

House Bill 3346

Sponsored by Representative HERNANDEZ

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**.

Establishes grant program under which Department of Education awards grants to school districts for percentage of certain student transportation costs for which school district does not receive any amount in distributions from State School Fund.

Allows school district to transport certain students using public transit.

Declares emergency, effective July 1, 2017.

A BILL FOR AN ACT

1
2 Relating to student transportation; creating new provisions; amending ORS 820.150; and declaring
3 an emergency.

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

5 **SECTION 1. Section 2 of this 2017 Act is added to and made a part of ORS chapter 327.**

6 **SECTION 2. (1) In addition to moneys distributed through the State School Fund, the**
7 **Department of Education shall award grants to school districts for up to 50 percent of stu-**
8 **dent transportation costs described in subsection (2) of this section.**

9 **(2) A school district may receive a grant under this section only for student transporta-**
10 **tion costs:**

11 **(a) For which the school district does not receive any amount in distributions from the**
12 **State School Fund under ORS 327.013; and**

13 **(b) That are incurred for the provision of alternate modes of transportation, including**
14 **public transit, that are provided to students in grades 9 through 12.**

15 **(3)(a) Each school district may apply to the Department of Education for a grant under**
16 **this section.**

17 **(b) The department shall review and approve applications based on criteria established**
18 **by the State Board of Education.**

19 **(c) The applications must include the total amount of the student transportation costs**
20 **described in subsection (2) of this section and the purposes for which the student transpor-**
21 **tation costs were incurred.**

22 **(4)(a) Notwithstanding ORS 338.155 (9), the department may not award a grant under this**
23 **section directly to a public charter school.**

24 **(b) A school district that receives a grant under this section may transfer a portion of**
25 **the grant to a public charter school based on the charter of the school or any other agree-**
26 **ment between the school district and the public charter school.**

27 **(c) A public charter school that receives grant funds under this subsection shall use**
28 **those funds for the student transportation costs described in subsection (2) of this section.**

29 **(5)(a) The amount of each grant for a school district = the school district's ADMw ×**
30 **(the total amount available for distribution to school districts as grants in each fiscal**

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 year÷ the total ADMw of all school districts that receive a grant).

2 (b) As used in this subsection, “ADMw” means the extended weighted average daily
3 membership as calculated under ORS 327.013, 338.155 (1) and 338.165 (2).

4 (6) Each school district shall deposit the grant funds it receives under this section in a
5 separate account and shall apply amounts in that account to pay for student transportation
6 costs described in the school district’s application.

7 (7) The State Board of Education may adopt any rules necessary for the administration
8 of the grant program.

9 (8) Nothing in this section affects a school district’s eligibility to receive a waiver as
10 provided by ORS 327.043.

11 **SECTION 3.** Section 2 of this 2017 Act applies to student transportation costs incurred
12 on or after July 1, 2017.

13 **SECTION 4.** In addition to and not in lieu of any other appropriation, there is appropri-
14 ated to the Department of Education, for the biennium beginning July 1, 2017, out of the
15 General Fund, the amount of \$_____, which shall be expended for the grant program es-
16 tablished under section 2 of this 2017 Act.

17 **SECTION 5.** ORS 820.150 is amended to read:

18 820.150. (1) The State Board of Education, by rule, may establish classes or types of vehicles
19 that are not considered school buses or school activity vehicles for purposes of the Oregon Vehicle
20 Code or classes of school buses or school activity vehicles that are not subject to regulation under
21 the Oregon Vehicle Code either partially or completely.

22 (2) The governing board of a public university listed in ORS 352.002 may adopt separate stan-
23 dards of the type described under this section for vehicles that are under its jurisdiction.

24 (3) Rules and standards adopted under this section are subject to the following:

25 (a) Any exemption, either partial or total, established under this section may be based upon
26 passenger capacity, on limited use or on any other basis the State Board of Education or the gov-
27 erning board considers appropriate.

28 (b) An exemption, either partial or total, may not be established under this section for any ve-
29 hicle that is marked with or displays the words “school bus.”

30 (c) Any vehicle determined not to be a school bus under this section is not a school bus within
31 the definition established under ORS 801.460. Partial exemptions established for vehicles under this
32 section may include removal of the vehicle from any provisions relating to school buses under the
33 vehicle code.

34 (d) Any vehicle determined not to be a school activity vehicle under this section is not a school
35 activity vehicle within the definition established under ORS 801.455. Partial exemptions established
36 for vehicles under this section may include removal of the vehicle from any provisions relating to
37 school activity vehicles under the vehicle code.

38 (e) In [*considering any*] **adopting** rules and standards under this section, the boards shall con-
39 sider the need to ensure student safety.

40 (f) **Any rule or standard adopted under this section cannot prohibit a school district from**
41 **transporting students in grades 9 through 12 using public transit.**

42 **SECTION 6.** This 2017 Act being necessary for the immediate preservation of the public
43 peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect
44 July 1, 2017.