

House Bill 2500

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Revenue)

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**.

Expands types of costs that qualify as approved transportation costs for purposes of State School Fund distributions.

Declares emergency, effective July 1, 2013.

A BILL FOR AN ACT

1
2 Relating to approved school transportation funding; creating new provisions; amending ORS 327.006;
3 and declaring an emergency.

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

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

6 327.006. As used in ORS 327.006 to 327.133, 327.348 and 327.731:

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

11 (2)(a) "Approved transportation costs" means *[those costs as defined by rule of the State Board*
12 *of Education and is limited to those costs attributable to transporting or room and board provided in*
13 *lieu of transporting:] costs, as defined by rule of the State Board of Education, that are at-*
14 **tributable to:**

15 **(A) Providing transportation, or providing room and board in lieu of transportation, to:**

16 [(A)] (i) Elementary school students who live at least one mile from school;

17 [(B)] (ii) Secondary school students who live at least 1.5 miles from school;

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

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

23 [(E)] (v) Students who require payment of room and board in lieu of transportation;

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

26 [(G)] (vii) Students participating in school-sponsored field trips that are extensions of classroom
27 learning experiences.

28 **(B) Expenditures made to improve safety for students traveling to school by means that**
29 **are not provided by the school district and that:**

30 **(i) Include walking or using a bicycle, scooter, skateboard or similar device; and**

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 **(ii) Do not include using public transportation or motor vehicles.**

2 (b) “Approved transportation costs” does not include the cost of constructing boarding school
3 facilities.

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

10 (4) “Consumer Price Index” means the Consumer Price Index for All Urban Consumers of the
11 Portland, Oregon, Metropolitan Statistical Area, as compiled by the United States Department of
12 Labor, Bureau of Labor Statistics.

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

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

21 (7)(a) “Resident pupil” means any pupil:

22 (A) Whose legal school residence is within the boundaries of a school district reporting the pu-
23 pil, if the district is legally responsible for the education of the pupil, except that “resident pupil”
24 does not include a pupil who pays tuition or for whom the parent pays tuition or for whom the
25 district does not pay tuition for placement outside the district; or

26 (B) Whose legal residence is not within the boundaries of the district reporting the pupil but
27 who attends school in the district with the written consent of the district school board where the
28 school is located as provided by ORS 339.133 (5).

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

34 (c) A pupil is not considered to be a resident pupil under paragraph (a)(B) of this subsection if
35 the pupil is attending school in a school district pursuant to ORS 339.133 (5) and in the prior year
36 was considered to be a resident pupil under paragraph (a)(A) of this subsection because the pupil
37 was attending school in another school district pursuant to a contract under ORS 339.125. The pupil
38 shall continue to be considered a resident pupil under paragraph (a)(A) of this subsection.

39 (d) “Resident pupil” includes a pupil admitted to a school district under ORS 339.115 (7).

40 (8) “Standard school” means a school meeting the standards set by the rules of the State Board
41 of Education.

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

44 **SECTION 2.** ORS 327.006, as amended by section 7, chapter 704, Oregon Laws 2011, is amended
45 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 for half-day kindergarten and on the basis of a full-day program for full-day kindergarten.

(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:] costs, as defined by rule of the State Board of Education, that are attributable to:*

(A) Providing transportation, or providing room and board in lieu of transportation, to:

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

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

[(C)] (iii) 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;

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

[(E)] (v) Students who require payment of room and board in lieu of transportation;

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

[(G)] (vii) Students participating in school-sponsored field trips that are extensions of classroom learning experiences.

(B) Expenditures made to improve safety for students traveling to school by means that are not provided by the school district and that:

(i) Include walking or using a bicycle, scooter, skateboard or similar device; and

(ii) Do not include using public transportation or motor vehicles.

(b) “Approved transportation costs” does not include the cost of constructing boarding school facilities.

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

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

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

(6) “Net operating expenditures” means the sum of expenditures of a school district in kindergarten through grade 12 for administration, instruction, attendance and health services, operation of plant, maintenance of plant, fixed charges and tuition for resident students attending in another district, as determined in accordance with the rules of the State Board of Education, but net operating expenditures does not include transportation, food service, student body activities,

1 community services, capital outlay, debt service or expenses incurred for nonresident students.

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

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

7 (B) Whose legal residence is not within the boundaries of the district reporting the pupil but
8 who attends school in the district with the written consent of the district school board where the
9 school is located as provided by ORS 339.133 (5).

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

15 (c) A pupil is not considered to be a resident pupil under paragraph (a)(B) of this subsection if
16 the pupil is attending school in a school district pursuant to ORS 339.133 (5) and in the prior year
17 was considered to be a resident pupil under paragraph (a)(A) of this subsection because the pupil
18 was attending school in another school district pursuant to a contract under ORS 339.125. The pupil
19 shall continue to be considered a resident pupil under paragraph (a)(A) of this subsection.

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

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

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

25 **SECTION 3. The amendments to ORS 327.006 by section 1 of this 2013 Act first apply to**
26 **expenditures made on or after the effective date of this 2013 Act.**

27 **SECTION 4. This 2013 Act being necessary for the immediate preservation of the public**
28 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
29 **July 1, 2013.**

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