

Senate Bill 400

Sponsored by Senator BENTZ (at the request of Superintendent Mark Witty) (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**.

Allows costs attributable to providing transportation for summer programs to be considered approved transportation costs for purposes of State School Fund distributions.

Declares emergency, effective July 1, 2019.

A BILL FOR AN ACT

1
2 Relating to transportation costs for summer programs; 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 is amended to read:

6 327.006. As used in ORS 327.006 to 327.133, 327.348 and 327.731 and sections 1 to 3, chapter 735,
7 Oregon Laws 2013:

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

13 (2)(a) "Approved transportation costs" means *[those costs as defined by rule of the State Board*
14 *of Education and is limited to those costs attributable to transporting or room and board provided in*
15 *lieu of transporting:] costs, as defined by the State Board of Education by rule, that are at-*
16 **tributable to:**

17 **(A) Providing transportation during the school year or for summer programs to:**

18 [(A)] (i) Elementary school students who live at least one mile from school;

19 [(B)] (ii) Secondary school students who live at least 1.5 miles from school;

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

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

25 [(E) *Students who require payment of room and board in lieu of transportation;*]

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

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

30 **(B) Providing room and board to students described in subparagraph (A) of this para-**
31 **graph in lieu of transportation.**

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) "Approved transportation costs" does not include the cost of constructing boarding school
2 facilities.

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

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

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

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

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

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

25 (B) Whose legal residence is not within the boundaries of the district reporting the pupil but
26 who attends school in the district with the written consent of the district school board where the
27 school is located as provided by ORS 339.133 (5)(a).

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)(a) 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 who is:

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

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

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

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

45 **SECTION 2.** ORS 327.006, as amended by section 5, chapter 735, Oregon Laws 2013, and section

1 9, chapter 7, Oregon Laws 2016, is amended to read:

2 327.006. As used in ORS 327.006 to 327.133, 327.348 and 327.731:

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

8 (2)(a) "Approved transportation costs" means *[those costs as defined by rule of the State Board*
9 *of Education and is limited to those costs attributable to transporting or room and board provided in*
10 *lieu of transporting:] costs, as defined by the State Board of Education by rule, that are at-*
11 **tributable to:**

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13 [(A)] (i) Elementary school students who live at least one mile from school;

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

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

20 [(E) *Students who require payment of room and board in lieu of transportation;*]

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

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

25 **(B) Providing room and board to students described in subparagraph (A) of this para-**
26 **graph in lieu of transportation.**

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

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

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

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

40 (6) "Net operating expenditures" means the sum of expenditures of a school district in
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42 eration of plant, maintenance of plant, fixed charges and tuition for resident students attending in
43 another district, as determined in accordance with the rules of the State Board of Education, but
44 net operating expenditures does not include transportation, food service, student body activities,
45 community services, capital outlay, debt service or expenses incurred for nonresident students.

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 4 does not include a pupil who pays tuition or for whom the parent pays tuition or for whom the
 5 district does not pay tuition for placement outside the district; or

6 (B) Whose legal residence is not within the boundaries of the district reporting the pupil but
 7 who attends school in the district with the written consent of the district school board where the
 8 school is located as provided by ORS 339.133 (5)(a).

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

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

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

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

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

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

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

26 **SECTION 3. The amendments to ORS 327.006 by sections 1 and 2 of this 2019 Act apply**
 27 **to approved transportation costs incurred on or after July 1, 2019.**

28 **SECTION 4. This 2019 Act being necessary for the immediate preservation of the public**
 29 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**
 30 **July 1, 2019.**