

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

HOUSE COMMITTEE ON EDUCATION

March 25, 1991  
43-46

Hearing Room F 1:30 p.m. Tapes

MEMBERS PRESENT: Rep. Carolyn Oakley, Chair Rep. Vera Katz,  
Vice-Chair Rep. Bruce Hugo Rep. Delna Jones Rep. Mike Nelson Rep. Bob  
Pickard Rep. Walt Schroeder

STAFF PRESENT: Lee Penny, Committee Administrator Carolynn  
Gillson, Committee Assistant

MEASURES CONSIDERED: HB 3438 - Community juvenile  
corrections grant pilot program, WRK HB 2574 - Home school students  
participate in public school interscholastic activities, PUB HB 2002 -  
Business tax credit for contribution, WRK HB 2899 - Transfer students  
participating in interscholastic activities, PUB

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TAPE 43, SIDE A

005 REP. CAROLYN OAKLEY, chair: Calls the meeting to order at 1:35 p.m.

(Tape 43, Side A) HB 3438 - Community juvenile corrections grant pilot  
program Work Session

008 MOTION: Chair Oakley moves to send HB 3438 to the House Judiciary  
Committee without recommendation.

VOTE: In a roll call vote, the motion carried, with Rep. Nelson  
excused.

(Tape 43, Side A) HB 2574 - Home school students participate in public  
school interscholastic activities Public Hearing Witnesses: Dale Riddle,  
from Eugene Gary Lineburg, parent of homeschooler from Eugene Brian  
Lineburg, homeschooler from Eugene Dean Stepp, teacher and coach from  
Eugene Megan Routson, homeschooler Sky Curl, homeschooler Sue Scott,  
parent of homeschooler Jesse Scott-Hinkle, homeschooler Greg Bradstreet,  
teacher and coach Mike Shearer, previous homeschooler Joan Nygren,  
parent of homeschooler Don Peterson, Oregon School Activities  
Association (OSAA) Marvin Evans, Confederation of School Administrators  
(COA) Richard Karman, Oregon Christian Education Assoc. Network Dale  
Foley, Battleground, Washington Dan Stewart, Battleground, Washington  
Milt Baum, himself

030 DALE RIDDLE: Believes participation in interscholastic activities

is important for children who are being homeschooled. > Briefly reviews the contents of the bill. > The State Board of Education will set the parameters for homeschool participation. Homeschool students will need a higher academic standard than public school students in order to compete.

113 GARY LINEBURG, parent of homeschooler: Refers to Section 2 (6), and makes it clear this bill would not erode the eligibility requirements in public schools. > Reviews his written testimony in support of the bill (EXHIBIT A). > Explains how the dual enrollment policy is the spirit of the bill. > Submits with his testimony a list of 280 names of people who would like to see this bill passed.

228 REP. VERA KATZ: Why do you choose homeschooling for your children?

LINEBURG: We chose homeschooling after being involved in a private Christian school. I am not rejecting public schools. > Explains why homeschooling is so important to him.

270 CHAIR OAKLEY: Can homeschool children participate in athletics prior to the ninth grade?

LINEBURG: It depends on the districts. Many middle schools do allow it.

267 REP. WALT SCHROEDER: Does the bill require a student to take at least one class in a public school?

LINEBURG: No, it does not.

306 BRIAN LINEBURG, homeschooler: I have been homeschooling since the third grade. This year I am enrolled at South Eugene High School where I can take as many classes as I want in addition to homeschooling. This is called dual enrollment. > Explains he is on the freshman basketball team but was not allowed to play in the games because he is not taking the required five classes. I don't think I need to give up something that is defined by law (homeschooling) to be able to play sports.

339 DEAN STEPP, teacher and coach at South Eugene High School: Provides written testimony in support of the bill (EXHIBIT B).

342 REP. BRUCE HUGO: How does a coach address the situation where you need to choose between a full-time public school student and a homeschooler for a position on the team?

STEPP: The real criteria is who are the 12 best players. Homeschoolers should have the same right to make the team as other students.

REP. HUGO: What about a private school student who wants to be on a public school basketball team?

STEPP: I am not an expert on that issue. If they are attending a private school, they are eligible to play on that school's team. Homeschoolers have no facilities to play in, yet their parents pay property taxes that are used to support the public schools.

397 REP. HUGO: How do you respond to the premise that the team is suppose to represent the school when there are students on the team who do not attend the school?

STEPP: The student is not from the school but is from the school district.

420 REP. HUGO: If a student chooses not to attend a public school, at what point can the student opt to go back into a public school?

STEPP: Any student in our attendance boundary should have availability of any of the services of that school district.

437 REP. KATZ: Based on what you have said, students who attend a private school should also be eligible for those privileges because their parents also pay taxes. The principle of your argument is who pays the taxes.

TAPE 44, SIDE A

031 REP. SCHROEDER: We need to look at individual students and not whether something is right or wrong legally.

035 MEGAN ROUTSON, homeschooler: Reads written statement in support of the bill (EXHIBIT C).

057 SKY CURL, former homeschooler: I am a graduate of homeschool and I was not allowed to play any school sports. Just because you are a homeschooler does not make you any different than the public school kids. We all have the same dreams and ambitions.

REP. DELNA JONES: Did you participate in any other sports opportunities?

CURL: Not at the high school age.

080 SUE SCOTT, parent of homeschooler: Provides testimony concerning her son, a freshman homeschool student who plays a clarinet (EXHIBIT D) and was kept from playing in competitions.

JESSE SCOTT-HINKLE, homeschool student: Talks about being a clarinet player, qualifying at the district solo competition and not being able to play in state solo competitions because he is a homeschooler.

SCOTT: Reviews her testimony concerning her son and the firm policy of the Oregon School Activities Association (OSAA) that no homeschool student may participate in any public school activities.

140 REP. KATZ: What curriculum do you use for home schooling?

SCOTT: I make up my own. A standard curriculum is not part of the homeschool law. Jesse does well on his tests.

Testimony in support of HB 2574 was submitted by Thomas R. Hinkle (EXHIBIT E).

150 GREG BRADSTREET, teacher and coach: Reads testimony explaining he is a public school teacher and coach and how his own children are homeschooled and able to participate in sports (EXHIBIT F).

REP. KATZ: Why do you homeschool your own children if you are a public school teacher?

BRADSTREET: We felt educating our children on a one-to-one basis was better than being in a classroom with 35 to 40 kids.

222 MIKE SHEARER, previous homeschooler: Reads his testimony supporting the bill and describing his experiences in physical education classes when he returned to public school in the eleventh grade after eight years of homeschooling and not participating in sports (EXHIBIT G).

317 REP. KATZ: Your position is that you have fought and are still fighting home schooling. You support the bill because it is better than having the child be completely isolated from sports.

SHEARER: As long as the state is going to sanction homeschooling, the next best thing is let the kids get their foot back in the door.

335 JOAN NYGREN, homeschool parent: Explains how they have worked with the system so her son, who is in homeschool, is allowed to participate in athletics. > Believes physical activity is as necessary for the physical, emotional and spiritual development of children as education. > Without rules and regulations to address this issue, you are at the whim of your school board, district superintendent and the teachers.

REP. JONES: You are being required by the school to enroll your son in order to participate in sports. Is that the issue?

NYGREN: It is dual enrollment. In order to fit into OSAA's regulations, he has to take five classes towards graduation. He has been exempted from two classes for religious reasons. Dual enrollment should not be a requirement for homeschool students to participate in interscholastic activities.

TAPE 43, SIDE B

014 DON PETERSON, OSAA: Provides the committee a pamphlet and gives the committee an overview of the OSAA (EXHIBIT H). > OSAA opposes the bill. It's rules require activity participation to be an educational experience and kept within proper perspective in terms of the total school academic program. > Reviews OSAA rules. > OSAA objects to relying on parents to notify the school periodically that the student is passing the required number of courses. > The privilege of activity participation should be limited to those students fully enrolled in the public school they represent and meet standards. > Provides letter from Dr. Steven Wisely, superintendent of Medford Public Schools (EXHIBIT I) opposing the bill. > Seems unnatural to permit students to be eligible to represent a school in an activity when they have chosen not to attend the school.

081 REP. SCHROEDER: If a homeschool student attends one class at a high school, does the school district get any basic school support? Dr. Wisely states it does not.

087 MARVIN EVANS, COSA: My understanding is that attendance of students for basic school support purposes are reported on a percentage basis.

REP. SCHROEDER: What is the grade eligibility to play athletics?

PETERSON: The minimum requirement to participate is passing five subjects. OSAA recognizes a "D" as a passing grade. Local school districts have the option of having higher standards.

EVANS: Talks about standards for passing grades versus scores on achievement tests.

121 REP. MIKE NELSON: Could a homeschooler living in one district and attending one class in a public school be eligible to play sports in another district?

PETERSON: They would only be eligible in the district they live in.

150 REP. HUGO: I introduced a bill in the 1987 session where no one could participate in an activity if they were failing any course. The school districts are required to establish academic standards. The standard set by OSAA does not count. It is not a state agency and does not have any authority over who may or may not participate in a public school activity.

195 EVANS: I am speaking on behalf of COSA and the Oregon School Boards Association (OSB A). > The management of athletics in a public school is a difficult problem. It is necessary to have a viable system to manage the programs in order to avoid controversy. > OSAA has been the vehicle allowing for the management of interscholastic activities to be done in a well controlled and reasonable fashion. > Not all parents who homeschool are responsible and are doing it for the right reasons. Loosening up the requirements for homeschoolers applies to everyone. > The safeguard in the bill is that parents state their homeschooled student is satisfying the eligibility requirements to participate.

REP. KATZ: Is a test score an objective measurement tool?

EVANS: Yes, it is. Most school districts have higher standards to be met.

REP. JONES: For homeschoolers, the eligibility is reported only by the parent, while in the classroom, they get grades on a regular basis.

296 REP. HUGO: Suggests adding language to the bill requiring the local ESD to monitor the progress of a homeschooler.

EVANS: It would be very difficult to set up that monitoring process. I do not have confidence we will get accurate, honest reports from some of the parents involved in homeschooling.

340 EVANS: The issue of standards is my biggest concern.

REP. KATZ: Would you support the bill if we used your standard?

EVANS: Explains COSA and OSB A would still oppose the bill. It would take more than solving the standards issue for them to support the bill. > The financial issue is that activities are supported by taxpayer dollars, fees paid by all students, gate receipts and possibly a specific fee charged to all participants. This bill does not address the financial issue.

436 RICHARD KARMAN, coordinator of the Oregon Christian Education Association Network: The homeschoolers interested in interscholastic participation are fine athletes, have good character and can contribute to the activities. They have chosen homeschooling to enhance their education. They are being penalized for making that choice.

TAPE 44, SIDE B

010 KARMAN: School districts that permit dual enrollment already see this need and are meeting it. The OSAA rules keep these students from participating in interscholastic activities.

057 REP. JONES: Through your organization, how many students do you know are being homeschooled?

KARMAN: We have over 2,000 families, and that is about 5,000 children in Christian home schools in this state.

070 DALE FOLEY, principal of Battleground High School in Battleground, Washington: Washington has extended to homeschoolers the right to participate in interscholastic sport activities. It is not right for a student to be removed from the opportunity to participate because his or her parents have selected homeschooling. Participating in the activities is a positive experience for students. > Reviews the Washington state statute regulating homeschool instruction and supportive information (EXHIBIT J).

152 REP. HUGO: Have you ever second guessed parents in your community as to how they are doing in homeschooling?

FOLEY: I have not had to so far. If I were suspicious, I would ask for additional documentation. > Washington's interscholastic association had the same concerns you have heard today. Our statute has not changed that much for them.

184 DAN STEWART, homeschool student from Battleground: Talks about being a homeschooler for six years and playing on the varsity basketball team in Battleground, Washington. > Would have no chance to play at the small college level without participating in high school.

213 MILT BAUM: Speaks of his experience as school superintendent. > If a student is enrolled in just one class, the school district receives 50 percent of the basic school support. > There are many alternative programs for students and school districts set up their own policies and allow the students from alternative programs to participate in activities.

REP. HUGO: Has anyone appealed an OSAA decision to the superintendent or state board as provided in statute?

BAUM: When the statute was originally passed, there were a number of appeals. Since then the statute was amended providing that OSAA area and regional committees would review the decision first.

310 LEE PENNY, Committee Administrator: An average of one OSAA decision a year is appealed to the state level.

REP. HUGO: I am curious how many people are aware they can appeal a decision to the state board. > Refers to ORS 326.058(4).

Testimony in support of the bill was received from Serena Amaro, Marie Vinson, Dan Westenderf and Scott Westenderf (EXHIBIT K).

368 Committee takes short break.

(Tape 44, Side B) HB 2002 - Authorizes business tax credit for contribution to child development programs or teenage parent programs

Work Session

373 CHAIR OAKLEY: Asks for unanimous consent to suspend the rules for the purpose of reconsidering the vote by which the committee passed HB 2002 to the Revenue Committee with a do pass recommendation. > The bill was sent out amended and it should not have been.

390 LEE PENNY, Committee Administrator: On page 1, line 23, and page 2, line 14, the word "department" was misinterpreted to mean Department of Education. It is referring to the Department of Revenue. > There were no objections to suspend the rules.

MOTION: Chair Oakley moves to reconsider the vote by which HB 2003 was sent out of the committee. There were no objections.

MOTION: Rep. Hugo moves to rescind the amendments from HB 2003 and restore the original language. There was no objection.

445 MOTION: Rep. Schroeder moves to send HB 2002 to the Committee on Revenue and School Finance with a do pass recommendation.

VOTE: In a roll call vote, the motion carried. Reps. Jones and Nelson were excused.

TAPE 45, SIDE A

HB 2899 - Prohibits barring transfer students from participating in interscholastic activities Public Hearing Witnesses: Don Peterson, OSAA Rep Randy Miller, District 24 Marvin Evans, COSA

033 DON PETERSON, OSAA: HB 2899 would eliminate the transfer rules of the OSAA. Currently, students are eligible to play on school athletic teams in the school district in which their parents reside. Exceptions to the rule are handled on a case by case basis. > Explains how athletic interests could become a dominate factor in educational decisions. > School personnel and boards believe rules to deter such situations are warranted. > Reviews reasons for transfer rules. > Foreign athletes with athletic motives could enroll in Oregon high schools only if this bill is approved. > Students who transfer now, without their parents moving, can be declared eligible through the OSAA hardship appeal process. > Describes the appeal process. > So far this school year 191 transfer cases have been heard by district committees: 9 ruled ineligible, five have been appealed to the OSAA Eligibility Appeals Board. Boards determined four of five to be eligible. One appealed the decision and the case was solved before a hearing was held. > HB 2899 is unnecessary and would have a harmful effect if passed.

106 REP. KATZ: Would you still recommend that transfer students not be eligible with school choice or open enrollment?

PETERSON: There needs to be some framework to deal with transfers for athletic motives.

163 REP. RANDY MILLER: Explains how he got involved with the issue in 1983 because of an exchange student who was not from a recognized exchange program and got on a basketball team at the school he was attending. OSAA ruled the student was ineligible to play at the state tournament. I don't think it is OSAA's arena to make the decision. When the transfer is for academic reasons, there is no crises. OSAA should not put its values ahead of the students or their families. >

Talks about recruitment at Wilson.

REP. KATZ: The transfer is only wrong when the policy on academic grades is not followed. Suggests linking up with academic achievement.

MILLER: Your academic standards need to be in line before you are able to play. I don't think this bill would pose a serious problem.

256 REP. BOB PICKARD: I see an increasing number of parents taking advantage of this.

REP. HUGO: Are you saying parents should have the right to make the choice and not OSAA.

MILLER: Yes. > This bill says not to punish people who think athletics are important.

414 MARVIN EVANS, COSA: Testifies in opposition to the bill. > Explains the various ways judgements are imposed on parents and students. > Transfers in schools because of athletic programs have been a serious problem. It has been badly abused. > Feels the process developed to deal with situations has worked fairly well. It would be a mistake to disrupt a process that addresses a documented problem.

REP. HUGO: There needs to be some kind of flexibility for certain circumstances. In almost every situation, it is the kid who is penalized by being ruled ineligible.

TAPE 46, SIDE A

022 EVANS: I personally have never dealt with a transfer issue as a level playing field issue. My concern has been what is good for kids. > Talks about a situation where a student moved for academic reasons and the transfer was documented with convincing evidence.

REP. HUGO: Where is the burden of proof?

EVANS: It is a judgement call. > On two occasions coaches have been removed from their coaching positions because of unethical recruiting practices.

055 REP. JONES: What are coach salary discussions based upon?

EVANS: Coaches get paid on a negotiated salary schedule.

084 CHAIR OAKLEY: Adjourns meeting at 4:25 p.m.

Submitted by: Reviewed by:

Carolynn GillsonLee Penny Assistant Administrator

EXHIBIT LOG: A - Testimony on HB 2574 and petition - Gary Lineburg  
- 38 pages B - Testimony on HB 2574 - Dean Stepp - 1 page  
C - Testimony on HB 2574 - Megan Routson - 1 page D-Testimony on  
HB 2574 - Sue Scott - 9 pages E-Testimony on HB 2574 and petition -  
Thomas Hinkle - 4 pages F-Testimony on HB 2574 - Greg Bradstreet - 1  
page G-Testimony on HB 2574 - Mike Shearer - 5 pages H-Pamphlet  
concerning HB 2574 - OSAA - 2 pages I-Testimony on HB 2574 - Dr. Wisely



- 2 pages J-Statute concerning HB 2574 - Dan Foley - 4 pages K-Testimony  
on HB 2574 - several people - 6 pages