

# Senate Bill 504

Sponsored by Senator WHITSETT; Senators GEORGE, METSGER, MORSE, Representative GARRARD

## 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**.

Increases weighted average daily membership for school district for purpose of determining which schools qualify as small high schools.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to small high schools; creating new provisions; amending ORS 327.077 and 327.355; and  
3 declaring an emergency.

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

5 **SECTION 1.** ORS 327.077 is amended to read:

6 327.077. (1) A school may qualify as a remote small elementary school if the average daily  
7 membership in grades one through eight for an elementary school teaching:

8 (a) Eight grades is below 224.

9 (b) Seven grades is below 196.

10 (c) Six grades is below 168.

11 (d) Five grades is below 140.

12 (e) Four grades is below 112.

13 (f) Three grades is below 84.

14 (g) Two grades is below 56.

15 (h) One grade is below 28.

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

17 (a) The school is in a school district that has an ADMw of less than [8,500] **13,500**; and

18 (b) The average daily membership in grades 9 through 12 for a high school teaching:

19 (A) Four grades is below 350.

20 (B) Three grades is below 267.

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

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

26 (b) The additional amount = {224 - (ADM<sub>a</sub> ÷ (number of grades in the school ÷ eight))} ×  
27 0.0045 × ADM<sub>a</sub> × distance adjustment.

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

30 (b) The additional amount = {350 - (ADM<sub>a</sub> ÷ (number of grades in the school ÷ four))} ×  
31 0.0029 × ADM<sub>a</sub>.

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

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

7 (b) A school may qualify as a small high school under this section only if the location of the  
 8 school has not changed since January 1, 1995, and if the school qualified as a small high school on  
 9 October 23, 1999.

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

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

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

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

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

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

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

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

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

37 (10) For purposes of this section:

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

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

42 **SECTION 2.** ORS 327.355 is amended to read:

43 327.355. As used in this section and ORS 327.357:

44 (1)(a) “Small high school” means a public school that is operated by a small school district and  
 45 that has students in:

1 (A) Grades 9 through 12, with an ADM of less than 350 in grades 9 through 12; or

2 (B) Grades 10 through 12 only, with an ADM of less than 267.

3 (b) "Small high school" does not include an alternative education program or a public charter  
4 school.

5 (2) "Small school district" means a school district with a weighted average daily membership  
6 (ADMw) of less than [8,500] **13,500**.

7 **SECTION 3. The amendments to ORS 327.077 and 327.355 by sections 1 and 2 of this 2009**  
8 **Act apply to distributions made and grants awarded to school districts on or after the ef-**  
9 **fective date of this 2009 Act.**

10 **SECTION 4. This 2009 Act being necessary for the immediate preservation of the public**  
11 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**  
12 **on its passage.**

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