

House Bill 2767

Sponsored by Representative PARRISH (at the request of Building Excellent Schools Together) (Pre-session filed.)

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**.

Provides that student whose legal residency is not in school district is considered resident of school district if student completed highest grade offered by public charter school located in school district.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to residency of students who attended public charter schools; creating new provisions;
3 amending ORS 327.006, 339.127 and 339.133 and sections 20 and 22, chapter 718, Oregon Laws
4 2011; and declaring an emergency.

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

6 **SECTION 1.** ORS 339.133 is amended to read:

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

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

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

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

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

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

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

29 (B) May continue to attend the school the child attended prior to the placement through the
30 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 (5) Except as provided in ORS 327.006 (7) and 335.090, persons whose legal residence is not
 8 within the district but who attend school in the district are considered residents in the district in
 9 which the persons attend school if those persons *[receive]*:

10 (a) **Receive** written consent from both of the affected district school boards as provided by
 11 policies adopted by the boards; *[or]*

12 (b) **Receive** written consent from the district school board for the district in which the school
 13 is located as provided by section 9, chapter 718, Oregon Laws 2011[.]; **or**

14 (c) **Complete the highest grade offered by a public charter school located in the district**
 15 **and do not enroll in and attend school in another district following completion of the highest**
 16 **grade offered by the public charter school.**

17 (6)(a) Children who are foreign exchange students and who are residing in Oregon in a
 18 dormitory operated by a school district are considered to be residents of the school district in which
 19 the dormitory is located.

20 (b) For the purpose of this subsection:

21 (A) A child may not be considered to be a foreign exchange student for more than one school
 22 year.

23 (B) A child may be considered to be a resident of a school district as provided by this subsection
 24 only if, for the 2010-2011 school year, the school district had foreign exchange students who were
 25 considered to be residents as provided by this subsection.

26 (C) The number of children who are considered to be residents as provided by this subsection
 27 may not increase from the number that were considered to be residents as provided by this sub-
 28 section for the 2010-2011 school year.

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

32 (7) For the purposes of this section:

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

39 (b) “Substitute care program” means family foster care, family group home care, parole foster
 40 care, family shelter care, adolescent shelter care and professional group care.

41 **SECTION 2.** Section 20, chapter 718, Oregon Laws 2011, as amended by section 4, chapter 655,
 42 Oregon Laws 2013, is amended to read:

43 **Sec. 20.** (1) The amendments to ORS 327.006, 329.485, 332.405, 339.115, 339.134 and 343.151 by
 44 sections 11 to 14, 17 and 18, chapter 718, Oregon Laws 2011, become operative on January 1, 2012.

45 (2) The amendments to ORS 339.133 by section 19, chapter 718, Oregon Laws 2011, and the

1 amendments to [section 1 of this 2013 Act] **ORS 339.127** by section 3, **chapter 655, Oregon Laws**
 2 **2013**, [of this 2013 Act] become operative on July 1, [2017] **2015**.

3 [(3) *The amendments to ORS 339.133 by section 19, chapter 718, Oregon Laws 2011, first apply to*
 4 *the 2017-2018 school year.*]

5 **SECTION 3.** ORS 339.133, as amended by sections 4 and 19, chapter 718, Oregon Laws 2011, is
 6 amended to read:

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

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

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

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

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

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

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

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

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

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

37 (5) Except as provided in ORS 327.006 (7) and 335.090, persons whose legal residence is not
 38 within the district but who attend school in the district are considered residents in the district in
 39 which the persons attend school if those persons:

40 (a) Receive written consent from both of the affected district school boards as provided by pol-
 41 icies adopted by the boards[.];

42 (b) **Receive written consent from the district school board for the district in which the**
 43 **school is located as provided by section 9, chapter 718, Oregon Laws 2011; or**

44 (c) **Complete the highest grade offered by a public charter school located in the district**
 45 **and do not enroll in and attend school in another district following completion of the highest**

1 **grade offered by the public charter school.**

2 (6) For the purposes of this section:

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

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

11 **SECTION 4.** ORS 339.133, as amended by sections 4 and 19, chapter 718, Oregon Laws 2011,
12 and section 3 of this 2015 Act, is amended to read:

13 339.133. (1)(a) Except as provided in subsections (2) to (5) of this section, children between the
14 ages of 4 and 18 shall be considered resident for school purposes in the school district in which their
15 parents, their guardians or persons in parental relationship to them reside.

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

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

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

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

30 (4)(a) Notwithstanding subsection (3) of this section, when a juvenile court determines that it is
31 in a child's best interest to continue to attend the school that the child attended prior to placement
32 by a public agency, the child:

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

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

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

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

43 (5) Except as provided in ORS 327.006 (7) and 335.090, persons whose legal residence is not
44 within the district but who attend school in the district are considered residents in the district in
45 which the persons attend school if those persons:

1 (a) Receive written consent from both of the affected district school boards as provided by pol-
2 icies adopted by the boards; **or**

3 [(b) Receive written consent from the district school board for the district in which the school is
4 located as provided by section 9, chapter 718, Oregon Laws 2011; or]

5 [(c)] (b) Complete the highest grade offered by a public charter school located in the district and
6 do not enroll in and attend school in another district following completion of the highest grade of-
7 fered by the public charter school.

8 (6) For the purposes of this section:

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

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

17 **SECTION 5. (1) The amendments to ORS 339.133 by section 4 of this 2015 Act become**
18 **operative on July 1, 2017.**

19 **(2) The amendments to ORS 339.133 by section 4 of this 2015 Act first apply to the**
20 **2017-2018 school year.**

21 **SECTION 6.** Section 22, chapter 718, Oregon Laws 2011, is amended to read:

22 **Sec. 22.** (1) Nothing in the amendments to ORS 339.133 by [section 19 of this 2011 Act] **section**
23 **4 of this 2015 Act** and the repeal of section 9, **chapter 718, Oregon Laws 2011,** [of this 2011 Act]
24 by section 21, **chapter 718, Oregon Laws 2011,** [of this 2011 Act] affects the status of a person who
25 was considered a resident as provided by ORS 339.133 (5)(b) prior to the 2017-2018 school year.

26 (2) Notwithstanding section 9, **chapter 718, Oregon Laws 2011,** [of this 2011 Act,] a school
27 district is not required to take any action under section 9, **chapter 718, Oregon Laws 2011,** [of this
28 2011 Act] for the 2017-2018 school year.

29 **SECTION 7.** ORS 339.127, as amended by section 3, chapter 655, Oregon Laws 2013, and section
30 2, chapter 5, Oregon Laws 2014, is amended to read:

31 339.127. (1) A district school board that admits nonresident students by giving consent as de-
32 scribed in ORS 339.133 (5)(a) may not consider race, religion, sex, sexual orientation, ethnicity, na-
33 tional origin, disability, health, whether a student has an individualized education program, the
34 terms of an individualized education program, income level, residence, proficiency in the English
35 language, athletic ability or academic records when:

36 (a) Determining whether to give consent; or

37 (b) Establishing any terms of consent.

38 (2) A district school board that is considering whether to admit a nonresident student by giving
39 consent may require only the following information prior to deciding whether to give consent:

40 (a) The name, contact information, date of birth and grade level of the student; and

41 (b) Information about whether the school district may be prevented or otherwise limited from
42 providing consent as provided by ORS 339.115 (8).

43 (3)(a) A district school board that is considering whether to admit a nonresident student by
44 giving consent may not:

45 (A) Request or require any person to provide or have provided any of the following information

1 related to a student prior to the district school board deciding whether to give consent to the stu-
2 dent:

3 (i) Information about the student's race, religion, sex, sexual orientation, ethnicity, national or-
4 igin, disability, health, whether a student has an individualized education program, the terms of an
5 individualized education program, income level, residence, proficiency in the English language or
6 athletic ability; or

7 (ii) Academic records, including eligibility for or participation in a talented and gifted program
8 or special education and related services.

9 (B) Request or require the student to participate in an interview, to tour any of the schools or
10 facilities of the school district or to otherwise meet with any representatives of a school or a school
11 district prior to the district school board deciding whether to give consent to the student.

12 (C) Request any information used to supplement the information described in subsection (2) of
13 this section prior to deciding whether to give consent to the student.

14 (b) Nothing in this subsection prevents a student from voluntarily touring any of the schools or
15 facilities of a school district or from requesting or receiving any information from a school or the
16 school district.

17 (4)(a) A district school board that admits nonresident students by giving consent as described
18 in ORS 339.133 (5)(a) may limit the number of students to whom consent is given. The district school
19 board must make the determination whether to limit the number of students to whom consent is
20 given by an annual date established by the board.

21 (b) If the number of students seeking admission exceeds any limitations imposed by the district
22 school board, the board must admit nonresident students based on an equitable lottery selection
23 process. The process may give priority to students who have siblings currently enrolled in a school
24 of the school district.

25 (c) A district school board may revise the maximum number of students to whom consent will
26 be given at a time other than the annual date established by the board if there are no pending ap-
27 plications for consent.

28 (5) A district school board that is requested to give consent to allow a resident student to be
29 admitted by another school district as described in ORS 339.133 (5)(a) may not consider race, reli-
30 gion, sex, sexual orientation, ethnicity, national origin, disability, health, whether a student has an
31 individualized education program, the terms of an individualized education program, income level,
32 residence, proficiency in the English language, athletic ability or academic records when determin-
33 ing whether to give consent.

34 (6) If a district school board decides to not give consent to a student, the board must provide
35 a written explanation to the student.

36 (7)(a) For a nonresident student who receives consent to be admitted to a school district as de-
37 scribed in ORS 339.133 (5)(a), a district school board may determine the length of time for which
38 consent is given. Any limitations in length of time must be applied consistently among all students
39 to whom consent is given.

40 (b) For a resident student who receives consent to be admitted to another school district as
41 described in ORS 339.133 (5)(a), a district school board may not impose any limitations on the length
42 of time for which consent is given to the student. The board may not require the student to receive
43 consent more than one time to be admitted to the same school district, regardless of any time limi-
44 tations imposed by the district school board under paragraph (a) of this subsection.

45 (8) Notwithstanding any other provision of this section, a district school board that is requested

1 to give consent as described in ORS 339.133 (5)(a) must give consent to enable a student whose legal
 2 residence changes to a different school district during the school year to complete the school year
 3 in the school district.

4 (9) Nothing in this section:

5 (a) Requires a district school board to admit siblings if the board imposes limitations on the
 6 number of students admitted by consent.

7 (b) Prevents a district school board from denying admission to a nonresident student as provided
 8 by ORS 339.115 (8).

9 (c) Prevents a district school board from requesting information or giving consent to a student
 10 in the event of an emergency to protect the health, safety or welfare of the student.

11 (d) Prevents a district school board from establishing minimum standards for behavior and at-
 12 tendance that a student must maintain to remain enrolled in the schools of the school district.

13 **SECTION 8.** ORS 327.006 is amended to read:

14 327.006. As used in ORS 327.006 to 327.133, 327.348 and 327.731 and sections 1 to 3, chapter 735,
 15 Oregon Laws 2013:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (B) Whose legal residence is not within the boundaries of the district reporting the pupil but
 15 who attends school in the district:

16 (i) With the written consent of the district school board where the school is located as provided
 17 by ORS 339.133 [(5).] **(5)(a) or (b); or**

18 **(ii) After completing the highest grade offered by a public charter school as provided by**
 19 **ORS 339.133 (5)(c).**

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

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

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

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

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

35 **SECTION 9.** ORS 327.006, as amended by section 7, chapter 704, Oregon Laws 2011, and section
 36 5, chapter 735, Oregon Laws 2013, is amended to read:

37 327.006. As used in ORS 327.006 to 327.133, 327.348 and 327.731:

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

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

- 1 (A) Elementary school students who live at least one mile from school;
- 2 (B) Secondary school students who live at least 1.5 miles from school;
- 3 (C) Any student required to be transported for health or safety reasons, according to supple-
- 4 mental plans from districts that have been approved by the state board identifying students who are
- 5 required to be transported for health or safety reasons, including special education;
- 6 (D) Preschool children with disabilities requiring transportation for early intervention services
- 7 provided pursuant to ORS 343.224 and 343.533;
- 8 (E) Students who require payment of room and board in lieu of transportation;
- 9 (F) A student transported from one school or facility to another school or facility when the
- 10 student attends both schools or facilities during the day or week; and
- 11 (G) Students participating in school-sponsored field trips that are extensions of classroom
- 12 learning experiences.
- 13 (b) "Approved transportation costs" does not include the cost of constructing boarding school
- 14 facilities.
- 15 (3) "Average daily membership" or "ADM" means the aggregate days membership of a school
- 16 during a certain period divided by the number of days the school was actually in session during the
- 17 same period. However, if a district school board adopts a class schedule that operates throughout
- 18 the year for all or any schools in the district, average daily membership shall be computed by the
- 19 Department of Education so that the resulting average daily membership will not be higher or lower
- 20 than if the board had not adopted such schedule.
- 21 (4) "Consumer Price Index" means the Consumer Price Index for All Urban Consumers of the
- 22 Portland, Oregon, Metropolitan Statistical Area, as compiled by the United States Department of
- 23 Labor, Bureau of Labor Statistics.
- 24 (5) "Kindergarten" means a kindergarten program that conforms to the standards and rules
- 25 adopted by the State Board of Education.
- 26 (6) "Net operating expenditures" means the sum of expenditures of a school district in
- 27 kindergarten through grade 12 for administration, instruction, attendance and health services, op-
- 28 eration of plant, maintenance of plant, fixed charges and tuition for resident students attending in
- 29 another district, as determined in accordance with the rules of the State Board of Education, but
- 30 net operating expenditures does not include transportation, food service, student body activities,
- 31 community services, capital outlay, debt service or expenses incurred for nonresident students.
- 32 (7)(a) "Resident pupil" means any pupil:
- 33 (A) Whose legal school residence is within the boundaries of a school district reporting the pu-
- 34 pil, if the district is legally responsible for the education of the pupil, except that "resident pupil"
- 35 does not include a pupil who pays tuition or for whom the parent pays tuition or for whom the
- 36 district does not pay tuition for placement outside the district; or
- 37 (B) Whose legal residence is not within the boundaries of the district reporting the pupil but
- 38 who attends school in the district:
- 39 (i) With the written consent of the district school board where the school is located as provided
- 40 by ORS 339.133 [(5).] **(5)(a) or (b); or**
- 41 **(ii) After completing the highest grade offered by a public charter school as provided by**
- 42 **ORS 339.133 (5)(c).**
- 43 (b) A pupil is not considered to be a resident pupil under paragraph (a)(A) of this subsection if
- 44 the pupil is attending school in another school district pursuant to a contract under ORS 339.125
- 45 and in the prior year was considered to be a resident pupil in another school district under para-

1 graph (a)(B) of this subsection. The pupil shall continue to be considered a resident of another
 2 school district under paragraph (a)(B) of this subsection.

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

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

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

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

13 **SECTION 10. (1) The amendments to ORS 327.006 by sections 8 and 9 of this 2015 Act**
 14 **become operative on July 1, 2015.**

15 **(2) The amendments to ORS 327.006 by sections 8 and 9 of this 2015 Act apply to State**
 16 **School Fund distributions commencing with the 2015-2016 distributions.**

17 **SECTION 11.** ORS 327.006, as amended by section 7, chapter 704, Oregon Laws 2011, section
 18 5, chapter 735, Oregon Laws 2013, and section 9 of this 2015 Act, is amended to read:

19 327.006. As used in ORS 327.006 to 327.133, 327.348 and 327.731:

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

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 who attends school in the district:

21 (i) With the written consent of the district school board where the school is located as provided
22 by ORS 339.133 (5)(a) [*or (b)*]; or

23 (ii) After completing the highest grade offered by a public charter school as provided by ORS
24 339.133 [(5)(c)] **(5)(b)**.

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

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

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

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

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

40 **SECTION 12. The amendments to ORS 327.006 by section 11 of this 2015 Act become op-**
41 **erative on July 1, 2017.**

42 **SECTION 13. This 2015 Act being necessary for the immediate preservation of the public**
43 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
44 **on its passage.**