

House Bill 2719

Sponsored by Representatives BAILEY, J SMITH; Representatives BERGER, DEMBROW, RICHARDSON, WHISNANT (at the request of Dave Porter)

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**.

Considers student attending approved study abroad program to be resident pupil for purpose of State School Fund calculations.

Requires school districts to award grants from State School Fund distributions to students for cost of attending approved study abroad program.

Applies to State School Fund distributions occurring in fiscal years beginning on or after July 1, 2010.

A BILL FOR AN ACT

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

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

4 **SECTION 1.** ORS 327.006 is amended to read:

5 327.006. As used in ORS 327.006 to 327.133, 327.348, 327.355, 327.357, 327.360 and 327.731:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (d) "Resident pupil" includes a pupil **who is:**

35 (A) Admitted to a school district under ORS 339.115 (7)[.]; **or**

36 (B) **Participating in an approved study abroad program as provided by section 3 of this**
 37 **2009 Act and who was considered a resident pupil under paragraph (a) of this subsection**
 38 **during the school year prior to participating in the program.**

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

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

43 **SECTION 2.** ORS 327.006, as amended by section 11, chapter 846, Oregon Laws 2007, is
 44 amended to read:

45 327.006. As used in ORS 327.006 to 327.133, 327.348 and 327.731:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (b) A pupil shall not be considered to be a resident pupil under paragraph (a)(A) of this sub-
 2 section if the pupil is attending school in another school district pursuant to a contract under ORS
 3 339.125 and in the prior year was considered to be a resident pupil in another school district under
 4 paragraph (a)(B) of this subsection. The pupil shall continue to be considered a resident of another
 5 school district under paragraph (a)(B) of this subsection.

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

12 (d) "Resident pupil" includes a pupil **who is:**

13 (A) Admitted to a school district under ORS 339.115 (7)[.]; **or**

14 (B) **Participating in an approved study abroad program as provided by section 3 of this**
 15 **2009 Act and who was considered a resident pupil under paragraph (a) of this subsection**
 16 **during the school year prior to participating in the program.**

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

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

21 **SECTION 3. (1) A school district shall award a grant to a student who participates in an**
 22 **approved study abroad program for two semesters, or the equivalent of two semesters.**

23 (2) **The amount of the grant awarded under this section shall be the lesser of:**

24 (a) **The cost of the approved study abroad program, including tuition and related fees,**
 25 **transportation costs, living expenses and costs for books and other educational materials;**
 26 **and**

27 (b) **Ninety percent of the quotient that results from dividing the amount of the school**
 28 **district's distribution from the State School Fund from the general purpose grant, as calcu-**
 29 **lated under ORS 327.013, by the school district's ADM, as defined in ORS 327.006.**

30 (3) **A school district may use moneys from distributions of the State School Fund to**
 31 **award the grants described in subsection (2) of this section.**

32 (4) **The State Board of Education shall adopt rules to implement this section, including**
 33 **criteria by which the Department of Education or a school district may approve a study**
 34 **abroad program.**

35 **SECTION 4. Section 3 of this 2009 Act and the amendments to ORS 327.006 by section 1**
 36 **of this 2009 Act become operative on July 1, 2010.**

37 **SECTION 5. Section 3 of this 2009 Act and the amendments to ORS 327.006 by section 1**
 38 **of this 2009 Act apply to State School Fund distributions occurring in fiscal years beginning**
 39 **on or after July 1, 2010.**