

Senate Bill 444

Sponsored by Senator FERRIOLI (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**.

Adjusts manner in which attendance is calculated for purposes of State School Fund distributions.

Declares emergency, effective July 1, 2017.

A BILL FOR AN ACT

1
2 Relating to attendance for State School Fund distributions; creating new provisions; amending ORS
3 327.006; and declaring an emergency.

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

5 **SECTION 1.** ORS 327.006, as amended by section 8, chapter 7, Oregon Laws 2016, is amended
6 to read:

7 327.006. As used in ORS 327.006 to 327.133, 327.348 and 327.731 and sections 1 to 3, chapter 735,
8 Oregon Laws 2013:

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

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

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

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

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

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

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

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

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

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

31 (3) "Average daily membership" or "ADM" means the aggregate days membership of a 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 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 pup-
 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 with the written consent of the district school board where the
 24 school is located as provided by ORS 339.133 (5)(a).

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

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

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

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

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

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 5, chapter 735, Oregon Laws 2013, and section
 43 9, chapter 7, Oregon Laws 2016, 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*] **total number** of days present [*and absent*],

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

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

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

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

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

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

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

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

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

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

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

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

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41 pil, if the district is legally responsible for the education of the pupil, except that "resident pupil"
42 does not include a pupil who pays tuition or for whom the parent pays tuition or for whom the
43 district does not pay tuition for placement outside the district; or

44 (B) Whose legal residence is not within the boundaries of the district reporting the pupil but
45 who attends school in the district with the written consent of the district school board where the

1 school is located as provided by ORS 339.133 (5)(a).

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

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

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

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

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

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

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

19 **SECTION 3. The amendments to ORS 327.006 by sections 1 and 2 of this 2017 Act apply**
20 **to State School Fund distributions commencing with the 2017-2018 distributions.**

21 **SECTION 4. This 2017 Act being necessary for the immediate preservation of the public**
22 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**
23 **July 1, 2017.**

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