ORS 339.460 is amended to read:

339.460. (1) As used in this section:

(a) **“GED program” means a program provided by a school district or an education service district to assist a student in earning a General Educational Development (GED) certificate.**

(b) **“GED student” means a student who is eligible to attend school under ORS 339.115 (1) and who is enrolled in a GED program.**

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

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

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

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

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

(2) A school district may not deny a **GED student**, a homeschooled student[, or] a student who attends a public charter school that does not provide interscholastic activities[, the opportunity to participate in all interscholastic activities available in the school district within the attendance boundaries in which the **GED student**, homeschooled student or public charter school student resides if the student fulfills the following conditions, **as applicable:**

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

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

(ii) The class requirements of the voluntary association that administers the interscholastic activity, if applicable.

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

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

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

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

(c) **For a GED student, the student must demonstrate that, prior to beginning the interscholastic activity, the student has passed at least one practice test administered through the GED program.**

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

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

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

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

(c) A public charter school is required to pay a fee described in paragraph (a) of this subsection only once per year per student participating in an interscholastic activity at a school in the school district,

regardless of the number of interscholastic activities in which the student participates.

(4) A **GED student, a** homeschooled student or a student who attends a public charter school may participate in interscholastic activities while awaiting examination **or practice test** results.

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

(6)(a) A **GED student, a** homeschooled student or a student who attends a public charter school must fulfill the same responsibilities and standards of behavior and performance, including related class or practice requirements, as other students who participate in the interscholastic activity. The student must also comply with all public school requirements during the time of participation.

(b) A student who attends a public charter school must be allowed to participate in an interscholastic activity in the same manner that a resi-

dent of the school district may participate in the interscholastic activity. A school district may not give priority to residents of the school district to participate in interscholastic activities, but may require a student who attends a public charter school to satisfy any standards for acceptance for participation.

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

SECTION 3. The amendments to ORS 339.450 and 339.460 by sections 1 and 2 of this 2021 Act first apply to the 2021-2022 school year.

SECTION 4. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect July 1, 2021.

Approved by the Governor May 21, 2021
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