

House Bill 3335

Sponsored by Representative GELSER

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 to attend school in school district in which student does not live if certain requirements are met. Directs that student is considered resident for purposes of calculation of State School Fund grant. Allows school district to be reimbursed for percentage of transportation costs associated with student.

Declares emergency, effective July 1, 2007.

A BILL FOR AN ACT

1
2 Relating to school attendance; creating new provisions; amending ORS 327.006 and 339.133; and de-
3 claring an emergency.

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

5 **SECTION 1.** ORS 339.133 is amended to read:

6 339.133. (1) Except as provided in subsection (3), (4), (5) [*or*], (7) **or** (8) of this section, children
7 between the ages of 4 and 18 shall be considered resident for school purposes in the school district
8 in which their parents, guardians or persons in parental relationship to them reside.

9 (2) Nonemancipated individuals between the ages of 4 and 18 living outside the geographic area
10 of the school district for such reasons as attending college, military service, hospital confinement
11 or employment away from home shall be considered resident in the district in which their parents,
12 guardians or persons in parental relationship to them reside.

13 (3) Individuals considered legally emancipated from their parents shall be considered resident
14 in the district in which they actually reside, irrespective of the residence of their parents, guardians
15 or persons in parental relationship.

16 (4) Children placed by public or private agencies who are living in substitute care programs li-
17 censed, certified or approved shall be considered resident in the school district in which they reside
18 by placement of the public or private agency.

19 (5)(a) Notwithstanding subsection (4) of this section, when a juvenile court determines that it is
20 in a child's best interest to continue to attend the school that the child attended prior to placement
21 by a public agency, the child:

22 (A) Shall be considered resident for school purposes in the school district in which the child
23 resided prior to the placement; and

24 (B) May continue to attend the school the child attended prior to the placement through the
25 highest grade level of the school.

26 (b) The public agency that has placed the child shall be responsible for providing the child with
27 transportation to and from school when the need for transportation is due to the placement by the
28 public agency.

29 (c) Paragraph (b) of this subsection applies only to a public agency for which funds have been
30 designated for the specific purpose of providing a child with transportation to and from school under

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 this subsection.

2 (6) Persons living temporarily in a school district for the primary purpose of attending a district
 3 school may not be considered legally resident of the district in which they are living temporarily,
 4 but shall be considered resident in the district in which they, their parents, guardians or persons in
 5 parental relationship to them maintain residency.

6 (7) Except as provided in ORS 327.006 (7) and 335.090, persons whose legal residence is not
 7 within the district but who attend school in the district with the written consent of the affected
 8 district school boards shall be considered to be residents of the district in which the person attends
 9 school for purposes of the receipt by that district of State School Fund moneys for the person.

10 **(8) A child between the ages of 4 and 18 may attend school in another school district if**
 11 **the parents, guardians or persons in parental relationship do not reside in that district and**
 12 **live:**

13 **(a) More than 15 miles from the nearest school of the child’s grade level in the school**
 14 **district in which they reside; and**

15 **(b) Less than 10 miles from a school of the child’s grade level in another school district.**

16 [(8)] (9) For the purposes of subsection (4) of this section, “substitute care program” means
 17 family foster care, family group home care, parole foster care, family shelter care, adolescent shelter
 18 care and professional group care.

19 **SECTION 2. The amendments to ORS 339.133 by section 1 of this 2007 Act first apply to**
 20 **the 2007-2008 school year.**

21 **SECTION 3.** ORS 327.006 is amended to read:

22 327.006. As used in ORS 327.006 to 327.133, 327.348, 327.355, 327.357, 327.360 and 327.731:

23 (1) “Aggregate days membership” means the sum of days present and absent, according to the
 24 rules of the State Board of Education, of all resident pupils when school is actually in session during
 25 a certain period. The aggregate days membership of kindergarten pupils shall be calculated on the
 26 basis of a half-day program.

27 (2)(a) “Approved transportation costs” means those costs as defined by rule of the State Board
 28 of Education and is limited to those costs attributable to transporting or room and board provided
 29 in lieu of transporting:

30 (A) Elementary school students who live at least one mile from school;

31 (B) Secondary school students who live at least 1.5 miles from school;

32 (C) Any student required to be transported for health or safety reasons, according to supple-
 33 mental plans from districts that have been approved by the state board identifying students who are
 34 required to be transported for health or safety reasons, including special education;

35 (D) Preschool children with disabilities requiring transportation for early intervention services
 36 provided pursuant to ORS 343.224 and 343.533;

37 (E) Students who require payment of room and board in lieu of transportation;

38 (F) A student transported from one school or facility to another school or facility when the
 39 student attends both schools or facilities during the day or week; [and]

40 (G) Students participating in school-sponsored field trips that are extensions of classroom
 41 learning experiences; and

42 **(H) Students who attend school in the district pursuant to ORS 339.133 (8).**

43 (b) “Approved transportation costs” does not include the cost of constructing boarding school
 44 facilities.

45 (3) “Average daily membership” or “ADM” means the aggregate days membership of a school

1 during a certain period divided by the number of days the school was actually in session during the
 2 same period. However, if a district school board adopts a class schedule that operates throughout
 3 the year for all or any schools in the district, average daily membership shall be computed by the
 4 Department of Education so that the resulting average daily membership will not be higher or lower
 5 than if the board had not adopted such schedule.

6 (4) "Consumer Price Index" means the Consumer Price Index for All Urban Consumers of the
 7 Portland, Oregon, Standard Metropolitan Statistical Area, as compiled by the United States De-
 8 partment of Labor, Bureau of Labor Statistics.

9 (5) "Kindergarten" means a kindergarten program that conforms to the standards and rules
 10 adopted by the State Board of Education.

11 (6) "Net operating expenditures" means the sum of expenditures of a school district in
 12 kindergarten through grade 12 for administration, instruction, attendance and health services, op-
 13 eration of plant, maintenance of plant, fixed charges and tuition for resident students attending in
 14 another district, as determined in accordance with the rules of the State Board of Education, but
 15 net operating expenditures does not include transportation, food service, student body activities,
 16 community services, capital outlay, debt service or expenses incurred for nonresident students.

17 (7)(a) "Resident pupil" means any pupil:

18 (A) Whose legal school residence is within the boundaries of a school district reporting the pup-
 19 il, if the district is legally responsible for the education of the pupil, except that "resident pupil"
 20 does not include a pupil who pays tuition or for whom the parent pays tuition or for whom the
 21 district does not pay tuition for placement outside the district; [*or*]

22 (B) Whose legal residence is not within the boundaries of the district reporting the pupil but
 23 attends school in the district with the written consent of the affected school district boards[.]; **or**

24 **(C) Whose legal residence is not within the boundaries of the district but attends school**
 25 **in the district pursuant to ORS 339.133 (8).**

26 (b) A pupil shall not be considered to be a resident pupil under paragraph (a)(A) of this sub-
 27 section if the pupil is attending school in another school district pursuant to a contract under ORS
 28 339.125 and in the prior year was considered to be a resident pupil in another school district under
 29 paragraph (a)(B) of this subsection. The pupil shall continue to be considered a resident of another
 30 school district under paragraph (a)(B) of this subsection.

31 (c) A pupil shall not be considered to be a resident pupil under paragraph (a)(B) of this sub-
 32 section if the pupil is attending school in a school district pursuant to an agreement with another
 33 school district under ORS 339.133 and in the prior year was considered to be a resident pupil under
 34 paragraph (a)(A) of this subsection because the pupil was attending school in another school district
 35 pursuant to a contract under ORS 339.125. The pupil shall continue to be considered a resident
 36 pupil under paragraph (a)(A) of this subsection.

37 (d) "Resident pupil" includes a pupil admitted to a school district under ORS 339.115 (7).

38 (8) "Standard school" means a school meeting the standards set by the rules of the State Board
 39 of Education.

40 (9) "Tax" and "taxes" includes all taxes on property, excluding exempt bonded indebtedness, as
 41 those terms are defined in ORS 310.140.

42 **SECTION 4. The amendments to ORS 327.006 by section 3 of this 2007 Act apply to State**
 43 **School Fund distributions commencing with the 2007-2008 distribution.**

44 **SECTION 5. This 2007 Act being necessary for the immediate preservation of the public**
 45 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**

1 **July 1, 2007.**

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