

# Senate Bill 955

Sponsored by Senator THATCHER

## 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 attended public charter school located in school district for at least four years and 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) **Attended a public charter school located in the district for at least four years, com-**  
 15 **pleted the highest grade offered by a public charter school located in the district and did not**  
 16 **enroll in and attend school in another district following completion of the highest grade of-**  
 17 **fered by the public charter school.**

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

21 (b) For the purpose of this subsection:

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

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

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

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

33 (7) For the purposes of this section:

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

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

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

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

1 (2) The amendments to ORS 339.133 by section 19, chapter 718, Oregon Laws 2011, and the  
 2 amendments to [section 1 of this 2013 Act] **ORS 339.127** by section 3, **chapter 655, Oregon Laws**  
 3 **2013**, [of this 2013 Act] become operative on July 1, [2017] **2015**.

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

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

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

11 (b) Nonemancipated individuals between the ages of 4 and 18 living outside the geographic area  
 12 of the school district for such reasons as attending college, military service, hospital confinement  
 13 or employment away from home shall be considered resident in the district in which their parents,  
 14 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 a district  
 16 school may not be considered resident in the district in which they are living temporarily, but shall  
 17 be considered resident in the district in which they, their parents, their guardians or persons in  
 18 parental relationship to them reside.

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

22 (3) Children placed by public or private agencies who are living in licensed, certified or ap-  
 23 proved 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 (4)(a) Notwithstanding subsection (3) of this section, when a juvenile court determines that it is  
 26 in a child's best interest to continue to attend the school that the child attended prior to placement  
 27 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.

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

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

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

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

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

45 (c) **Attended a public charter school located in the district for at least four years, com-**

1 **pleted the highest grade offered by a public charter school located in the district and did not**  
 2 **enroll in and attend school in another district following completion of the highest grade of-**  
 3 **fered by the public charter school.**

4 (6) For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (5) Except as provided in ORS 327.006 (7) and 335.090, persons whose legal residence is not

1 within the district but who attend school in the district are considered residents in the district in  
2 which the persons attend school if those persons:

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

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

7 *[(c) (b) Attended a public charter school located in the district for at least four years, com-  
8 pleted the highest grade offered by a public charter school located in the district and did not enroll  
9 in and attend school in another district following completion of the highest grade offered by the  
10 public charter school.*

11 (6) For the purposes of this section:

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

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

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

22 **(2) The amendments to ORS 339.133 by section 4 of this 2015 Act first apply to the  
23 2017-2018 school year.**

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

25 **Sec. 22.** (1) Nothing in the amendments to ORS 339.133 by *[section 19 of this 2011 Act]* **section  
26 4 of this 2015 Act** and the repeal of section 9, **chapter 718, Oregon Laws 2011,** *[of this 2011 Act]*  
27 by section 21, **chapter 718, Oregon Laws 2011,** *[of this 2011 Act]* affects the status of a person who  
28 was considered a resident as provided by ORS 339.133 (5)(b) prior to the 2017-2018 school year.

29 (2) Notwithstanding section 9, **chapter 718, Oregon Laws 2011,** *[of this 2011 Act,]* a school  
30 district is not required to take any action under section 9, **chapter 718, Oregon Laws 2011,** *[of this  
31 2011 Act]* for the 2017-2018 school year.

32 **SECTION 7.** ORS 339.127, as amended by section 3, chapter 655, Oregon Laws 2013, and section  
33 2, chapter 5, Oregon Laws 2014, is amended to read:

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

39 (a) Determining whether to give consent; or

40 (b) Establishing any terms of consent.

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

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

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

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

3 (A) Request or require any person to provide or have provided any of the following information  
4 related to a student prior to the district school board deciding whether to give consent to the stu-  
5 dent:

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

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

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

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

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

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

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

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

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

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

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

43 (b) For a resident student who receives consent to be admitted to another school district as  
44 described in ORS 339.133 (5)(a), a district school board may not impose any limitations on the length  
45 of time for which consent is given to the student. The board may not require the student to receive

1 consent more than one time to be admitted to the same school district, regardless of any time limi-  
2 tations imposed by the district school board under paragraph (a) of this subsection.

3 (8) Notwithstanding any other provision of this section, a district school board that is requested  
4 to give consent as described in ORS 339.133 (5)(a) must give consent to enable a student whose legal  
5 residence changes to a different school district during the school year to complete the school year  
6 in the school district.

7 (9) Nothing in this section:

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

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

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

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

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

17 327.006. As used in ORS 327.006 to 327.133, 327.348 and 327.731 and sections 1 to 3, chapter 735,  
18 Oregon Laws 2013:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 **(ii) After attending a public charter school for at least four years and completing the**  
 22 **highest grade offered by a public charter school as provided by ORS 339.133 (5)(c).**

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

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

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

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

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

38 **SECTION 9.** ORS 327.006, as amended by section 7, chapter 704, Oregon Laws 2011, and section  
 39 5, chapter 735, Oregon Laws 2013, is amended to read:

40 327.006. As used in ORS 327.006 to 327.133, 327.348 and 327.731:

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 **(ii) After attending a public charter school for at least four years and completing the**  
45 **highest grade offered by a public charter school as provided by ORS 339.133 (5)(c).**

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

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

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

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

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

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

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

20 **SECTION 11.** ORS 327.006, as amended by section 7, chapter 704, Oregon Laws 2011, section  
21 5, chapter 735, Oregon Laws 2013, and section 9 of this 2015 Act, is amended to read:

22 327.006. As used in ORS 327.006 to 327.133, 327.348 and 327.731:

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

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

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

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

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

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

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

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

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

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

45 (3) "Average daily membership" or "ADM" means the aggregate days membership of a school

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

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

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

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

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

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

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

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

26 (ii) After attending a public charter school for at least four years and completing the highest  
 27 grade offered by a public charter school as provided by ORS 339.133 [(5)(c)] **(5)(b)**.

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

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

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

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

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

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

45 **SECTION 13. This 2015 Act being necessary for the immediate preservation of the public**

1 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**  
2 **on its passage.**

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