

# House Bill 4130

Sponsored by Representatives MCKEOWN, LIVELY, Senator ROBLAN, Representative PILUSO; Representatives ALONSO LEON, BARKER, FAHEY, GOMBERG, GORSEK, GREENLICK, LEWIS, MCLAIN, NOSSE, REARDON, SALINAS, SANCHEZ, SMITH DB, SOLLMAN, VIAL, WITT, Senators BOQUIST, FREDERICK, JOHNSON, KRUSE, TAYLOR (Presession 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**.

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.

Takes effect July 1, 2018.

## A BILL FOR AN ACT

1  
2 Relating to student transportation; creating new provisions; amending ORS 801.455; and prescribing  
3 an effective date.

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

5 **SECTION 1. Section 2 of this 2018 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 as provided by subsections**  
8 **(5) and (6) of this section for up to 50 percent of student transportation costs described in**  
9 **subsection (2) of this section.**

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

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

14 **(b) That are incurred by the school district for the provision of transportation to stu-**  
15 **dents on:**

16 **(A) A school bus, as defined in ORS 801.460;**

17 **(B) A school activity vehicle, as defined in ORS 801.455; or**

18 **(C) For students in grades 9 through 12:**

19 **(i) A commercial bus operated by a city or a county, a mass transit district established**  
20 **under ORS 267.010 to 267.390 or a transportation district established under ORS 267.510 to**  
21 **267.650; or**

22 **(ii) A vehicle that is part of a rail fixed guideway public transportation system, as defined**  
23 **in ORS 801.406.**

24 **(c) For which the school district has an intergovernmental agreement, if the transpor-**  
25 **tation is provided on a vehicle described in paragraph (b)(C) of this subsection. The inter-**  
26 **governmental agreement must:**

27 **(A) Be with the transportation district, the mass transit district, the county or the city**  
28 **that provides the transportation; and**

**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) Describe the scope of service and other requirements related to the provision of the  
 2 transportation, including affirmation by the district, county or city that all vehicles used to  
 3 provide student transportation comply with all applicable federal and state laws, rules and  
 4 regulations related to the vehicles.

5 (3)(a) Each school district may apply to the department for a grant under this section.

6 (b) The department shall review and approve applications based on criteria established  
 7 by the State Board of Education and shall award grants as provided by subsections (5) and  
 8 (6) of this section.

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

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

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

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

19 (5)(a) Subject to subsection (6) of this section, the amount of each grant for a school  
 20 district = the school district's ADMw  $\times$  (the total amount available for distribution to  
 21 school districts as grants in each fiscal year  $\div$  the total ADMw of all school districts that  
 22 receive a grant).

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

25 (6) If the total amount of grants applied for under subsection (3) of this section exceeds  
 26 the total amount available for distribution to school districts under this section, the depart-  
 27 ment:

28 (a) Shall prioritize school districts that did not receive any public moneys in the previous  
 29 school year for student transportation costs described in subsection (2) of this section; and

30 (b) May otherwise prioritize school districts or prorate distributions based on rules  
 31 adopted by the board.

32 (7) Each school district shall deposit the grant funds it receives under this section in a  
 33 separate account and shall apply amounts in that account to pay for student transportation  
 34 costs described in the school district's grant application.

35 (8) The board may adopt any rules necessary for the administration of the grant pro-  
 36 gram.

37 (9) Nothing in this section affects a school district's eligibility to receive a waiver as  
 38 provided by ORS 327.043.

39 **SECTION 3.** Section 2 of this 2018 Act applies to student transportation costs incurred  
 40 on or after July 1, 2018.

41 **SECTION 4.** ORS 801.455 is amended to read:

42 801.455. "School activity vehicle" means a vehicle, other than a school bus, that is used to  
 43 transport students to or from authorized school activities and that is not described by any of the  
 44 following:

45 (1) A vehicle subject to ORS 825.100 or a vehicle under regulation of the United States De-

1 partment of Transportation.

2 (2) A vehicle, commonly known as a private passenger car or private passenger van, that is used  
3 by the owner of the vehicle or a relative of the owner of the vehicle for personal transportation of  
4 students to or from school activities and is not used for compensation except for the sharing of ex-  
5 penses in a ridesharing arrangement or reimbursement of mileage.

6 (3) A vehicle that is exempted from regulation as a school activity vehicle under ORS 820.150.

7 (4) **A commercial bus operated by a city or a county, a mass transit district established**  
8 **under ORS 267.010 to 267.390 or a transportation district established under ORS 267.510 to**  
9 **267.650.**

10 (5) **A vehicle that is part of a rail fixed guideway public transportation system, as defined**  
11 **in ORS 801.406.**

12 **SECTION 5. In addition to and not in lieu of any other appropriation, there is appropri-**  
13 **ated to the Department of Education, for the biennium beginning July 1, 2017, out of the**  
14 **General Fund, the amount of \$250,000, which shall be expended for the grant program es-**  
15 **tablished under section 2 of this 2018 Act.**

16 **SECTION 6. This 2018 Act takes effect July 1, 2018.**

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