

# House Bill 2446

Sponsored by Representative GELSER; Representatives BUCKLEY, C EDWARDS

## 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**.

Requires apportionments from State School Fund for kindergarten programs to be calculated based on full-day program if kindergarten student was eligible for and receiving early childhood special education by specified date.

Applies to State School Fund distributions commencing with 2010-2011 distribution.

## A BILL FOR AN ACT

1  
2 Relating to school finance; creating new provisions; and amending ORS 327.006 and 327.082.

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

4 **SECTION 1.** ORS 327.082 is amended to read:

5 327.082. (1) School districts [*which*] **that** operate kindergartens that conform to the standards  
6 and rules adopted by the State Board of Education shall be eligible for apportionments from the  
7 State School Fund on the basis of resident average daily membership in the kindergartens.

8 **(2) For the purpose of calculating apportionments for kindergartens, the average daily**  
9 **membership of a kindergarten student shall be based on:**

10 **(a) A half-day program; or**

11 **(b) A full-day program if the kindergarten student was eligible for and receiving early**  
12 **childhood special education prior to January 1 of the year that the student first began**  
13 **kindergarten.**

14 **(3) The calculation described in subsection (2)(b) of this section applies to:**

15 **(a) All kindergarten programs offered by a school district, regardless of the number of**  
16 **hours of the program.**

17 **(b) Kindergarten students who repeat kindergarten if the student was eligible for and**  
18 **receiving early childhood special education prior to January 1 of the year that the student**  
19 **first began kindergarten.**

20 [(2)] (4) The apportionments **for kindergartens** shall be paid in the same manner as other ap-  
21 portionments from the State School Fund are paid. Computation of the amounts due each district  
22 operating a kindergarten shall be made by the Superintendent of Public Instruction pursuant to **this**  
23 **section and** rules of the State Board of Education. The rules shall establish a method of computa-  
24 tion that is consistent with the method of computation of other apportionments from the State  
25 School Fund.

26 **SECTION 2.** ORS 327.006 is amended to read:

27 327.006. As used in ORS 327.006 to 327.133, 327.348, 327.355, 327.357, 327.360 and 327.731:

28 (1) "Aggregate days membership" means the sum of days present and absent, according to the  
29 rules of the State Board of Education, of all resident pupils when school is actually in session during  
30 a certain period. [*The aggregate days membership of kindergarten pupils shall be calculated on the*

**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 *basis of a half-day program.]*

2 (2)(a) "Approved transportation costs" means those costs as defined by rule of the State Board  
3 of Education and is limited to those costs attributable to transporting or room and board provided  
4 in lieu of transporting:

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

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

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

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

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

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

15 (G) Students participating in school-sponsored field trips that are extensions of classroom  
16 learning experiences.

17 (b) "Approved transportation costs" does not include the cost of constructing boarding school  
18 facilities.

19 (3) "Average daily membership" or "ADM" means the aggregate days membership of a school  
20 during a certain period divided by the number of days the school was actually in session during the  
21 same period. However, if a district school board adopts a class schedule that operates throughout  
22 the year for all or any schools in the district, average daily membership shall be computed by the  
23 Department of Education so that the resulting average daily membership will not be higher or lower  
24 than if the board had not adopted such schedule.

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

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

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

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

37 (A) Whose legal school residence is within the boundaries of a school district reporting the pu-  
38 pil, if the district is legally responsible for the education of the pupil, except that "resident pupil"  
39 does not include a pupil who pays tuition or for whom the parent pays tuition or for whom the  
40 district does not pay tuition for placement outside the district; or

41 (B) Whose legal residence is not within the boundaries of the district reporting the pupil but  
42 attends school in the district with the written consent of the affected school district boards.

43 (b) A pupil shall not be considered to be a resident pupil under paragraph (a)(A) of this sub-  
44 section if the pupil is attending school in another school district pursuant to a contract under ORS  
45 339.125 and in the prior year was considered to be a resident pupil in another school district under

1 paragraph (a)(B) of this subsection. The pupil shall continue to be considered a resident of another  
 2 school district under paragraph (a)(B) of this subsection.

3 (c) A pupil shall not be considered to be a resident pupil under paragraph (a)(B) of this sub-  
 4 section if the pupil is attending school in a school district pursuant to an agreement with another  
 5 school district under ORS 339.133 and in the prior year was considered to be a resident pupil under  
 6 paragraph (a)(A) of this subsection because the pupil was attending school in another school district  
 7 pursuant to a contract under ORS 339.125. The pupil shall continue to be considered a resident  
 8 pupil under paragraph (a)(A) of this subsection.

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

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

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

14 **SECTION 3.** ORS 327.006, as amended by section 11, chapter 846, Oregon Laws 2007, is  
 15 amended to read:

16 327.006. As used in ORS 327.006 to 327.133, 327.348 and 327.731:

17 (1) "Aggregate days membership" means the sum of days present and absent, according to the  
 18 rules of the State Board of Education, of all resident pupils when school is actually in session during  
 19 a certain period. [*The aggregate days membership of kindergarten pupils shall be calculated on the*  
 20 *basis of a half-day program.*]

21 (2)(a) "Approved transportation costs" means those costs as defined by rule of the State Board  
 22 of Education and is limited to those costs attributable to transporting or room and board provided  
 23 in lieu of transporting:

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

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

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

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

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

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

34 (G) Students participating in school-sponsored field trips that are extensions of classroom  
 35 learning experiences.

36 (b) "Approved transportation costs" does not include the cost of constructing boarding school  
 37 facilities.

38 (3) "Average daily membership" or "ADM" means the aggregate days membership of a school  
 39 during a certain period divided by the number of days the school was actually in session during the  
 40 same period. However, if a district school board adopts a class schedule that operates throughout  
 41 the year for all or any schools in the district, average daily membership shall be computed by the  
 42 Department of Education so that the resulting average daily membership will not be higher or lower  
 43 than if the board had not adopted such schedule.

44 (4) "Consumer Price Index" means the Consumer Price Index for All Urban Consumers of the  
 45 Portland, Oregon, Standard Metropolitan Statistical Area, as compiled by the United States De-

1 partment of Labor, Bureau of Labor Statistics.

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

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

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

11 (A) Whose legal school residence is within the boundaries of a school district reporting the pu-  
12 pil, if the district is legally responsible for the education of the pupil, except that "resident pupil"  
13 does not include a pupil who pays tuition or for whom the parent pays tuition or for whom the  
14 district does not pay tuition for placement outside the district; or

15 (B) Whose legal residence is not within the boundaries of the district reporting the pupil but  
16 attends school in the district with the written consent of the affected school district boards.

17 (b) A pupil shall not be considered to be a resident pupil under paragraph (a)(A) of this sub-  
18 section if the pupil is attending school in another school district pursuant to a contract under ORS  
19 339.125 and in the prior year was considered to be a resident pupil in another school district under  
20 paragraph (a)(B) of this subsection. The pupil shall continue to be considered a resident of another  
21 school district under paragraph (a)(B) of this subsection.

22 (c) A pupil shall not be considered to be a resident pupil under paragraph (a)(B) of this sub-  
23 section if the pupil is attending school in a school district pursuant to an agreement with another  
24 school district under ORS 339.133 and in the prior year was considered to be a resident pupil under  
25 paragraph (a)(A) of this subsection because the pupil was attending school in another school district  
26 pursuant to a contract under ORS 339.125. The pupil shall continue to be considered a resident  
27 pupil under paragraph (a)(A) of this subsection.

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

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

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

33 **SECTION 4. (1) The amendments to ORS 327.006 and 327.082 by sections 1 and 2 of this**  
34 **2009 Act become operative July 1, 2010.**

35 **(2) The amendments to ORS 327.006 and 327.082 by sections 1 to 3 of this 2009 Act apply**  
36 **to State School Fund distributions commencing with the 2010-2011 distribution.**

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