

# House Bill 3361

Sponsored by Representative WEIDNER; Representative HANNA

## 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**.

Decreases amount added to weighted average daily membership for purpose of State School Fund distributions for each school year that student is enrolled in English as second language program.

Declares emergency, effective July 1, 2009.

## A BILL FOR AN ACT

1  
2 Relating to school finance; creating new provisions; amending ORS 327.008, 327.013, 327.019, 327.026,  
3 327.061, 327.095, 327.099, 327.101, 327.336, 338.157, 338.165 and 340.065; and declaring an emer-  
4 gency.

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

6 **SECTION 1.** ORS 327.013, as amended by section 4, chapter 4, Oregon Laws 2006, section 91,  
7 chapter 70, Oregon Laws 2007, and section 6, chapter 778, Oregon Laws 2007, is amended to read:

8 327.013. The State School Fund distributions for school districts *[shall be computed as follows:]*

9 **include the following grants:**

10 (1) General Purpose Grant = Funding Percentage × Target Grant × District extended ADMw.

11 **For the purpose of the calculation made under this subsection:**

12 [(2)] (a) The funding percentage shall be calculated by the Superintendent of Public Instruction  
13 to distribute as nearly as practicable the total sum of money available for distribution *[of money]*.

14 [(3)] (b) Target Grant = Statewide Target per ADMw Grant + Teacher Experience Factor. **For**  
15 **the purpose of the calculation made under this paragraph:**

16 [(4)] (A) Statewide Target per ADMw Grant = \$4,500.

17 [(5)] (B) Teacher Experience Factor = \$25 × {District average teacher experience – statewide  
18 average teacher experience}. **As used in this subparagraph**, “average teacher experience” means  
19 the average, in years, of teaching experience of *[certified]* **licensed** teachers as reported to the De-  
20 partment of Education.

21 [(6)] (c) District extended ADMw = ADMw or ADMw of the prior year, whichever is greater.

22 **For the purpose of this paragraph:**

23 [(7)(a)] (A) Weighted average daily membership or ADMw = average daily membership + an  
24 additional amount computed as follows:

25 [(A)] (i) 1.0 for each student in average daily membership eligible for special education as a  
26 child with a disability under ORS 343.035, *[applicable to not to]* **which may not** exceed 11 percent  
27 of the district's ADM without review and approval *[of]* **by** the Department of Education. Children  
28 with disabilities eligible for special education in adult local correctional facilities, as defined in ORS  
29 169.005, or adult regional correctional facilities, as defined in ORS 169.620, may not be included in  
30 the calculation *[of the 11 percent]* **made under this sub-subparagraph.**

**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)] (ii) [0.5] **An amount** for each student in average daily membership eligible for and enrolled  
 2 in an English as a second language program under ORS 336.079. **An amount shall be added under**  
 3 **this sub-subparagraph only for the first four school years that a student is eligible for and**  
 4 **enrolled in an English as a second language program. The amount allowed under this sub-**  
 5 **subparagraph shall be as follows:**

6           (I) **0.5 for the first school year that the student is enrolled in an English as a second**  
 7 **language program.**

8           (II) **0.25 for the second school year that the student is enrolled in an English as a second**  
 9 **language program.**

10          (III) **0.15 for the third school year that the student is enrolled in an English as a second**  
 11 **language program.**

12          (IV) **0.10 for the fourth school year that the student is enrolled in an English as a second**  
 13 **language program.**

14          [(C)] (iii) 0.2 for each student in average daily membership enrolled in a union high school dis-  
 15 trict or in an area of a unified school district where the district is only responsible for educating  
 16 students in grades 9 through 12 in that area.

17          [(D)] (iv) -0.1 for each student in average daily membership enrolled in an elementary district  
 18 operating kindergarten through grade [6] **six** or kindergarten through grade [8] **eight** or in an area  
 19 of a unified school district where the district is only responsible for educating students in  
 20 kindergarten through grade [8] **eight**.

21          [(E)] (v) 0.25 times the sum of the following:

22          [(i)] (I) The number of children 5 to 17 years of age in poverty families in the district, as de-  
 23 termined by the Department of Education from a report of the [federal] **United States** Department  
 24 of Education based on the most recent federal decennial census, as adjusted by the school district's  
 25 proportion of students in the county receiving free or reduced price lunches under the United States  
 26 Department of Agriculture's current Income Eligibility Guidelines if the number is higher than the  
 27 number determined from census data and only if the school district had an average daily membership  
 28 of 2,500 or less for the 1995-1996 school year, and as further adjusted by the number of students in  
 29 average daily membership in June of the year of distribution divided by number of students in av-  
 30 erage daily membership in the district, or its predecessors, in June of the year of the most recent  
 31 federal decennial census;

32          [(ii)] (II) The number of children in foster homes in the district as determined by the report of  
 33 the Department of Human Services to the [federal] **United States** Department of Education, "Annual  
 34 Statistical Report on Children in Foster Homes and Children in Families Receiving AFDC Payments  
 35 in Excess of the Poverty Income Level," or its successor, for October 31 of the year prior to the  
 36 year of distribution; and

37          [(iii)] (III) The number of children in the district in state-recognized facilities for neglected and  
 38 delinquent children, based on information from the Department of Human Services for October 31  
 39 of the year prior to the year of distribution.

40          [(F)] (vi) [An additional amount as determined by ORS 327.077 shall be added to the ADMw] **The**  
 41 **amount determined under ORS 327.077** for each remote small elementary school and for each  
 42 small high school in the district.

43          [(G)] (B) All numbers of children used for the computation in this [section] **paragraph** must re-  
 44 flect any district consolidations that have occurred since the numbers were compiled.

45          [(b)] (C) The total additional weight that shall be assigned to any student in average daily

1 membership in a district, exclusive of students described in [paragraph (a)(E) and (F)] **subparagraph**  
 2 **(A)(v) and (vi)** of this [subsection shall] **paragraph may** not exceed 2.0.

3 [(8)] **(2)** High cost disabilities grant = the total amount received by a school district under ORS  
 4 327.348[,] for providing special education and related services to resident pupils with disabilities.

5 [(9)(a)] **(3)(a)** Transportation grant equals:

6 (A) 70 percent of approved transportation costs for those school districts ranked below the 80th  
 7 percentile under paragraph (b) of this subsection.

8 (B) 80 percent of approved transportation costs for those school districts ranked in or above the  
 9 80th percentile but below the 90th percentile under paragraph (b) of this subsection.

10 (C) 90 percent of approved transportation costs for those school districts ranked in or above the  
 11 90th percentile under paragraph (b) of this subsection.

12 (b) Each fiscal year, the Department of Education shall rank school districts based on the ap-  
 13 proved transportation costs per ADM of each school district, ranking the school district with the  
 14 highest approved transportation costs per ADM at the top of the order.

15 [(10) Local Revenues are the total of the following:]

16 [(a) The amount of revenue offset against local property taxes as determined by the Department of  
 17 Revenue under ORS 311.175 (3)(a)(A);]

18 [(b) The amount of property taxes actually received by the district including penalties and interest  
 19 on taxes;]

20 [(c) The amount of revenue received by the district from the Common School Fund under ORS  
 21 327.403 to 327.410;]

22 [(d) The amount of revenue received by the district from the county school fund;]

23 [(e) The amount of revenue received by the district from the 25 percent of federal forest reserve  
 24 revenues required to be distributed to schools by ORS 294.060 (1);]

25 [(f) The amount of revenue received by the district from state managed forestlands under ORS  
 26 530.115 (1)(b) and (c);]

27 [(g) Moneys received in lieu of property taxes;]

28 [(h) Federal funds received without specific application by the school district and which are not  
 29 deemed under federal law to be nonsupplantable;]

30 [(i) Any positive amount obtained by subtracting the operating property taxes actually imposed by  
 31 the district, based on the rate certified pursuant to ORS 310.060, from the amount that would have been  
 32 imposed by the district if the district had certified the maximum rate of operating property taxes al-  
 33 lowed by law; and]

34 [(j) Any amount distributed to the district in the prior fiscal year under section 4 (3), chapter 695,  
 35 Oregon Laws 2001, or ORS 327.019 (8).]

36 [(11) Notwithstanding subsection (10) of this section, Local Revenues do not include, if a school  
 37 district imposes local option taxes pursuant to ORS 280.040 to 280.145, an amount equal to the lesser  
 38 of:]

39 [(a) The amount of revenue actually received by the district from local option taxes imposed pur-  
 40 suant to ORS 280.040 to 280.145;]

41 [(b) Twenty percent of the combined total for the school district of the general purpose grant, the  
 42 transportation grant, the facility grant and the high cost disabilities grant of the district; or]

43 [(c) \$1,000 per district extended ADMw, increased each fiscal year by three percent above the  
 44 amount allowed per district extended ADMw for the prior fiscal year.]

45 [(12)(a)] **(4)(a)** Facility Grant = 8 percent of total construction costs of new school buildings.

1 (b) A school district shall receive a Facility Grant in the distribution year that a new school  
2 building is first used.

3 (c) As used in this subsection:

4 (A) "New school building" includes new school buildings, [adding] structures **added** onto exist-  
5 ing school buildings and [adding] premanufactured structures **added** to a school district if those  
6 buildings or structures are to be used for instructing students.

7 (B) "Construction costs" does not include costs for land acquisition.

8 **SECTION 2. Section 3 of this 2009 Act is added to and made a part of ORS 327.006 to**  
9 **327.133.**

10 **SECTION 3. For the purpose of State School Fund distributions for school districts:**

11 **(1) Local Revenues are the total of the following:**

12 **(a) The amount of revenue offset against local property taxes as determined by the De-**  
13 **partment of Revenue under ORS 311.175 (3)(a)(A).**

14 **(b) The amount of property taxes actually received by the district, including penalties and**  
15 **interest on taxes.**

16 **(c) The amount of revenue received by the district from the Common School Fund under**  
17 **ORS 327.403 to 327.410.**

18 **(d) The amount of revenue received by the district from the county school fund.**

19 **(e) The amount of revenue received by the district from the 25 percent of federal forest**  
20 **reserve revenues required to be distributed to schools by ORS 294.060 (1).**

21 **(f) The amount of revenue received by the district from state managed forestlands under**  
22 **ORS 530.115 (1)(b) and (c).**

23 **(g) Moneys received in lieu of property taxes.**

24 **(h) Federal funds received without specific application by the school district and that are**  
25 **not deemed under federal law to be nonsupplantable.**

26 **(i) Any positive amount obtained by subtracting the operating property taxes actually**  
27 **imposed by the district, based on the rate certified pursuant to ORS 310.060, from the**  
28 **amount that would have been imposed by the district if the district had certified the maxi-**  
29 **imum rate of operating property taxes allowed by law.**

30 **(j) Any amount distributed to the district in the prior fiscal year under ORS 327.019 (8).**

31 **(2) Local Revenues do not include, if a school district imposes local option taxes pursuant**  
32 **to ORS 280.040 to 280.145, an amount equal to the lesser of:**

33 **(a) The amount of revenue actually received by the district from local option taxes im-**  
34 **posed pursuant to ORS 280.040 to 280.145;**

35 **(b) Twenty percent of the total received by the school district from the general purpose**  
36 **grant, the transportation grant, the facility grant and the high cost disabilities grant of the**  
37 **district, as those grants are calculated under ORS 327.013; or**

38 **(c) \$1,000 per district extended ADMw, as calculated under ORS 327.013, increased each**  
39 **fiscal year by three percent above the amount allowed per district extended ADMw for the**  
40 **prior fiscal year.**

41 **SECTION 4. ORS 327.008, as amended by section 1, chapter 39, Oregon Laws 2008, is amended**  
42 **to read:**

43 327.008. (1) There is established a State School Fund in the General Fund. The fund shall consist  
44 of moneys appropriated by the Legislative Assembly and moneys transferred from the Education  
45 Stability Fund. The State School Fund is continuously appropriated to the Department of Education

1 for the purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125, 327.137, 327.348,  
 2 327.355, 327.357, 327.360, 336.575, 336.580, 336.635, 342.173, 343.243, 343.533 and 343.961.

3 (2) There shall be apportioned from the State School Fund to each school district a State School  
 4 Fund grant, consisting of the positive amount equal to a general purpose grant and a facility grant  
 5 and a transportation grant and a high cost disabilities grant minus local revenue, computed as pro-  
 6 vided in ORS 327.013 **and section 3 of this 2009 Act.**

7 (3) There shall be apportioned from the State School Fund to each education service district a  
 8 State School Fund grant as calculated under ORS 327.019.

9 (4) All figures used in the determination of the distribution of the State School Fund shall be  
 10 estimates for the same year as the distribution occurs, unless otherwise specified.

11 (5) Numbers of students in average daily membership used in the distribution formula shall be  
 12 the numbers as of June of the year of distribution.

13 (6) A school district may not use the portion of the State School Fund grant that is attributable  
 14 to the facility grant for capital construction costs.

15 (7) The total amount of the State School Fund that is distributed as facility grants may not ex-  
 16 ceed \$25 million in any biennium. If the total amount to be distributed as facility grants exceeds this  
 17 limitation, the Department of Education shall prorate the amount of funds available for facility  
 18 grants among those school districts that qualified for a facility grant.

19 (8) Each fiscal year, the Department of Education shall transfer the amount of \$18 million from  
 20 the State School Fund to the High Cost Disabilities Account established in ORS 327.348.

21 (9) Each fiscal year, the Department of Education shall transfer the amount of \$2.5 million from  
 22 the State School Fund to the Small School District Supplement Fund established in ORS 327.360.

23 (10) Each fiscal year, the Department of Education may expend up to \$550,000 from the State  
 24 School Fund for the contract described in ORS 329.488. The amount distributed to education service  
 25 districts from the State School Fund under this section and ORS 327.019 shall be reduced by the  
 26 amount expended by the department under this subsection.

27 (11) Each biennium, the Department of Education may expend up to \$800,000 from the State  
 28 School Fund for the administration of ORS 326.133 and 326.136.

29 (12) Each biennium, the Department of Education may expend up to \$350,000 from the State  
 30 School Fund to provide administration of and support for the development of talented and gifted  
 31 education under ORS 343.404.

32 (13) Each biennium, the Department of Education may expend up to \$150,000 from the State  
 33 School Fund for the administration of a program to increase the number of speech-language  
 34 pathologists and speech-language pathology assistants under ORS 348.394 to 348.406.

35 **SECTION 5.** ORS 327.008, as amended by section 12, chapter 846, Oregon Laws 2007, and sec-  
 36 tion 2, chapter 39, Oregon Laws 2008, is amended to read:

37 327.008. (1) There is established a State School Fund in the General Fund. The fund shall consist  
 38 of moneys appropriated by the Legislative Assembly and moneys transferred from the Education  
 39 Stability Fund. The State School Fund is continuously appropriated to the Department of Education  
 40 for the purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125, 327.137, 327.348,  
 41 336.575, 336.580, 336.635, 342.173, 343.243, 343.533 and 343.961.

42 (2) There shall be apportioned from the State School Fund to each school district a State School  
 43 Fund grant, consisting of the positive amount equal to a general purpose grant and a facility grant  
 44 and a transportation grant and a high cost disabilities grant minus local revenue, computed as pro-  
 45 vided in ORS 327.013 **and section 3 of this 2009 Act.**

1 (3) There shall be apportioned from the State School Fund to each education service district a  
 2 State School Fund grant as calculated under ORS 327.019.

3 (4) All figures used in the determination of the distribution of the State School Fund shall be  
 4 estimates for the same year as the distribution occurs, unless otherwise specified.

5 (5) Numbers of students in average daily membership used in the distribution formula shall be  
 6 the numbers as of June of the year of distribution.

7 (6) A school district may not use the portion of the State School Fund grant that is attributable  
 8 to the facility grant for capital construction costs.

9 (7) The total amount of the State School Fund that is distributed as facility grants may not ex-  
 10 ceed \$25 million in any biennium. If the total amount to be distributed as facility grants exceeds this  
 11 limitation, the Department of Education shall prorate the amount of funds available for facility  
 12 grants among those school districts that qualified for a facility grant.

13 (8) Each fiscal year, the Department of Education shall transfer the amount of \$18 million from  
 14 the State School Fund to the High Cost Disabilities Account established in ORS 327.348.

15 (9) Each fiscal year, the Department of Education may expend up to \$550,000 from the State  
 16 School Fund for the contract described in ORS 329.488. The amount distributed to education service  
 17 districts from the State School Fund under this section and ORS 327.019 shall be reduced by the  
 18 amount expended by the department under this subsection.

19 (10) Each biennium, the Department of Education may expend up to \$800,000 from the State  
 20 School Fund for the administration of ORS 326.133 and 326.136.

21 (11) Each biennium, the Department of Education may expend up to \$350,000 from the State  
 22 School Fund to provide administration of and support for the development of talented and gifted  
 23 education under ORS 343.404.

24 (12) Each biennium, the Department of Education may expend up to \$150,000 from the State  
 25 School Fund for the administration of a program to increase the number of speech-language  
 26 pathologists and speech-language pathology assistants under ORS 348.394 to 348.406.

27 **SECTION 6.** ORS 327.019 is amended to read:

28 327.019. (1) As used in this section:

29 (a) "Education service district extended ADMw" means the sum of the extended ADMw of the  
 30 component school districts of the education service district as computed under ORS 327.013.

31 (b) "Local revenues of an education service district" means the total of the following:

32 (A) The amount of revenue offset against local property taxes as determined by the Department  
 33 of Revenue under ORS 311.175 (3)(a)(A);

34 (B) The amount of property taxes actually received by the district including penalties and in-  
 35 terest on taxes;

36 (C) The amount of revenue received by the district from state-managed forestlands under ORS  
 37 530.115 (1)(b) and (c); and

38 (D) Any positive amount obtained by subtracting the operating property taxes actually imposed  
 39 by the district based on the rate certified pursuant to ORS 310.060 from the amount that would have  
 40 been imposed by the district if the district had certified the maximum rate of operating property  
 41 taxes allowed by law.

42 (2) Each fiscal year, the Superintendent of Public Instruction shall calculate a State School Fund  
 43 grant for each education service district as provided in this section.

44 (3)(a) Each fiscal year, the superintendent shall calculate the total amount appropriated or al-  
 45 located to the State School Fund and available for distribution to school districts, education service

1 districts and programs + total amount of local revenues of all school districts, computed as provided  
 2 in [ORS 327.013] **section 3 of this 2009 Act**, + total amount of local revenues of all education  
 3 service districts. The superintendent may not include in the calculation under this paragraph  
 4 amounts recovered by the Department of Education from the State School Fund under ORS 343.243.

5 (b) The superintendent shall multiply the amount calculated under paragraph (a) of this sub-  
 6 section by 95.25 percent.

7 (c) Based on the amount calculated under paragraph (b) of this subsection, the superintendent  
 8 shall calculate a funding percentage to distribute as nearly as practicable under ORS 327.006 to  
 9 327.133, 327.348, 327.355, 327.357 and 327.360 the total amount calculated under paragraph (b) of this  
 10 subsection as school district general purpose grants, facility grants, high cost disabilities grants and  
 11 transportation grants to school districts.

12 (d) Based on the funding percentage calculated under paragraph (c) of this subsection, the su-  
 13 perintendent shall calculate the general purpose grant, facility grant, transportation grant and high  
 14 cost disabilities grant amounts for each school district.

15 (4) The general services grant for an education service district shall equal the higher of:

16 (a) The total amount calculated under subsection (3)(d) of this section for the component school  
 17 districts of the education service district  $\times (4.75 \div 95.25)$ ; or

18 (b) \$1 million.

19 (5) Subject to subsection (6) of this section, the State School Fund grant for an education service  
 20 district = general services grant – local revenues of the education service district.

21 (6)(a) After completing the calculations under subsections (2) to (5) of this section, the Super-  
 22 intendent of Public Instruction shall apportion from the State School Fund to each education service  
 23 district an amount = (funding percentage  $\times$  general services grant) – local revenues of the educa-  
 24 tion service district.

25 (b) The funding percentage used in paragraph (a) of this subsection shall be calculated by the  
 26 superintendent to distribute as nearly as practicable the total amount available for distribution to  
 27 education service districts from the State School Fund for each fiscal year.

28 (7) Notwithstanding subsections (5) and (6) of this section:

29 (a) The State School Fund grant of an education service district may not be less than zero; and

30 (b) The State School Fund grant of an education service district shall be in an amount that,  
 31 when combined with the local revenues of the education service district, equals \$1 million or more.

32 (8) An education service district shall distribute to its component school districts any amount  
 33 of local revenues of the education service district that is greater than the general services grant.  
 34 The amount that each component school district receives under this subsection shall be prorated  
 35 based on the district extended ADMw of each school district.

36 **SECTION 7.** ORS 327.019, as amended by section 13, chapter 846, Oregon Laws 2007, is  
 37 amended to read:

38 327.019. (1) As used in this section:

39 (a) “Education service district extended ADMw” means the sum of the extended ADMw of the  
 40 component school districts of the education service district as computed under ORS 327.013.

41 (b) “Local revenues of an education service district” means the total of the following:

42 (A) The amount of revenue offset against local property taxes as determined by the Department  
 43 of Revenue under ORS 311.175 (3)(a)(A);

44 (B) The amount of property taxes actually received by the district including penalties and in-  
 45 terest on taxes;

1 (C) The amount of revenue received by the district from state-managed forestlands under ORS  
2 530.115 (1)(b) and (c); and

3 (D) Any positive amount obtained by subtracting the operating property taxes actually imposed  
4 by the district based on the rate certified pursuant to ORS 310.060 from the amount that would have  
5 been imposed by the district if the district had certified the maximum rate of operating property  
6 taxes allowed by law.

7 (2) Each fiscal year, the Superintendent of Public Instruction shall calculate a State School Fund  
8 grant for each education service district as provided in this section.

9 (3)(a) Each fiscal year, the superintendent shall calculate the total amount appropriated or al-  
10 located to the State School Fund and available for distribution to school districts, education service  
11 districts and programs + total amount of local revenues of all school districts, computed as provided  
12 in [ORS 327.013] **section 3 of this 2009 Act**, + total amount of local revenues of all education  
13 service districts. The superintendent may not include in the calculation under this paragraph  
14 amounts recovered by the Department of Education from the State School Fund under ORS 343.243.

15 (b) The superintendent shall multiply the amount calculated under paragraph (a) of this sub-  
16 section by 95.25 percent.

17 (c) Based on the amount calculated under paragraph (b) of this subsection, the superintendent  
18 shall calculate a funding percentage to distribute as nearly as practicable under ORS 327.006 to  
19 327.133 and 327.348 the total amount calculated under paragraph (b) of this subsection as school  
20 district general purpose grants, facility grants, high cost disabilities grants and transportation  
21 grants to school districts.

22 (d) Based on the funding percentage calculated under paragraph (c) of this subsection, the su-  
23 perintendent shall calculate the general purpose grant, facility grant, transportation grant and high  
24 cost disabilities grant amounts for each school district.

25 (4) The general services grant for an education service district shall equal the higher of:

26 (a) The total amount calculated under subsection (3)(d) of this section for the component school  
27 districts of the education service district  $\times$  (4.75  $\div$  95.25); or

28 (b) \$1 million.

29 (5) Subject to subsection (6) of this section, the State School Fund grant for an education service  
30 district = general services grant – local revenues of the education service district.

31 (6)(a) After completing the calculations under subsections (2) to (5) of this section, the Super-  
32 intendent of Public Instruction shall apportion from the State School Fund to each education service  
33 district an amount = (funding percentage  $\times$  general services grant) – local revenues of the educa-  
34 tion service district.

35 (b) The funding percentage used in paragraph (a) of this subsection shall be calculated by the  
36 superintendent to distribute as nearly as practicable the total amount available for distribution to  
37 education service districts from the State School Fund for each fiscal year.

38 (7) Notwithstanding subsections (5) and (6) of this section:

39 (a) The State School Fund grant of an education service district may not be less than zero; and

40 (b) The State School Fund grant of an education service district shall be in an amount that,  
41 when combined with the local revenues of the education service district, equals \$1 million or more.

42 (8) An education service district shall distribute to its component school districts any amount  
43 of local revenues of the education service district that is greater than the general services grant.  
44 The amount that each component school district receives under this subsection shall be prorated  
45 based on the district extended ADMw of each school district.



**SECTION 8.** ORS 327.026 is amended to read:

327.026. (1) In order to accomplish the purpose described in ORS 326.700, the State Board of Education shall adopt by rule definitions and procedures to be applied to the computation of the State School Fund allocations where necessary to make students enrolled in the Youth Corrections Education Program, as defined in ORS 326.695, and the Juvenile Detention Education Program, as defined in ORS 326.695, equivalent to students enrolled in common and union high school districts for purposes of distribution of the fund.

(2)(a) The Youth Corrections Education Program shall be entitled to receive from the State School Fund for each school year a special State School Fund grant, consisting of a general purpose grant that is equal to the Youth Corrections Education Program ADM multiplied by 2.0 multiplied by the additional per student weight, as [defined] **calculated** in ORS 327.013 [(7)(a)(A)] **(1)(c)(A)(i)**, multiplied by Funding Percentage and further multiplied by Statewide Target per ADMw Grant.

(b) Notwithstanding paragraph (a) of this subsection, the Youth Corrections Education Program may not receive moneys under this section from the State School Fund for any youth in the program who:

(A) Has received a high school diploma; or

(B) Is 21 years of age or older.

(3) The Juvenile Detention Education Program shall be entitled to receive from the State School Fund for each school year a special State School Fund grant, consisting of a general purpose grant that is equal to the Juvenile Detention Education Program ADM multiplied by 1.5 multiplied by Funding Percentage and further multiplied by Statewide Target per ADMw Grant.

(4) Funds allocated to the Youth Corrections Education Program and the Juvenile Detention Education Program from the State School Fund shall remain with the Department of Education and shall be adjusted in the year following the distribution to reflect the actual ADMw of students in the Youth Corrections Education Program and the Juvenile Detention Education Program in the same manner as for the school districts under ORS 327.101.

**SECTION 9.** ORS 327.061 is amended to read:

327.061. (1) Numbers of students in average daily membership used in the distribution formula as specified in ORS 327.013 [(7)] **(1)(c)**, shall be projections of the average daily membership in the district for the school year ending on June 30 of the distribution year. The Department of Education shall verify all projections used for purposes of the distribution formula.

(2) The department shall use information from the Department of Revenue under ORS 311.175 as the basis for determining projected district property taxes. The department shall request relevant information from the school districts to enable the department to estimate the amount each school district shall receive from the State School Fund. The department shall provide this estimate no later than the first Monday in March of each year for the distribution for the following fiscal year.

(3) A school district may appeal to the department any projection verified by the department under subsection (1) of this section. The department shall rule on the appeal in a timely manner and if necessary issue a revised estimate of the amount each school district shall receive from the State School Fund no later than the last Friday in March.

(4) Notwithstanding subsection (3) of this section, no school district may appeal any projection verified under subsection (1) of this section if the district failed to provide information requested by the department under subsection (2) of this section.

**SECTION 10.** ORS 327.095 is amended to read:

327.095. (1) Funds due school districts under ORS 327.008 and 327.013 shall be paid approxi-

1 mately 16-2/3 percent on July 15, approximately eight and one-third percent on the 15th day of each  
 2 of the months of August, September, October, November, December, January, February, March and  
 3 April and the balance on May 15. An equitable apportionment based on the most recent data avail-  
 4 able shall be made on the installment dates prior to May 15. If such payments are too high or too  
 5 low, appropriate adjustments shall be made in the May 15 payments. However, if the reports re-  
 6 quired by ORS 327.133 have not been received from any district when due, no further apportion-  
 7 ments shall be made to such district until such reports are filed.

8 (2) If the combined estimated level of ADMw under ORS 327.013 [(7)] (1)(c) of all school districts  
 9 is less than the statewide projected level of ADMw, the Department of Education may:

10 (a) Adjust the distributions to school districts on the installment dates to reflect the difference;  
 11 and

12 (b) Set aside an amount of the funds appropriated to the State School Fund for the fiscal year  
 13 until the May 15 distribution.

14 **SECTION 11.** ORS 327.099 is amended to read:

15 327.099. (1) The Department of Education shall adjust the distribution to a school district to  
 16 reflect the difference between the estimated level of local revenues to the district under [*ORS*  
 17 *327.013*] **section 3 of this 2009 Act** and the projected level of those same local revenues used to  
 18 calculate the State School Fund apportionment to the district. The adjustment shall be incorporated  
 19 in the May 15 apportionment to the district in the distribution year.

20 (2) The department shall adjust the May 15 apportionment to a school district in the distribution  
 21 year to reflect an ADMw of the district equal to the higher of the ADMw of the prior year or the  
 22 adjusted ADMw for the December quarter. Adjusted ADMw for the December quarter shall equal:

23 (a) ADMw as determined by the department from information provided in the December quar-  
 24 terly report for the current distribution year filed with the department under ORS 327.133;

25 (b) Multiplied by the lesser of 1.0 or the average of the ratios for the preceding two years of the  
 26 ADM for the year ending June 30 to the ADM for the quarter ending December 31 for the same  
 27 school year as filed under ORS 327.133.

28 (3) The sum equal to the sum of all negative adjustments made to the May 15 apportionment  
 29 under subsection (1) of this section shall be used by the department for purposes of funding positive  
 30 adjustments required under subsection (1) of this section and adjustments required under subsection  
 31 (2) of this section.

32 (4) The department shall also set aside an amount of the funds appropriated to the State School  
 33 Fund for the fiscal year to fund any positive adjustments required under subsection (1) of this sec-  
 34 tion and adjustments required under subsection (2) of this section in excess of the amount available  
 35 under subsection (3) of this section. The amount set aside shall be as determined by law.

36 (5) If the amounts available under subsections (3) and (4) of this section are either not sufficient  
 37 to fund the positive adjustments or exceed the positive adjustments to districts required under sub-  
 38 sections (1) and (2) of this section and the adjustments required under subsection (2) of this section,  
 39 the Superintendent of Public Instruction shall recalculate the funding percentage in ORS 327.013  
 40 [(2)] (1)(a) to distribute as nearly as practicable the total sum available for distribution.

41 **SECTION 12.** ORS 327.101 is amended to read:

42 327.101. (1) Each fiscal year, the distribution to a school district under ORS 327.008 and 327.013  
 43 shall be adjusted to fully reflect the difference between the apportionment due to the district for the  
 44 prior fiscal year under ORS 327.008 and 327.013, and the amounts actually distributed to the district  
 45 in the prior fiscal year under ORS 327.008, 327.013 and 327.099. The adjustment shall be made to the

1 May 15 apportionment to the district.

2 (2) No consideration shall be made in the adjustment made under subsection (1) of this section  
 3 for any penalties, forfeitures or additional receipts of State School Fund moneys, except when ex-  
 4 pressly directed by law.

5 (3) An amount of funds equal to the sum of all negative adjustments made to the May 15 ap-  
 6 portionment under subsection (1) of this section shall be used by the Department of Education for  
 7 purposes of funding positive adjustments required under subsection (1) of this section in the same  
 8 fiscal year.

9 (4) If the amounts available under subsection (3) of this section are either not sufficient or ex-  
 10 ceed the adjustments to districts required under subsection (1) of this section, the Superintendent  
 11 of Public Instruction shall recalculate the funding percentage in ORS 327.013 [(2)] (1)(a) to distribute  
 12 as nearly as practicable the total sum available for distribution.

13 **SECTION 13.** ORS 327.336 is amended to read:

14 327.336. (1) As used in this section:

15 (a) "Extended ADMw" means the district extended weighted average daily membership com-  
 16 puted under ORS 327.013 [(6)] (1)(c).

17 (b) "Local option tax rate" means the amount of local option taxes imposed by the school dis-  
 18 trict for the current fiscal year, after compression under ORS 310.150 and after subtraction of the  
 19 amount of school district local option taxes that are distributed to an urban renewal agency pursu-  
 20 ant to ORS 457.440, divided by the assessed value of the school district.

21 (c) "School district" means a common or union high school district.

22 (d) "Target district" means the school district that, for the fiscal year prior to the year for  
 23 which grants are being determined, had a total assessed value of taxable property per district ex-  
 24 tended ADMw that was greater than all but 25 percent of the school districts in this state for that  
 25 prior fiscal year. The Department of Education shall determine which school district is the target  
 26 district for a fiscal year, based on the total assessed values of school districts reported to the De-  
 27 partment of Education by the Department of Revenue for the fiscal year prior to the year for which  
 28 grants are being determined under this section.

29 (2) A school district shall receive a local option equalization grant for a fiscal year:

30 (a) In which the school district imposes local option taxes pursuant to ORS 280.040 to 280.145;  
 31 and

32 (b) For which the total assessed value of taxable property per extended ADMw of the school  
 33 district for the prior fiscal year does not exceed the total assessed value of taxable property per  
 34 extended ADMw of the target district for the prior fiscal year.

35 (3) The amount of the local option equalization grant shall equal the lesser of:

36 (a) The product of the local option tax rate of the school district for the current fiscal year  $\times$   
 37 (total assessed value per extended ADMw of the target district for the prior fiscal year - total  
 38 assessed value per extended ADMw of the school district for the prior fiscal year)  $\times$  the extended  
 39 ADMw of the school district for the prior fiscal year; or

40 (b) The amount obtained by subtracting the local option tax imposed by the school district for  
 41 the current fiscal year, after compression under ORS 310.150, from the lesser of:

42 (A) Twenty percent of the combined total for the school district of the general purpose grant,  
 43 the transportation grant, the facility grant and the high cost disabilities grant of the school district  
 44 for the current fiscal year; or

45 (B) \$1,000 multiplied by the extended ADMw of the school district for the current fiscal year.

1 The amount multiplied by the extended ADMw of the school district shall be increased each fiscal  
 2 year by three percent above the amount allowed for the prior fiscal year.

3 (4) If the amount computed under subsection (3)(b) of this section is zero or less, a local option  
 4 equalization grant may not be made to the school district for the fiscal year.

5 (5) As soon as is practicable after school districts have certified property taxes to the assessor  
 6 under ORS 310.060, the Department of Revenue shall report to the Department of Education a list  
 7 of school districts certifying local option taxes for the current fiscal year and the local option tax  
 8 rates for those districts. The amount of each local option equalization grant shall be calculated by  
 9 the Department of Education.

10 (6) If the election authorizing the imposition of a local option tax is held after the start of a  
 11 biennium in which the local option tax is to be imposed, the local option equalization grant for a  
 12 fiscal year of that biennium shall be determined as otherwise prescribed in this section, but may not  
 13 be paid to the school district until the first fiscal year of the next succeeding biennium.

14 **SECTION 14.** ORS 338.157 is amended to read:

15 338.157. For purposes of calculating the weighted average daily membership (ADMw) of a public  
 16 charter school, it shall be assumed that the public charter school has the same percentage of chil-  
 17 dren in poverty families, as calculated under ORS 327.013 [(7)(a)(E)(i)] (1)(c)(A)(v)(I), as the school  
 18 district in which the public charter school is located. Based on this percentage, an additional  
 19 amount shall be added to the average daily membership (ADM) of the public charter school.

20 **SECTION 15.** ORS 338.165 is amended to read:

21 338.165. (1) Notwithstanding ORS 338.155 (1), for purposes of this section, the “resident school  
 22 district” of a student who is eligible for special education and related services shall be the school  
 23 district in which the student’s parent or guardian or person in parental relationship to the student  
 24 resides pursuant to ORS 339.133 and 339.134.

25 (2) For students who attend public charter schools and are eligible for special education and  
 26 related services:

27 (a) The resident school district of the student shall be responsible for providing any required  
 28 special education and related services to the student; and

29 (b) Amounts from the State School Fund for those students shall be distributed through the  
 30 resident school district pursuant to this section.

31 (3) Notwithstanding ORS 338.155 (2), a resident school district of a student who is eligible for  
 32 special education and related services shall contractually establish, with any public charter school  
 33 in which the student is enrolled, payment for provision of special education and related services to  
 34 the student. If a student is enrolled in a public charter school and is eligible for special education  
 35 and related services an additional amount shall be added to the ADM of the public charter school  
 36 as described in ORS 327.013 [(7)(a)(A)] (1)(c)(A)(i). The payment per ADMw in the public charter  
 37 school that is attributable to the student who is eligible for special education and related services  
 38 shall equal an amount that is at least equal to:

39 (a) 40 percent of the amount of the school district’s General Purpose Grant per ADMw as cal-  
 40 culated under ORS 327.013 for students who are enrolled in kindergarten through grade eight; and

41 (b) 47.5 percent of the amount of the school district’s General Purpose Grant per ADMw as  
 42 calculated under ORS 327.013 for students who are enrolled in grades 9 through 12.

43 (4) If the resident school district is not the sponsor of a public charter school, the resident  
 44 school district for each ADMw that is attributable to a student enrolled in a public charter school  
 45 who is eligible for special education and related services shall transfer five percent of the amount

1 of the school district's General Purpose Grant per ADMw as calculated under ORS 327.013 to the  
2 sponsor of the public charter school.

3 (5) Notwithstanding subsection (3) of this section, a school district and a public charter school  
4 may negotiate on a case-by-case basis for an alternative distribution of funds other than the dis-  
5 tribution prescribed by subsection (3) of this section.

6 **SECTION 16.** ORS 340.065 is amended to read:

7 340.065. (1) A resident school district may provide transportation services to eligible students  
8 who attend eligible post-secondary institutions within any education service district boundaries of  
9 which the school district is a component school district.

10 (2) Any transportation costs incurred by a school district under this section shall be considered  
11 approved transportation costs for purposes of ORS 327.013 [(9)] (3).

12 **SECTION 17.** **Section 3 of this 2009 Act and the amendments to ORS 327.008, 327.013,**  
13 **327.019, 327.026, 327.061, 327.095, 327.099, 327.101, 327.336, 338.157, 338.165 and 340.065 by**  
14 **sections 1 and 4 to 16 of this 2009 Act apply to State School Fund distributions occurring in**  
15 **fiscal years beginning on or after July 1, 2009.**

16 **SECTION 18.** **This 2009 Act being necessary for the immediate preservation of the public**  
17 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**  
18 **July 1, 2009.**

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