

CHAPTER 62

AN ACT

HB 4130

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

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

SECTION 1. Section 2 of this 2018 Act is added to and made a part of ORS chapter 327.

SECTION 2. (1) In addition to moneys distributed through the State School Fund, the Department of Education shall award grants to school districts as provided by subsections (5) and (6) of this section for up to 50 percent of student transportation costs described in subsection (2) of this section.

(2) A school district may receive a grant under this section only for student transportation costs:

(a) For which the school district does not receive any amount in distributions from the State School Fund under ORS 327.013 or any amount related to transit activities.

(b) That are incurred by the school district for the provision of transportation to students in grades 9 through 12 on:

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

(B) A school activity vehicle, as defined in ORS 801.455.

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

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

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

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

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

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

(5)(a) Subject to subsection (6) of this section, the amount of each grant for a school district = the school district's ADMw × (the total

amount available for distribution to school districts as grants in each fiscal year ÷ the total ADMw of all school districts that receive a grant).

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

(6) If the total amount of grants applied for under subsection (3) of this section exceeds the total amount available for distribution to school districts under this section, the department:

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

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

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

(8) The board may adopt any rules necessary for the administration of the grant program.

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

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

SECTION 4. ORS 801.455 is amended to read: 801.455. "School activity vehicle" means a vehicle, other than a school bus, that is used to transport students to or from authorized school activities and that is not described by any of the following:

(1) A vehicle subject to ORS 825.100 or a vehicle under regulation of the United States Department of Transportation.

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

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

(4) A transit bus, as defined in ORS 811.167.

SECTION 5. In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Education, for the biennium beginning July 1, 2017, out of the General Fund, the amount of \$250,000, which shall be expended for the grant program established under section 2 of this 2018 Act.

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

Approved by the Governor April 3, 2018
Filed in the office of Secretary of State April 3, 2018
Effective date July 1, 2018
