

House Bill 2413

Sponsored by Representative PARRISH (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 July 1, 2017.

A BILL FOR AN ACT

1
2 Relating to residency of students who attend public charter schools; creating new provisions;
3 amending ORS 327.006, 339.127 and 339.133 and section 22, chapter 718, Oregon Laws 2011,
4 section 20, chapter 735, Oregon Laws 2013, and sections 17 and 24, chapter 60, Oregon Laws
5 2016; and declaring an emergency.

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

7 **SECTION 1.** Section 17, chapter 60, Oregon Laws 2016, is amended to read:

8 **Sec. 17.** (1) The amendments to ORS 339.133 by section 16, **chapter 60, Oregon Laws 2016,**
9 *[of this 2016 Act]* become operative on July 1, *[2019]* **2017**.

10 (2) The amendments to ORS 339.133 by section 16, **chapter 60, Oregon Laws 2016,** *[of this 2016*
11 *Act]* first apply to the *[2019-2020]* **2017-2018** school year.

12 **SECTION 2.** ORS 339.133, as amended by section 10, chapter 781, Oregon Laws 2015, and
13 sections 4, 12, 14 and 16, chapter 60, Oregon Laws 2016, is amended to read:

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

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

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

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

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

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 (4)(a) Notwithstanding subsection (3) of this section, when a juvenile court determines that it is
 2 in an individual’s best interest to continue to attend the school that the individual attended prior
 3 to placement by a public agency, the individual:

4 (A) Shall be considered resident for school purposes in the school district in which the individ-
 5 ual resided prior to the placement; and

6 (B) May continue to attend the school the individual attended prior to the placement through
 7 the highest grade level of the school.

8 (b) The public agency that has placed the individual shall be responsible for providing the indi-
 9 vidual with transportation to and from school when the need for transportation is due to the
 10 placement by the public agency.

11 (c) Paragraph (b) of this subsection applies only to a public agency for which funds have been
 12 designated for the specific purpose of providing an individual with transportation to and from school
 13 under this subsection.

14 (5)(a) Except as provided in ORS 327.006 (7) and 335.090, an individual whose legal residence is
 15 not within the district but who attends school in the district is considered a resident in the district
 16 in which the individual attends school if the individual:

17 (A) Receives written consent from both of the affected district school boards as provided by
 18 policies adopted by the boards[.];

19 (B) **Receives written consent from the district school board for the district in which the**
 20 **school is located as provided by section 9, chapter 718, Oregon Laws 2011; or**

21 (C) **Completes the highest grade offered by a public charter school located in the district**
 22 **and does not enroll in and attend school in another district following completion of the**
 23 **highest grade offered by the public charter school.**

24 (b) An individual whose legal residence is not within the district but who attends school in the
 25 district is considered a resident in the district in which the individual attends school if:

26 (A) The legal residence of the individual had been in the district in which the individual attends
 27 school before a boundary change was made to the district;

28 (B) The legal residence of the individual is no longer in the district in which the individual at-
 29 tends school because of the boundary change; and

30 (C) The individual has had the same legal residence and has continuously been enrolled in a
 31 school in the district since the boundary change.

32 (6) As used in this section:

33 (a)(A) “Person in parental relationship” means an adult who has physical custody of an indi-
 34 vidual or resides in the same household as the individual, interacts with the individual daily, pro-
 35 vides the individual with food, clothing, shelter and incidental necessities and provides the
 36 individual with necessary care, education and discipline.

37 (B) “Person in parental relationship” does not mean a person with a power of attorney or other
 38 written delegation of parental responsibilities if the person does not have other evidence of a par-
 39 ental 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 3.** ORS 339.133, as amended by section 10, chapter 781, Oregon Laws 2015, sections
 43 4, 12, 14 and 16, chapter 60, Oregon Laws 2016, and section 2 of this 2017 Act, is amended to read:

44 339.133. (1)(a) Except as provided in subsections (2) to (5) of this section, individuals between the
 45 ages of 4 and 18 shall be considered resident for school purposes in the school district in which their

1 parents, their guardians or persons in parental relationship to them reside.

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

6 (c) Individuals living temporarily in a school district for the primary purpose of attending a
 7 district school may not be considered resident in the district in which they are living temporarily,
 8 but shall be considered resident in the district in which they, their parents, their guardians or per-
 9 sons in parental relationship to them reside.

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

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

16 (4)(a) Notwithstanding subsection (3) of this section, when a juvenile court determines that it is
 17 in an individual's best interest to continue to attend the school that the individual attended prior
 18 to placement by a public agency, the individual:

19 (A) Shall be considered resident for school purposes in the school district in which the individ-
 20 ual resided prior to the placement; and

21 (B) May continue to attend the school the individual attended prior to the placement through
 22 the highest grade level of the school.

23 (b) The public agency that has placed the individual shall be responsible for providing the indi-
 24 vidual with transportation to and from school when the need for transportation is due to the
 25 placement by the public agency.

26 (c) Paragraph (b) of this subsection applies only to a public agency for which funds have been
 27 designated for the specific purpose of providing an individual with transportation to and from school
 28 under this subsection.

29 (5)(a) Except as provided in ORS 327.006 (7) and 335.090, an individual whose legal residence is
 30 not within the district but who attends school in the district is considered a resident in the district
 31 in which the individual attends school if the individual:

32 (A) Receives written consent from both of the affected district school boards as provided by
 33 policies adopted by the boards; **or**

34 *[(B) Receives written consent from the district school board for the district in which the school is*
 35 *located as provided by section 9, chapter 718, Oregon Laws 2011; or]*

36 *[(C)]* (B) Completes the highest grade offered by a public charter school located in the district
 37 and does not enroll in and attend school in another district following completion of the highest
 38 grade offered by the public charter school.

39 (b) An individual whose legal residence is not within the district but who attends school in the
 40 district is considered a resident in the district in which the individual attends school if:

41 (A) The legal residence of the individual had been in the district in which the individual attends
 42 school before a boundary change was made to the district;

43 (B) The legal residence of the individual is no longer in the district in which the individual at-
 44 tends school because of the boundary change; and

45 (C) The individual has had the same legal residence and has continuously been enrolled in a

1 school in the district since the boundary change.

2 (6) As used in this section:

3 (a)(A) "Person in parental relationship" means an adult who has physical custody of an indi-
 4 vidual or resides in the same household as the individual, interacts with the individual daily, pro-
 5 vides the individual with food, clothing, shelter and incidental necessities and provides the
 6 individual with necessary care, education and discipline.

7 (B) "Person in parental relationship" does not mean a person with a power of attorney or other
 8 written delegation of parental responsibilities if the person does not have other evidence of a par-
 9 ental relationship.

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

12 **SECTION 4. (1) The amendments to ORS 339.133 by section 3 of this 2017 Act become**
 13 **operative on July 1, 2019.**

14 **(2) The amendments to ORS 339.133 by section 3 of this 2017 Act first apply to the**
 15 **2019-2020 school year.**

16 **SECTION 5.** Section 22, chapter 718, Oregon Laws 2011, as amended by sections 18 and 19,
 17 chapter 60, Oregon Laws 2016, is amended to read:

18 **Sec. 22.** (1) Nothing in the amendments to ORS 339.133 by [section 16 of this 2016 Act] **section**
 19 **3 of this 2017 Act** and the repeal of section 9, chapter 718, Oregon Laws 2011, by section 21,
 20 chapter 718, Oregon Laws 2011, affects the status of a person who was considered a resident as
 21 provided by ORS 339.133 (5)(a)(B) prior to the 2019-2020 school year.

22 (2) Notwithstanding section 9, chapter 718, Oregon Laws 2011, a school district is not required
 23 to take any action under section 9, chapter 718, Oregon Laws 2011, for the 2019-2020 school year.

24 **SECTION 6.** Section 24, chapter 60, Oregon Laws 2016, is amended to read:

25 **Sec. 24.** The amendments to ORS 339.127 by section 23 [of this 2016 Act], **chapter 60, Oregon**
 26 **Laws 2016**, become operative on July 1, [2019] **2017**.

27 **SECTION 7.** ORS 339.127, as amended by section 3, chapter 655, Oregon Laws 2013, section 2,
 28 chapter 5, Oregon Laws 2014, section 2, chapter 499, Oregon Laws 2015, and sections 8, 21 and 23,
 29 chapter 60, Oregon Laws 2016, is amended to read:

30 339.127. (1) A district school board that admits nonresident students by giving consent as de-
 31 scribed in ORS 339.133 [(5)(a)] **(5)(a)(A)** may not consider race, religion, sex, sexual orientation,
 32 ethnicity, national origin, disability, health, whether a student has an individualized education pro-
 33 gram, the terms of an individualized education program, income level, residence, proficiency in the
 34 English language, athletic ability or academic records when:

35 (a) Determining whether to give consent; or

36 (b) Establishing any terms of consent.

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

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

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

42 (c) Information about whether the student may be given priority as provided by subsection (4)
 43 of this section; and

44 (d) Information about which schools the student prefers to attend.

45 (3)(a) A district school board that is considering whether to admit a nonresident student by

1 giving consent may not:

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

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

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

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

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

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

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

23 (b) If the number of students seeking consent exceeds any limitations imposed by the district
 24 school board, the board must give consent to students based on an equitable lottery selection pro-
 25 cess. The process may give priority to students who:

26 (A) Have siblings currently enrolled in a school of the same school district for which the student
 27 seeks admission;

28 (B) Previously had received consent as provided by subsection (10) of this section because of a
 29 change in legal residence; or

30 (C) Attended a public charter school located in the same district for which the student seeks
 31 admission for at least three consecutive years, completed the highest grade offered by the public
 32 charter school and did not enroll in and attend school in another district following completion of
 33 the highest grade offered by the public charter school.

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

37 (5) A district school board that is requested to give consent to allow a resident student to be
 38 admitted by another school district as described in ORS 339.133 [(5)(a)] **(5)(a)(A)** may not consider
 39 race, religion, sex, sexual orientation, ethnicity, national origin, disability, health, whether a student
 40 has an individualized education program, the terms of an individualized education program, income
 41 level, residence, proficiency in the English language, athletic ability or academic records when de-
 42 termining whether to give consent.

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

45 (7)(a) For a nonresident student who receives consent to be admitted to a school district as de-

1 scribed in ORS 339.133 [(5)(a)] **(5)(a)(A)**, a district school board may:

2 (A) Determine the length of time for which consent is given; and

3 (B) Revoke consent for failure to comply with minimum standards for behavior or attendance,
4 but may not revoke consent for failure to meet standards for academics.

5 (b) Any limitations in length of time for consent, as allowed under paragraph (a) of this sub-
6 section, must be applied consistently among all students to whom consent is given. The length of
7 time for which consent is given shall not be affected by any changes in the legal residence of the
8 student if the student wishes to continue to attend the schools of the school district.

9 (c) If consent is revoked as provided by paragraph (a) of this subsection, a student may not re-
10 quest consent from the same school district that revoked the consent for the school year following
11 the school year in which the consent was revoked.

12 (8) For a resident student who receives consent to be admitted to another school district as
13 described in ORS 339.133 [(5)(a)] **(5)(a)(A)**, a district school board may not impose any limitations
14 on the length of time for which consent is given to the student. The board may not require the
15 student to receive consent more than one time to be admitted to the same school district, regardless
16 of any time limitations imposed by the district school board under paragraph (a) of this subsection.

17 (9)(a) A school district that provides consent to nonresident students to attend the schools of
18 the school district may not expend moneys received from the State School Fund or as Local Re-
19 venues, as described in ORS 327.011, to advertise openings for nonresident students if the adver-
20 tisements are:

21 (A) Located outside the boundaries of the school district, including advertisements that are
22 made by signage or billboards; or

23 (B) Directed to nonresident students, including:

24 (i) Advertisements that are targeted to nonresident students through direct mail or online mar-
25 keting;

26 (ii) Television or radio advertisements; or

27 (iii) Newspaper advertisements, unless the advertisement is in a newspaper that primarily serves
28 the residents of the school district.

29 (b) Notwithstanding paragraph (a)(A) of this subsection, if a school is located outside the
30 boundaries of the school district, the school district may advertise openings for nonresident students
31 on the property of the school.

32 (c) Nothing in this subsection:

33 (A) Prohibits a school district from providing information or advertisements to nonresident stu-
34 dents if the parents of the students request the information or advertisements.

35 (B) Prohibits a public charter school from advertising openings.

36 (10) Notwithstanding any other provision of this section, a district school board that is re-
37 quested to give consent as described in ORS 339.133 [(5)(a)] **(5)(a)(A)** must give consent to a student
38 whose legal residence changes to a different school district:

39 (a) During the school year, to enable the student to complete the school year in the school dis-
40 trict; or

41 (b) During the summer prior to the school year, to enable the student to complete the school
42 year following the summer in the school district.

43 (11) Nothing in this section:

44 (a) Requires a district school board to admit students for whom priority may be given under
45 subsection (4)(b) of this section if the board imposes limitations on the number of students admitted

1 by consent.

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

4 (c) Prevents a district school board from requesting information or giving consent to a student
5 in the event of:

6 (A) An emergency to protect the health, safety or welfare of the student; or

7 (B) A hardship of the student, as determined based on rules adopted by the State Board of Ed-
8 ucation.

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

11 **SECTION 8.** Section 20, chapter 735, Oregon Laws 2013, as amended by section 1, chapter 299,
12 Oregon Laws 2015, is amended to read:

13 **Sec. 20.** (1) The amendments to ORS [327.006,] 327.008, 327.019, 327.125, 327.137, 339.129 and
14 340.045 by sections [5,] 7, 9, 11, 14, 16 and 18, chapter 735, Oregon Laws 2013, and the repeal of
15 sections 1, 2 and 3, chapter 735, Oregon Laws 2013, by section 19, chapter 735, Oregon Laws 2013,
16 become operative on July 1, 2020.

17 **(2) The amendments to ORS 327.006 by section 13 of this 2017 Act become operative on**
18 **July 1, 2020.**

19 **SECTION 9. The amendments to ORS 327.006 by section 5, chapter 735, Oregon Laws 2013,**
20 **become operative on July 1, 2017.**

21 **SECTION 10.** ORS 327.006, as amended by section 5, chapter 735, Oregon Laws 2013, and sec-
22 tion 9, chapter 7, Oregon Laws 2016, is amended to read:

23 327.006. As used in ORS 327.006 to 327.133, 327.348 and 327.731 **and sections 1 to 3, chapter**
24 **735, Oregon Laws 2013:**

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

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

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

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

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

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

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

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

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

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

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:

26 (i) With the written consent of the district school board where the school is located as provided
 27 by ORS 339.133 [(5)(a).] **(5)(a)(A) or (B); or**

28 **(ii) After completing the highest grade offered by a public charter school as provided by**
 29 **ORS 339.133 (5)(a)(C).**

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

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

40 (d) “Resident pupil” includes a pupil who is:

41 (A) Admitted to a school district under ORS 339.115 (7); or

42 (B) Considered a resident under ORS 339.133 (5)(b).

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

45 (9) “Tax” and “taxes” includes all taxes on property, excluding exempt bonded indebtedness, as

1 those terms are defined in ORS 310.140.

2 **SECTION 11.** ORS 327.006, as amended by section 5, chapter 735, Oregon Laws 2013, section
 3 9, chapter 7, Oregon Laws 2016, and section 10 of this 2017 Act, is amended to read:

4 327.006. As used in ORS 327.006 to 327.133, 327.348 and 327.731 and sections 1 to 3, chapter 735,
 5 Oregon Laws 2013:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (i) With the written consent of the district school board where the school is located as provided
 8 by ORS 339.133 (5)(a)(A) [*or (B)*]; or

9 (ii) After completing the highest grade offered by a public charter school as provided by ORS
 10 339.133 [(5)(a)(C)] **(5)(a)(B)**.

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

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

21 (d) “Resident pupil” includes a pupil who is:

22 (A) Admitted to a school district under ORS 339.115 (7); or

23 (B) Considered a resident under ORS 339.133 (5)(b).

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

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

28 **SECTION 12. The amendments to ORS 327.006 by section 11 of this 2017 Act become op-**
 29 **erative on July 1, 2019.**

30 **SECTION 13.** ORS 327.006, as amended by section 5, chapter 735, Oregon Laws 2013, section
 31 9, chapter 7, Oregon Laws 2016, and sections 10 and 11 of this 2017 Act, is amended to read:

32 327.006. As used in ORS 327.006 to 327.133, 327.348 and 327.731 [*and sections 1 to 3, chapter 735,*
 33 *Oregon Laws 2013*]:

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

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

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

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

44 (C) Any student required to be transported for health or safety reasons, according to supple-
 45 mental plans from districts that have been approved by the state board identifying students who are

1 required to be transported for health or safety reasons, including special education;

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

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

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

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

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

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

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

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

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

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

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

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

35 (i) With the written consent of the district school board where the school is located as provided
36 by ORS 339.133 (5)(a)(A); or

37 (ii) After completing the highest grade offered by a public charter school as provided by ORS
38 339.133 (5)(a)(B).

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

44 (c) A pupil is not considered to be a resident pupil under paragraph (a)(B) of this subsection if
45 the pupil is attending school in a school district pursuant to ORS 339.133 (5)(a) and in the prior year

1 was considered to be a resident pupil under paragraph (a)(A) of this subsection because the pupil
2 was attending school in another school district pursuant to a contract under ORS 339.125. The pupil
3 shall continue to be considered a resident pupil under paragraph (a)(A) of this subsection.

4 (d) "Resident pupil" includes a pupil who is:

5 (A) Admitted to a school district under ORS 339.115 (7); or

6 (B) Considered a resident under ORS 339.133 (5)(b).

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

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

11 **SECTION 14. This 2017 Act being necessary for the immediate preservation of the public**
12 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**
13 **July 1, 2017.**

14