

# D R A F T

## SUMMARY

Allows transportation expenses incurred for school-related activities to be eligible for reimbursement from State School Fund.  
Declares emergency, effective July 1, 2013.

## A BILL FOR AN ACT

Relating to transportation costs; creating new provisions; amending ORS 327.006; and declaring an emergency.

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

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

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

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

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

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

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

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

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

3 (E) Students who require payment of room and board in lieu of transpor-  
4 tation;

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

8 *[(G) Students participating in school-sponsored field trips that are exten-  
9 sions of classroom learning experiences.]*

10 **(G) Students participating in school-related activities.**

11 (b) “Approved transportation costs” does not include the cost of con-  
12 structing boarding school facilities.

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

21 (4) “Consumer Price Index” means the Consumer Price Index for All Ur-  
22 ban Consumers of the Portland, Oregon, Metropolitan Statistical Area, as  
23 compiled by the United States Department of Labor, Bureau of Labor Sta-  
24 tistics.

25 (5) “Kindergarten” means a kindergarten program that conforms to the  
26 standards and rules adopted by the State Board of Education.

27 (6) “Net operating expenditures” means the sum of expenditures of a  
28 school district in kindergarten through grade 12 for administration, instruc-  
29 tion, attendance and health services, operation of plant, maintenance of  
30 plant, fixed charges and tuition for resident students attending in another  
31 district, as determined in accordance with the rules of the State Board of

1 Education, but net operating expenditures does not include transportation,  
2 food service, student body activities, community services, capital outlay, debt  
3 service or expenses incurred for nonresident students.

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

5 (A) Whose legal school residence is within the boundaries of a school  
6 district reporting the pupil, if the district is legally responsible for the edu-  
7 cation of the pupil, except that "resident pupil" does not include a pupil who  
8 pays tuition or for whom the parent pays tuition or for whom the district  
9 does not pay tuition for placement outside the district; or

10 (B) Whose legal residence is not within the boundaries of the district re-  
11 porting the pupil but who attends school in the district with the written  
12 consent of the district school board where the school is located as provided  
13 by ORS 339.133 (5).

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

20 (c) A pupil is not considered to be a resident pupil under paragraph (a)(B)  
21 of this subsection if the pupil is attending school in a school district pursu-  
22 ant to ORS 339.133 (5) and in the prior year was considered to be a resident  
23 pupil under paragraph (a)(A) of this subsection because the pupil was at-  
24 tending school in another school district pursuant to a contract under ORS  
25 339.125. The pupil shall continue to be considered a resident pupil under  
26 paragraph (a)(A) of this subsection.

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

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

31 (9) "Tax" and "taxes" includes all taxes on property, excluding exempt

1 bonded indebtedness, as those terms are defined in ORS 310.140.

2 **SECTION 2.** ORS 327.006, as amended by section 7, chapter 704, Oregon  
3 Laws 2011, is amended to read:

4 327.006. As used in ORS 327.006 to 327.133, 327.348 and 327.731:

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

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

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

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

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

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

22 (E) Students who require payment of room and board in lieu of transpor-  
23 tation;

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

27 *[(G) Students participating in school-sponsored field trips that are exten-  
28 sions of classroom learning experiences.]*

29 **(G) Students participating in school-related activities.**

30 (b) "Approved transportation costs" does not include the cost of con-  
31 structing boarding school facilities.

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

9 (4) "Consumer Price Index" means the Consumer Price Index for All Ur-  
10 ban Consumers of the Portland, Oregon, Metropolitan Statistical Area, as  
11 compiled by the United States Department of Labor, Bureau of Labor Sta-  
12 tistics.

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

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

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

24 (A) Whose legal school residence is within the boundaries of a school  
25 district reporting the pupil, if the district is legally responsible for the edu-  
26 cation of the pupil, except that "resident pupil" does not include a pupil who  
27 pays tuition or for whom the parent pays tuition or for whom the district  
28 does not pay tuition for placement outside the district; or

29 (B) Whose legal residence is not within the boundaries of the district re-  
30 porting the pupil but who attends school in the district with the written  
31 consent of the district school board where the school is located as provided

1 by ORS 339.133 (5).

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

8 (c) A pupil is not considered to be a resident pupil under paragraph (a)(B)  
9 of this subsection if the pupil is attending school in a school district pursu-  
10 ant to ORS 339.133 (5) and in the prior year was considered to be a resident  
11 pupil under paragraph (a)(A) of this subsection because the pupil was at-  
12 tending school in another school district pursuant to a contract under ORS  
13 339.125. The pupil shall continue to be considered a resident pupil under  
14 paragraph (a)(A) of this subsection.

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

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

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

21 **SECTION 3. The amendments to ORS 327.006 by sections 1 and 2 of**  
22 **this 2013 Act apply to expenses incurred on or after the effective date**  
23 **of this 2013 Act.**

24 **SECTION 4. This 2013 Act being necessary for the immediate pres-**  
25 **ervation of the public peace, health and safety, an emergency is de-**  
26 **clared to exist, and this 2013 Act takes effect July 1, 2013.**

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