

Enrolled Senate Bill 441

Sponsored by COMMITTEE ON EDUCATION AND GENERAL GOVERNMENT

CHAPTER

AN ACT

Relating to education; creating new provisions; amending ORS 327.077 and section 22, chapter ____, Oregon Laws 2009 (Enrolled House Bill 2533); repealing sections 1, 2, 3 and 4, chapter ____, Oregon Laws 2009 (Enrolled House Bill 2533); and declaring an emergency.

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

SECTION 1. ORS 327.077 is amended to read:

327.077. (1) A school may qualify as a remote small elementary school if the average daily membership in grades one through eight for an elementary school teaching:

- (a) Eight grades is below 224.
- (b) Seven grades is below 196.
- (c) Six grades is below 168.
- (d) Five grades is below 140.
- (e) Four grades is below 112.
- (f) Three grades is below 84.
- (g) Two grades is below 56.
- (h) One grade is below 28.

(2) A school may qualify as a small high school if:

- (a) The school is in a school district that has an ADMw of less than 8,500; and
- (b) The average daily membership in grades 9 through 12 for a high school teaching:
 - (A) Four grades is below 350.
 - (B) Three grades is below 267.

(3) [No] **An** elementary school [shall] **does not** qualify as a remote small elementary school under subsection (1) of this section if it is within eight miles by the nearest traveled road from another elementary school unless there are physiographic conditions that make transportation to another school not feasible.

(4)(a) If an elementary school in a school district qualifies as a remote small elementary school, the district shall have an additional amount added to the district's ADMw.

(b) The additional amount = $\{224 - (ADM_a \div (\text{number of grades in the school} \div \text{eight}))\} \times 0.0045 \times ADM_a \times \text{distance adjustment}$.

(5)(a) If a high school in a district qualifies as a small high school, the district shall have an additional amount added to the district's ADMw.

(b) The additional amount = $\{350 - (ADM_a \div (\text{number of grades in the school} \div \text{four}))\} \times 0.0029 \times ADM_a$.

(6) The distance adjustment for an elementary school = 0.025 for each 10th of a mile more than eight miles that a school is away from the nearest elementary school measured by the nearest traveled road or 1.0, whichever is less.

(7)(a) A school may qualify as a remote small elementary school under this section only if the location of the school has not changed since January 1, 1995, and if the school qualified as a remote small school on July 18, 1995.

(b) A school may qualify as a small high school under this section only if:

(A) The location of the school has not changed since January 1, 1995[, and if];

(B) The school qualified as a small high school on [October 23, 1999.] **the effective date of this 2009 Act; and**

(C) **On or after October 23, 1999, and prior to the effective date of this 2009 Act, the school was not part of a high school that divided or otherwise reorganized into two or more high schools in the same city.**

(c) A public charter school as defined in ORS 338.005 may qualify as a remote small elementary school under this section only if the location of the school has not changed since January 1, 1995, and if the school qualified as a nonchartered public remote small school on July 18, 1995.

(d) A public charter school as defined in ORS 338.005 may qualify as a small high school under this section only if the location of the school has not changed since January 1, 1995, and if the school qualified as a nonchartered public remote small school on July 18, 1995.

(e) The Superintendent of Public Instruction may waive the requirements of paragraph (a), (b), (c) or (d) of this subsection if the superintendent determines that exceptional circumstances exist.

(f) An alternative education program as defined in ORS 336.615 may not qualify as a small high school under this section.

(8) The opening of a public charter school shall not disqualify a school as a remote small elementary school under subsection (3) of this section or change the distance adjustment for a school under subsection (6) of this section.

(9)(a) Notwithstanding subsections (2), (5) and (7)(b) and (d) of this section, if two high schools merge and prior to the merger at least one of the high schools qualified as a small high school under this section, the Department of Education shall continue to add an additional amount pursuant to subsection (5) of this section to the ADMw of the school district in which the new merged high school is located that is equal to the higher of:

(A) The additional amount the school district of each of the former small high schools would have received under this section for the small high school based on the ADMa of each of the high schools prior to the merger; or

(B) In the case of a high school that remains qualified as a small high school under subsection (2) of this section after a merger, the ADMa of the merged small high school.

(b) The department shall add the additional amount under this subsection only for the first four fiscal years after the merger of the two high schools is final. If the merger of the two high schools becomes final on or before September 1, for purposes of this paragraph the merger shall be considered final in the prior fiscal year.

(10) For purposes of this section:

(a) The “adjusted average daily membership” or “ADMa” for an elementary school shall be the average daily membership for the school, but no less than 25.

(b) The “adjusted average daily membership” or “ADMa” for a high school shall be the average daily membership for the school, but no less than 60.

SECTION 2. The amendments to ORS 327.077 by section 1 of this 2009 Act apply to State School Fund distributions occurring in fiscal years beginning on or after July 1, 2009.

SECTION 3. Section 4 of this 2009 Act is added to and made a part of ORS 327.006 to 327.133.

SECTION 4. For the 2009-2010 distribution of the State School Fund to a school district that has a high school that qualifies as a small high school under ORS 327.077, as amended by section 1 of this 2009 Act, the Department of Education shall calculate the school dis-

trict's ADMw for the prior year as though the amendments to ORS 327.077 by section 1 of this 2009 Act were in effect on July 1, 2008, and shall calculate the school district's extended ADMw to reflect the amendments to ORS 327.077 by section 1 of this 2009 Act.

SECTION 5. If House Bill 2533 becomes law, sections 1 (amending ORS 327.077), 2, 3 and 4, chapter __, Oregon Laws 2009 (Enrolled House Bill 2533), are repealed.

SECTION 6. If House Bill 2533 becomes law, section 22, chapter __, Oregon Laws 2009 (Enrolled House Bill 2533), is amended to read:

Sec. 22. Notwithstanding ORS 327.095 (1), the Department of Education shall adjust the distributions to school districts made during the fiscal year beginning July 1, 2009, to distribute any additional funds that may be available as the result of the enactment of section 6, **chapter __, Oregon Laws 2009 (Enrolled House Bill 2533)**, [of this 2009 Act] and the amendments to ORS 327.008, 327.013, 327.019, 327.026, 327.061, [327.077,] 327.095, 327.099, 327.101, 327.336, 338.157, 338.165 and 340.065 by sections [1 and] 7 to 20, **chapter __, Oregon Laws 2009 (Enrolled House Bill 2533)** [of this 2009 Act].

SECTION 7. This 2009 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect July 1, 2009.

Passed by Senate June 26, 2009

Received by Governor:

Repassed by Senate June 29, 2009

.....M.,....., 2009

Approved:

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Secretary of Senate

.....M.,....., 2009

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President of Senate

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Governor

Passed by House June 29, 2009

Filed in Office of Secretary of State:

.....M.,....., 2009

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Speaker of House

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Secretary of State