

# House Bill 3550

Sponsored by Representative PARRISH

## 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 resident school district of student to approve admission of student in another school district if certain conditions are met.

Declares emergency, effective July 1, 2011.

## A BILL FOR AN ACT

1  
2 Relating to admission of students; creating new provisions; amending ORS 327.006 and 339.133; and  
3 declaring an emergency.

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

5 **SECTION 1. (1) As used in this section:**

6 (a) **"Receiving school district" means a school district that is not a student's resident**  
7 **school district.**

8 (b) **"Resident school district" means the school district where a student is considered a**  
9 **resident, as determined under ORS 339.133 and 339.134.**

10 (2) **A student may attend school in a receiving school district if the district school boards**  
11 **of the receiving school district and the resident school district provide written consent as**  
12 **described in subsection (3) of this section.**

13 (3) **If a student wishes to attend school in a receiving school district:**

14 (a) **The receiving school district may provide written consent; and**

15 (b) **The resident school district is required to provide written consent if:**

16 (A) **The receiving school district has provided written consent;**

17 (B) **The parent, guardian or person in parental relationship to the student provides at**  
18 **least 30 days' notice to the resident school district prior to the first day the student would**  
19 **begin to attend school in the receiving school district; and**

20 (C) **The parent, guardian or person in parental relationship to the student has not been**  
21 **provided written consent for the student to attend school in a different receiving school**  
22 **district for the same school year.**

23 (4) **Nothing in subsection (3) of this section prevents:**

24 (a) **A resident school district from providing written consent if the requirements of sub-**  
25 **section (3)(b)(B) or (C) of this section have not been met.**

26 (b) **A student from returning to the resident school district.**

27 (5) **A receiving school district must provide annual notice to the resident school district**  
28 **if the student continues to attend the schools of the school district.**

29 **SECTION 2. Section 1 of this 2011 Act first applies to the 2011-2012 school year.**

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

31 327.006. As used in ORS 327.006 to 327.133, 327.348, 327.355, 327.357, 327.360 and 327.731:

**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 (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, Metropolitan Statistical Area, as compiled by the United States Department of  
 30 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, **as**

1 **described in section 1 of this 2011 Act.**

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

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

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

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

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

18 **SECTION 4.** ORS 327.006, as amended by section 11, chapter 846, Oregon Laws 2007, and sec-  
 19 tion 41, chapter 11, Oregon Laws 2009, is amended to read:

20 327.006. As used in ORS 327.006 to 327.133, 327.348 and 327.731:

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

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

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

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

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

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

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

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

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

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

42 (3) "Average daily membership" or "ADM" means the aggregate days membership of a school  
 43 during a certain period divided by the number of days the school was actually in session during the  
 44 same period. However, if a district school board adopts a class schedule that operates throughout  
 45 the year for all or any schools in the district, average daily membership shall be computed by the

1 Department of Education so that the resulting average daily membership will not be higher or lower  
 2 than if the board had not adopted such schedule.

3 (4) "Consumer Price Index" means the Consumer Price Index for All Urban Consumers of the  
 4 Portland, Oregon, Metropolitan Statistical Area, as compiled by the United States Department of  
 5 Labor, Bureau of Labor Statistics.

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

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

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

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

19 (B) Whose legal residence is not within the boundaries of the district reporting the pupil but  
 20 attends school in the district with the written consent of the affected school district boards, **as**  
 21 **described in section 1 of this 2011 Act.**

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

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

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

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

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

38 **SECTION 5.** ORS 339.133, as amended by section 1, chapter 21, Oregon Laws 2010, is amended  
 39 to read:

40 339.133. (1) Except as provided in subsection (3), (4), (5), (7) or (8) of this section, children be-  
 41 tween the ages of 4 and 18 shall be considered resident for school purposes in the school district in  
 42 which their parents, their guardians or persons in parental relationship to them reside.

43 (2) Nonemancipated individuals between the ages of 4 and 18 living outside the geographic area  
 44 of the school district for such reasons as attending college, military service, hospital confinement  
 45 or employment away from home shall be considered resident in the district in which their parents,

1 their guardians or persons in parental relationship to them reside.

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

5 (4) Children placed by public or private agencies who are living in licensed, certified or ap-  
 6 proved substitute care programs shall be considered resident in the school district in which they  
 7 reside because of placement by a public or private agency.

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

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

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

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

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

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

25 (7) Except as provided in ORS 327.006 (7) and 335.090, persons whose legal residence is not  
 26 within the district but who attend school in the district with the written consent of the affected  
 27 district school boards, **as described in section 1 of this 2011 Act**, shall be considered to be resi-  
 28 dents in the district in which the persons attend school for purposes of the receipt by that district  
 29 of State School Fund moneys for those persons.

30 (8)(a) Children who are foreign exchange students and who are residing in Oregon in a  
 31 dormitory operated by a school district are considered residents of the school district in which the  
 32 dormitory is located.

33 (b) For the purpose of this subsection, a child may not be considered to be a foreign exchange  
 34 student for more than one school year.

35 (c) As used in this subsection, “foreign exchange student” means a student who attends school  
 36 in Oregon under a cultural exchange program and whose parent, guardian or person in parental  
 37 relationship resides in another country.

38 (9) For the purposes of this section:

39 (a) “Person in parental relationship” means an adult who has physical custody of a child or re-  
 40 sides in the same household as the child, interacts with the child daily, provides the child with food,  
 41 clothing, shelter and incidental necessities and provides the child with necessary care, education  
 42 and discipline. “Person in parental relationship” does not mean a person with a power of attorney  
 43 or other written delegation of parental responsibilities if the person does not have other evidence  
 44 of a parental relationship.

45 (b) “Substitute care program” means family foster care, family group home care, parole foster

1 care, family shelter care, adolescent shelter care and professional group care.

2 **SECTION 6.** ORS 339.133, as amended by sections 1 and 3, chapter 21, Oregon Laws 2010, is  
 3 amended to read:

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

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

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

14 (4) Children placed by public or private agencies who are living in licensed, certified or ap-  
 15 proved substitute care programs shall be considered resident in the school district in which they  
 16 reside because of placement by a public or private agency.

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

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

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

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

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

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

34 (7) Except as provided in ORS 327.006 (7) and 335.090, persons whose legal residence is not  
 35 within the district but who attend school in the district with the written consent of the affected  
 36 district school boards, **as described in section 1 of this 2011 Act**, shall be considered to be resi-  
 37 dents in the district in which the persons attend school for purposes of the receipt by that district  
 38 of State School Fund moneys for those persons.

39 (8) For the purposes of this section:

40 (a) "Person in parental relationship" means an adult who has physical custody of a child or re-  
 41 sides in the same household as the child, interacts with the child daily, provides the child with food,  
 42 clothing, shelter and incidental necessities and provides the child with necessary care, education  
 43 and discipline. "Person in parental relationship" does not mean a person with a power of attorney  
 44 or other written delegation of parental responsibilities if the person does not have other evidence  
 45 of a parental relationship.

1 (b) "Substitute care program" means family foster care, family group home care, parole foster  
2 care, family shelter care, adolescent shelter care and professional group care.

3 **SECTION 7. This 2011 Act being necessary for the immediate preservation of the public**  
4 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**  
5 **July 1, 2011.**

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