

OISRA Board of Directors' Meeting with State Board of Education  
Public Services Building  
Salem, Oregon

March 20, 2006  
2:32 p.m. – 3:25 p.m.

Present:

Richard Sellens, Chairman of the OISRA Board of Directors  
Bill Wainwright, member of OISRA Board of Directors  
Justin Horner, OISRA Emerald League Executive Committee Member  
Rob Smoot, member of OISRA Board of Directors  
Bill Martin, Assistant to the Secretary (in charge of the tape recorder)  
Jinny Martin, OISRA Secretary  
Randy Harnisch, State Board of Education representative

Purpose of the meeting was for the OISRA Board of Directors to get information from Randy Harnisch about State Board of Education (SBE) policies and procedures regarding high school interscholastic activities.

In summary, the following were discussed:

- I. Review of SBE rules regarding interscholastic activities
- II. Inclusion of OSAA eligibility rules in the OISRA Bylaws
- III. Renewal process for the OISRA to maintain SBE approval to be a governing body for high school ski racing.
- IV. Outcome of Summit High School appeal

**REVIEW OF STATE BOARD OF EDUCATION RULES  
REGARDING INTERSCHOLASTIC ACTIVITIES**

**A. State Board of Education requirements for interscholastic activities**

**Oregon Revised Statutes 339.430**  
(States Requirements of the Board of Education)

(2) The board shall review the rules and bylaws of the voluntary organization to determine that the rules and bylaws do not conflict with state law or rules of the board.

**Oregon Administrative Rule 581.021.0034**  
(Fleshes out the rules of the SBE)

(2) (a) An organization may apply to the State Board for approval to administer interscholastic activities by submitting:

- (A) The application forms provided by the Department;
- (B) A statement of the organization’s purpose, including its charter, constitution, and bylaws;
- (C) The organization’s most recent set of financial statements; and
- (D) The organization’s academic and behavioral standards for student participation.

(3) To gain approval, the applicant organization must submit all required information and assure that the organization will:

- (a) Comply with state and federal laws relating to Oregon public school students and administrative rules of the State Board;
- (b) Not discriminate as discrimination is defined in ORS 659.150; and
- (c) Complement, through its actions and activities, the State Board functions as defined in ORS 326.051(1)(a).

Randy Harnisch explained that “State Board functions” are very broad in definition. As such, and in the opinion of Mr. Harnisch, an organization would have to intentionally try to not comply with them. The virtues of working with kids in interscholastic activities in and of itself complements the functions of the board.

**ORS 659.850**

(Definition of discrimination referred to in (3) (b))

**659.850 Discrimination in education prohibited; rules.** (1) As used in this section, “discrimination” means any act that unreasonably differentiates treatment, intended or unintended, or any act that is fair in form but discriminatory in operation, either of which is based on age, disability, national origin, race, marital status, religion or sex.

(2) No person in Oregon shall be subjected to discrimination in any public elementary, secondary or community college education program or service, school or interschool activity or in any higher education program or service, school or interschool activity where the program, service, school or activity is financed in whole or in part by moneys appropriated by the Legislative Assembly.

**B. Application of SBE Rules for Interscholastic Activities**

**Oregon Administrative Rule 581-022-1680**

(Defines which interscholastic activities school districts can support)

### ***Interscholastic Activity Organizations***

*A school district shall allow only those organizations to administer interscholastic activities within the district which have been approved by the State Board of Education under procedures of OAR 581-021-0034.*

This rule clarifies that any interscholastic activity organized at the high school level must be approved by the State Board of Education. The example of OBRA letting bike riders sign up for a race and naming the high school they attend is not an example of a school district organizing the students to attend the event.

Any violation of this rule would be between the school district and the SBE—it would not be an issue for the student or the organization that is sponsoring the event where students are writing in the name of their school when they register.

If a school district is sending teams to a snowboard competition, then snowboarding is an interscholastic activity organization and it should be registered. Otherwise, the school district is aligning itself with an organization that has not been approved by the SBE.

### **Students registering for ski events which are not OISRA events**

Rob Smoot: Ski Bowl is sponsoring what they are calling a “High School Fling.” This is not an OISRA sanctioned event. How does this work? Do I implicate the school if I take my boys and any other kids who have been on the team and register them for this event?

Randy Harnisch: A problem would occur only if the school put together the team, and then there is a problem between the SBE and the school that is fielding the team.

Rob Smoot: I am a volunteer coach—not paid staff. Maybe I need to call this group something other than the school team.

Richard Sellens: My concern is about confidentiality of giving ski areas information about students.

Randy Harnisch: If the kids are filling out the forms (registration or release of liability) and their parents are signing, then this is not breaking any rules about releasing student identification information. The problem would come up only if someone representing the school is sending the information directly (going around child or parent) to the ski area.

Richard Sellens read the OISRA policy regarding “Releasing of Student Identification Information.” Randy agreed that this policy appears to be consistent with requirements to maintain student confidentiality. It clarifies the information that OISRA can provide for rosters or to ski areas. Parents can consent to give out what would otherwise be considered to be confidential information.

## **Formation of another organization governing ski racing**

The SBE can give approval to two or more different organizations to govern the same sport.

A school district may choose to support only one organization under which students may participate as an interscholastic activity.

Could a school district decide which organization governs a team that is fully run by volunteers?

Rob Smoot answers, “Yes.” In the case of his school district he had to petition to be allowed to be a volunteer coach for a club that was not funded by the school.

## **INCLUSION OF OSAA ELIGIBILITY RULES IN OISRA BYLAWS**

### **A. History of OSAA Rule 8 being included in OISRA Bylaws and relationship of OSSA rules to OISRA rules**

March 1997 was the first time Randy Harnisch saw the OISRA application for approval to administer interscholastic activities. He does not have any earlier application by OISRA to SBE. In 1997, OISRA eligibility requirements were already based on OSAA policies. Randy does not have any way to determine if OSAA policies had been included in OISRA rules earlier than 1997.

The SBE does not require OISRA to follow OSAA eligibility rules. OISRA can develop their own.

### **B. Referencing OSAA in OISRA Bylaws**

Rob Smoot explained that the OISRA Board was planning to remove the reference to OSAA in the OISRA Bylaws and name the rules in the Appendix I something else. OISRA can decide to keep the eligibility rules as they are now written and not need to update them whenever OSAA makes changes.

### **C. Questions about Amateurism Rules**

Bill Wainwright asks if any of the SBE requirements regarding interscholastic activities relate to amateurism. Would SBE requirements affect whether OISRA amateurism rules are as strict as OSAA rules or a broader interpretation of amateurism that allows for some flexibility?

Randy Harnisch confirms it is the prerogative of the OISRA to set a standard. He does not think any OISRA policy on amateurism would be an issue, but can not give legal advice. Suggests talking to legal counsel.

Bill Wainwright explained the procedure for finding out from NCAA if the amateur status of an athlete would be jeopardized by accepting specific awards. He summarizes that there is no similar procedure for finding out from SBE if accepting specific awards is allowable for interscholastic activities. However, if OISRA submits new bylaws that have amateurism rules that are different from what they were 5 years ago, then SBE would identify this change and let OISRA know if the amended amateurism rules are allowed.

Randy Harnisch explained that, because of current issues with OSAA, the SBE review of applications for getting approval of interscholastic activities will probably be a more thorough review this Spring than has been done in the past.

### **RENEWAL PROCESS FOR THE OISRA TO MAINTAIN SBE APPROVAL TO BE A GOVERNING BODY FOR HIGH SCHOOL SKI RACING.**

OISRA can turn in their application at this time (March) and get the SBE approval without making any changes to the current documents.

After getting the SBE approval, the organization's status of approval is not jeopardized by going through an amendment process at later time during the 5-year approval period.

The OISRA can submit to the SBE any change in OISRA rules within 30 days of taking action. At that time, the changes are reviewed and the documents that are on file with the SBE are amended.

Randy Harnisch assured the group that it is highly likely that any amendments that OISRA would make would be readily accepted—but if they were not accepted, Randy would notify OISRA and OISRA could then make any necessary changes to maintain SBE approval.

Richard Sellens wants the OISRA to make some changes to its Combined Bylaws before the SBE's application deadline of the third week of June. Then fewer changes would need to be sent through the SBE at a later date. He suggests (to the Board members) a combined executive meeting in May to address possible changes in amateurism rules and the addition of non-academic eligibility guidelines.

Randy Harnisch will send out the application electronically sometime next week. Hopefully, it can be filled out electronically and sent back electronically.

## **SUMMIT HIGH SCHOOL APPEAL**

Outcome: The OISRA did not violate state or federal laws, or the rules of the Department of Education when it denied two boys from Summit High School the opportunity to participate in OISRA activities.

Findings: OISRA interpretation of Rule 8-4 did not discriminate by infringing on students' rights to participate in PNSA events.

Statement from SBE can be posted on the website.

Notetaker: Jinny Martin, OISRA Secretary