

House Bill 3681

Sponsored by COMMITTEE ON RULES

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 where student does not have legal residence if student receives written consent from district where school is located.

Declares emergency, effective July 1, 2011.

A BILL FOR AN ACT

1
2 Relating to residency of students; amending ORS 327.006, 329.485, 332.405, 339.115, 339.133 and
3 339.134; and declaring an emergency.

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

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

7 339.133. (1)(a) Except as provided in [*subsection (3), (4), (5), (7) or (8)*] **subsections (2) to (6)** of
8 this section, children between the ages of 4 and 18 shall be considered resident for school purposes
9 in the school district in which their parents, their guardians or persons in parental relationship to
10 them reside.

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

15 (c) **Persons living temporarily in a school district for the primary purpose of attending**
16 **a district school may not be considered resident in the district in which they are living**
17 **temporarily, but shall be considered resident in the district in which they, their parents,**
18 **their guardians or persons in parental relationship to them reside.**

19 [(3)] (2) Individuals considered legally emancipated from their parents shall be considered resi-
20 dent in the district in which they actually reside, irrespective of the residence of their parents, their
21 guardians or persons in parental relationship.

22 [(4)] (3) Children placed by public or private agencies who are living in licensed, certified or
23 approved substitute care programs shall be considered resident in the school district in which they
24 reside because of placement by a public or private agency.

25 [(5)(a)] (4)(a) Notwithstanding subsection [(4)] (3) of this section, when a juvenile court deter-
26 mines that it is in a child's best interest to continue to attend the school that the child attended
27 prior to placement by a public agency, the child:

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

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

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

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

7 *[(6) Persons living temporarily in a school district for the primary purpose of attending a district
 8 school may not be considered resident in the district in which they are living temporarily, but shall be
 9 considered resident in the district in which they, their parents, their guardians or persons in parental
 10 relationship to them maintain residency.]*

11 *[(7)]* **(5)(a)** Except as provided in ORS 327.006 (7) and 335.090, persons whose legal residence is
 12 not within the district but who attend school in the district *[with the written consent of the affected
 13 district school boards shall be considered to be]* **are considered** residents in the district in which the
 14 persons attend school *[for purposes of the receipt by that district of State School Fund moneys for
 15 those persons.]* **if those persons receive written consent to attend school from the district
 16 school board where the school is located.**

17 **(b) For the purposes of the consent that is required by paragraph (a) of this subsection:**

18 **(A) Prior to the beginning of each school year, a district school board shall determine**
 19 **whether to give consent to any persons as provided by paragraph (a) of this subsection. If**
 20 **the district school board will give consent, the district school board shall determine how**
 21 **many persons will be given consent. The district school board may limit the number of per-**
 22 **sons to whom consent will be given based on school and based on grade.**

23 **(B) If the number of persons seeking consent exceeds the number of persons to whom**
 24 **the district school board has determined will be given consent, the district school board shall**
 25 **give consent based on an equitable lottery selection process. The process may give priority**
 26 **to persons who have siblings presently enrolled in a school of the school district.**

27 **(c) A district school board shall provide written notification of the attendance of a person**
 28 **who receives consent as provided by this subsection to the district school board where the**
 29 **legal residence of the person is located.**

30 *[(8)(a)]* **(6)(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)]* **(7)** 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 2.** ORS 339.133, as amended by sections 1 and 3, chapter 21, Oregon Laws 2010, is
3 amended to read:

4 339.133. (1)(a) Except as provided in [*subsection (3), (4), (5) or (7)*] **subsections (2) to (5)** of this
5 section, children between the ages of 4 and 18 shall be considered resident for school purposes in
6 the school district in which their parents, their guardians or persons in parental relationship to
7 them reside.

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

12 (c) **Persons living temporarily in a school district for the primary purpose of attending**
13 **a district school may not be considered resident in the district in which they are living**
14 **temporarily, but shall be considered resident in the district in which they, their parents,**
15 **their guardians or persons in parental relationship to them reside.**

16 [(3)] (2) Individuals considered legally emancipated from their parents shall be considered resi-
17 dent in the district in which they actually reside, irrespective of the residence of their parents, their
18 guardians or persons in parental relationship.

19 [(4)] (3) Children placed by public or private agencies who are living in licensed, certified or
20 approved substitute care programs shall be considered resident in the school district in which they
21 reside because of placement by a public or private agency.

22 [(5)(a)] (4)(a) Notwithstanding subsection [(4)] (3) of this section, when a juvenile court deter-
23 mines that it is in a child's best interest to continue to attend the school that the child attended
24 prior to placement by a public agency, the child:

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

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

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

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

35 [(6) *Persons living temporarily in a school district for the primary purpose of attending a district*
36 *school may not be considered resident in the district in which they are living temporarily, but shall be*
37 *considered resident in the district in which they, their parents, their guardians or persons in parental*
38 *relationship to them maintain residency.*]

39 [(7)] (5)(a) Except as provided in ORS 327.006 (7) and 335.090, persons whose legal residence is
40 not within the district but who attend school in the district [*with the written consent of the affected*
41 *district school boards shall be considered to be*] **are considered** residents in the district in which the
42 persons attend school [*for purposes of the receipt by that district of State School Fund moneys for*
43 *those persons.*] **if those persons receive written consent to attend school from the district**
44 **school board where the school is located.**

45 (b) **For the purposes of the consent that is required by paragraph (a) of this subsection:**

1 (A) Prior to the beginning of each school year, a district school board shall determine
 2 whether to give consent to any persons as provided by paragraph (a) of this subsection. If
 3 the district school board will give consent, the district school board shall determine how
 4 many persons will be given consent. The district school board may limit the number of per-
 5 sons to whom consent will be given based on school and based on grade.

6 (B) If the number of persons seeking consent exceeds the number of persons to whom
 7 the district school board has determined will be given consent, the district school board shall
 8 give consent based on an equitable lottery selection process. The process may give priority
 9 to persons who have siblings presently enrolled in a school of the school district.

10 (c) A district school board shall provide written notification of the attendance of a person
 11 who receives consent as provided by this subsection to the district school board where the
 12 legal residence of the person is located.

13 [(8)] (6) For the purposes of this section:

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

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

22 **SECTION 3.** ORS 329.485 is amended to read:

23 329.485. (1) As used in this section:

24 (a) "Content-based assessment" means testing of the understanding of a student of a predeter-
 25 mined body of knowledge.

26 (b) "Criterion-referenced assessment" means testing of the knowledge or ability of a student with
 27 respect to some standard.

28 (c) "Performance-based assessment" means testing of the ability of a student to use knowledge
 29 and skills to create a complex or multifaceted product or complete a complex task.

30 (2)(a) The Department of Education shall implement statewide a valid and reliable assessment
 31 system for all students that meets technical adequacy standards. The assessment system shall in-
 32 clude criterion-referenced assessments including performance-based assessments, content-based as-
 33 sessments, and other valid methods to measure the academic content standards and to identify
 34 students who meet or exceed the standards.

35 (b) The department shall develop the statewide assessment system in mathematics, science,
 36 English, history, geography, economics and civics.

37 (3) In addition to the assessment system implemented under subsection (2) of this section, the
 38 department may make available to school districts and public charter schools an assessment system
 39 that uses criterion-referenced assessments including performance-based assessments and content-
 40 based assessments to:

41 (a) Measure a student's progress in achieving the academic content standards for the student's
 42 current grade level;

43 (b) Determine the grade level of the understanding, knowledge or ability of a student, which
 44 shall be determined regardless of the actual grade level of the student and may be determined by
 45 adapting the assessment during the assessment process as a result of the performance of the student;

1 (c) Track and provide reports on the progress of a student based on the information provided
 2 under paragraphs (a) and (b) of this subsection; and

3 (d) Provide predictions of anticipated student progress that are based on the information pro-
 4 vided under this subsection and not on the current grade level of the student.

5 (4)(a) School districts and public charter schools shall implement the statewide assessment sys-
 6 tem in mathematics, science and English. In addition, school districts and public charter schools
 7 may implement the statewide assessment system in history, geography, economics and civics.

8 (b) School districts and public charter schools may implement the assessment system described
 9 in subsection (3) of this section.

10 (5) Each year the resident district shall be accountable for determining the student's progress
 11 toward achieving the academic content standards. Progress toward the academic content standards
 12 shall be measured in a manner that clearly enables the student and parents to know whether the
 13 student is making progress toward meeting or exceeding the academic content standards. In addi-
 14 tion, the district shall adopt a grading system based on the local school district board adopted
 15 course content of the district's curriculum. The grading system shall clearly enable the student and
 16 parents to know how well the student is achieving course requirements.

17 (6) If a student has not met or has exceeded all of the academic content standards, the school
 18 district shall make additional services or alternative educational or public school options available
 19 to the student.

20 (7) If the student to whom additional services or alternative educational options have been made
 21 available does not meet or exceed the academic content standards within one year, the school dis-
 22 trict, with the consent of the parents, shall make an appropriate placement, which may include an
 23 alternative education program or the transfer of the student to another public school in the district
 24 or to a public school in another district that agrees to accept the student. The district that receives
 25 the student shall be entitled to payment. The payment shall consist of:

26 (a) An amount equal to the district expenses from its local revenues for each student in average
 27 daily membership, payable by the resident district in the same year; and

28 (b) Any state and federal funds the attending district is entitled to receive payable as provided
 29 in ORS 339.133 [(2)] (1)(b).

30 **SECTION 4.** ORS 339.115 is amended to read:

31 339.115. (1) Except as provided in ORS 339.141, authorizing tuition for courses not part of the
 32 regular school program, the district school board shall admit free of charge to the schools of the
 33 district all persons between the ages of 5 and 19 who reside within the school district. A person
 34 whose 19th birthday occurs during the school year shall continue to be eligible for a free and ap-
 35 propriate public education for the remainder of the school year. A district school board may admit
 36 nonresident persons, determine who is not a resident of the district and fix rates of tuition for
 37 nonresidents.

38 (2)(a) A district must admit an otherwise eligible person who has not yet attained 21 years of
 39 age prior to the beginning of the current school year if the person is:

40 (A) Receiving special education and has not yet received a high school diploma as described in
 41 ORS 329.451 (2); or

42 (B) Receiving special education and has received a modified diploma, an extended diploma or
 43 an alternative certificate as described in ORS 329.451.

44 (b) A district may admit an otherwise eligible person who is not receiving special education and
 45 who has not yet attained 21 years of age prior to the beginning of the current school year if the

1 person is shown to be in need of additional education in order to receive a high school diploma.

2 (3) The obligation to make a free appropriate public education available to individuals with
 3 disabilities 18 through 21 years of age who are incarcerated in an adult correctional facility applies
 4 only to those individuals who, in their last educational placement prior to their incarceration in the
 5 adult correctional facility:

6 (a) Were identified as being a child with a disability as defined in ORS 343.035; or

7 (b) Had an individualized education program as described in ORS 343.151.

8 (4) For purposes of subsection (3) of this section, “adult correctional facility” means:

9 (a) A local correctional facility as defined in ORS 169.005;

10 (b) A regional correctional facility as defined in ORS 169.620; or

11 (c) A Department of Corrections institution as defined in ORS 421.005.

12 (5) An otherwise eligible person under subsection (2) of this section whose 21st birthday occurs
 13 during the school year shall continue to be eligible for a free appropriate public education for the
 14 remainder of the school year.

15 (6) The person may apply to the board of directors of the school district of residence for ad-
 16 mission after the 19th birthday as provided in subsection (1) of this section. A person aggrieved by
 17 a decision of the local board may appeal to the State Board of Education. The decision of the state
 18 board is final and not subject to appeal.

19 (7) Notwithstanding ORS 339.133 (1)(a), a school district shall not exclude from admission a
 20 child located in the district solely because the child does not have a fixed place of residence or
 21 solely because the child is not under the supervision of a parent, guardian or person in a parental
 22 relationship.

23 (8) Notwithstanding subsection (1) of this section, a school district:

24 (a) May for the remaining period of an expulsion deny admission to the regular school to a
 25 resident student who is expelled from another school district; and

26 (b) Shall for at least one calendar year from the date of the expulsion and if the expulsion is for
 27 more than one calendar year, may for the remaining period of time deny admission to the regular
 28 school program to a student who is under expulsion from another school district for an offense that
 29 constitutes a violation of a school district policy adopted pursuant to ORS 339.250 (6).

30 (9) A child entering the first grade during the fall term shall be considered to be six years of
 31 age if the sixth birthday of the child occurs on or before September 1. A child entering kindergarten
 32 during the fall term shall be considered to be five years of age if the fifth birthday of the child oc-
 33 curs on or before September 1. However, nothing in this section prevents a district school board
 34 from admitting free of charge a child whose needs for cognitive, social and physical development
 35 would best be met in the school program, as defined by policies of the district school board, to enter
 36 school even though the child has not attained the minimum age requirement but is a resident of the
 37 district.

38 **SECTION 5.** ORS 339.134 is amended to read:

39 339.134. (1) Notwithstanding ORS 339.133 [(4)] (3), a child with a disability shall be considered
 40 a resident for school purposes in the school district in which the child’s parent or guardian resides
 41 if:

42 (a) The child is voluntarily placed outside the child’s home by the child’s parent or guardian;

43 (b) The child’s parent or guardian retains legal guardianship of the child;

44 (c) There is a plan for the child to return home;

45 (d) The placement is within 20 miles by the nearest traveled road from the original school

1 building, unless there are physiographic conditions that make transportation to the original school
 2 building not feasible; and

3 (e) The child's parent or guardian and the school staff can demonstrate that it is in the best
 4 interest of the child to continue to attend the school the child was attending prior to the placement.
 5 The best interest of the child may be demonstrated by factors, including but not limited to the fol-
 6 lowing:

7 (A) The child's siblings attend the school;

8 (B) A change in the child's routine would be detrimental to the child; or

9 (C) The child has developed and maintained a network of personal contacts, support services
 10 and friends and a sense of community within the school.

11 (2) If a child qualifies under subsection (1) of this section, the child may continue to attend the
 12 school the child was attending prior to the placement in the child's resident school district.

13 (3) Nothing in this section shall affect the ability of school districts to enter into agreements
 14 with other school districts for the transportation of students.

15 **SECTION 6.** ORS 327.006 is amended to read:

16 327.006. As used in ORS 327.006 to 327.133, 327.348, 327.355, 327.357, 327.360 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, Metropolitan Statistical Area, as compiled by the United States Department of

1 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 **who** attends school in the district with the written consent of the *[affected school district boards]*
17 **district school board where the school is located as provided by ORS 339.133 (5).**

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

23 (c) A pupil is not considered to be a resident pupil under paragraph (a)(B) of this subsection if
24 the pupil is attending school in a school district pursuant to *[an agreement with another school dis-*
25 *trict under]* ORS 339.133 (5) and in the prior year was considered to be a resident pupil under par-
26 agraph (a)(A) of this subsection because the pupil was attending school in another school district
27 pursuant to a contract under ORS 339.125. The pupil shall continue to be considered a resident pupil
28 under paragraph (a)(A) of this subsection.

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

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

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

34 **SECTION 7.** ORS 327.006, as amended by section 11, chapter 846, Oregon Laws 2007, and sec-
35 tion 41, chapter 11, Oregon Laws 2009, is amended to read:

36 327.006. As used in ORS 327.006 to 327.133, 327.348 and 327.731:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (B) Whose legal residence is not within the boundaries of the district reporting the pupil but
 36 **who** attends school in the district with the written consent of the *[affected school district boards]*
 37 **district school board where the school is located as provided by ORS 339.133 (5).**

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

43 (c) A pupil is not considered to be a resident pupil under paragraph (a)(B) of this subsection if
 44 the pupil is attending school in a school district pursuant to *[an agreement with another school dis-*
 45 *trict under]* ORS 339.133 (5) and in the prior year was considered to be a resident pupil under par-

1 agraph (a)(A) of this subsection because the pupil was attending school in another school district
 2 pursuant to a contract under ORS 339.125. The pupil shall continue to be considered a resident pupil
 3 under paragraph (a)(A) of this subsection.

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

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

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

9 **SECTION 8.** ORS 332.405 is amended to read:

10 332.405. (1) The district school board shall provide transportation for pupils or combinations of
 11 pupils and other persons to and from school-related activities where required by law or when con-
 12 sidered advisable by the board.

13 (2) The board may furnish board and room for pupils in lieu of transportation when reasonable
 14 board and room can be provided at equal or less expense than transportation. The board may also
 15 provide board and room in a facility that existed on July 1, 1998, or a replacement facility for that
 16 facility, for pupils attending a district school [*through an interdistrict agreement*] **as** described in ORS
 17 327.006 (7)(a)(B) or through a power of attorney authorized under ORS 109.056 (2). This subsection
 18 does not apply to a pupil who attends a district school through a power of attorney and who is a
 19 foreign exchange student enrolled in a school under a cultural exchange program.

20 (3) The transportation costs or expenses for board and room shall be paid from funds available
 21 to the district for that purpose.

22 (4) The district school board may expend district funds to improve or provide for pedestrian fa-
 23 cilities off district property if the board finds that the expenditure reduces transportation costs of
 24 the district and enhances the safety of pupils going to and from schools of the district.

25 **SECTION 9. This 2011 Act being necessary for the immediate preservation of the public**
 26 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
 27 **July 1, 2011.**