

House Bill 2858

Sponsored by Representative WILLIAMSON (at the request of Portland Public Schools)

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**.

Includes transit pass costs as approved transportation costs for purpose of State School Fund distributions.

Declares emergency, effective July 1, 2015.

A BILL FOR AN ACT

1
2 Relating to approved school transportation costs; 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 and sections 1 to 3, chapter 735,
7 Oregon Laws 2013:

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

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

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

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

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

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

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

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

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

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

29 **(B) Providing transit passes to students of the school district if the school district has**
30 **received a waiver under ORS 327.043.**

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

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

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

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

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

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

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

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

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

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

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

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

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

42 **SECTION 2.** ORS 327.006, as amended by section 7, chapter 704, Oregon Laws 2011, and section
 43 5, chapter 735, Oregon Laws 2013, is amended to read:

44 327.006. As used in ORS 327.006 to 327.133, 327.348 and 327.731:

45 (1) "Aggregate days membership" means the sum of days present and absent, according to the

1 rules of the State Board of Education, of all resident pupils when school is actually in session during
 2 a certain period. The aggregate days membership of kindergarten pupils shall be calculated on the
 3 basis of a half-day program for half-day kindergarten and on the basis of a full-day program for
 4 full-day kindergarten.

5 (2)(a) “Approved transportation costs” means *[those costs as defined by rule of the State Board*
 6 *of Education and is limited to those costs attributable to transporting or room and board provided in*
 7 *lieu of transporting:] costs, as defined by rule of the State Board of Education, that are at-*
 8 **tributable to:**

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

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

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

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

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

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 23 **received a waiver under ORS 327.043.**

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

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

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

35 (5) “Kindergarten” means a kindergarten program that conforms to the standards and rules
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37 (6) “Net operating expenditures” means the sum of expenditures of a school district in
 38 kindergarten through grade 12 for administration, instruction, attendance and health services, op-
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 40 another district, as determined in accordance with the rules of the State Board of Education, but
 41 net operating expenditures does not include transportation, food service, student body activities,
 42 community services, capital outlay, debt service or expenses incurred for nonresident students.

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

44 (A) Whose legal school residence is within the boundaries of a school district reporting the pu-
 45 pil, if the district is legally responsible for the education of the pupil, except that “resident pupil”

1 does not include a pupil who pays tuition or for whom the parent pays tuition or for whom the
 2 district does not pay tuition for placement outside the district; or

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

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

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

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

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

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

21 **SECTION 3. The amendments to ORS 327.006 by sections 1 and 2 of this 2015 Act first**
 22 **apply to expenditures made on or after the effective date of this 2015 Act.**

23 **SECTION 4. This 2015 Act being necessary for the immediate preservation of the public**
 24 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
 25 **July 1, 2015.**

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