

Senate Bill 453

Sponsored by Senator PROZANSKI; Representative BUCKLEY (at the request of Yoncalla School District) (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 school to qualify as remote small elementary school for purposes of weighting in State School Fund distribution formula if school is not within eight miles of school in same school district.

Adjusts district extended ADMw for 2011-2012 State School Fund distribution to reflect changes in qualifications for remote small elementary school.

Declares emergency, effective July 1, 2011.

A BILL FOR AN ACT

1
2 Relating to remote small elementary schools; creating new provisions; amending ORS 327.077; re-
3 pealing section 12, chapter 61, Oregon Laws 1993; and 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) For purposes of this section:

7 (a) The "adjusted average daily membership" or "ADMa" for an elementary school is the aver-
8 age daily membership for the school, but no less than 25.

9 (b) The "adjusted average daily membership" or "ADMa" for a high school is the average daily
10 membership for the school, but no less than 60.

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

13 (a) Eight grades is below 224.

14 (b) Seven grades is below 196.

15 (c) Six grades is below 168.

16 (d) Five grades is below 140.

17 (e) Four grades is below 112.

18 (f) Three grades is below 84.

19 (g) Two grades is below 56.

20 (h) One grade is below 28.

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

22 (a) The school is in a school district that has an ADMw of less than 8,500; and

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

24 (A) Four grades is below 350.

25 (B) Three grades is below 267.

26 (4) An elementary school does not qualify as a remote small elementary school under subsection
27 (2) of this section if it is within eight miles by the nearest traveled road from another elementary
28 school **in the same school district** unless there are physiographic conditions that make transpor-
29 tation to another school not feasible.

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

3 (b) The additional amount = $\{224 - (\text{ADM}_a \div (\text{number of grades in the school} \div \text{eight}))\} \times$
4 $0.0045 \times \text{ADM}_a \times \text{distance adjustment}$.

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

7 (b) The additional amount = $\{350 - (\text{ADM}_a \div (\text{number of grades in the school} \div \text{four}))\} \times$
8 $0.0029 \times \text{ADM}_a$.

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

12 (8)(a) A school may qualify as a remote small elementary school under this section only if the
13 location of the school has not changed since January 1, 1995, and if the school qualified as a remote
14 small school on *[July 18, 1995]* **the effective date of this 2011 Act**.

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

16 (A) The location of the school has not changed since January 1, 1995;

17 (B) The school qualified as a small high school on July 23, 2009; and

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

20 (c) A public charter school as defined in ORS 338.005 may qualify as a remote small elementary
21 school under this section only if the location of the school has not changed since January 1, 1995,
22 and if the school qualified as a *[nonchartered public]* remote small school on *[July 18, 1995]* **the ef-**
23 **fective date of this 2011 Act**.

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

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

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

31 (9) The opening of a public charter school shall not disqualify a school as a remote small ele-
32 mentary school under subsection (4) of this section or change the distance adjustment for a school
33 under subsection (7) of this section.

34 (10)(a) Notwithstanding subsections (2), (4), (5) and (8)(a) and (c) of this section, if two elemen-
35 tary schools merge and prior to the merger at least one of the elementary schools qualified as a
36 remote small elementary school under this section, the Department of Education shall continue to
37 add an additional amount pursuant to subsection (5) of this section to the ADMw of the school dis-
38 trict in which the new merged elementary school is located. The amount added under this subsection
39 shall equal the additional amount that each of the former remote small elementary schools would
40 have received under this section for the remote small elementary school based on the ADMA of each
41 of the elementary schools prior to the merger.

42 (b) This subsection applies only to elementary schools located in counties with a population of
43 less than 2,000 and a total area of not more than 1,000 square miles.

44 (11)(a) Notwithstanding subsections (3), (6) and (8)(b) and (d) of this section, if two high schools
45 merge and prior to the merger at least one of the high schools qualified as a small high school under

1 this section, the Department of Education shall continue to add an additional amount pursuant to
 2 subsection (6) of this section to the ADMw of the school district in which the new merged high
 3 school is located that is equal to the higher of:

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

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

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

13 **SECTION 2.** ORS 327.077, as amended by section 7, chapter 705, Oregon Laws 2009, is amended
 14 to read:

15 327.077. (1) For purposes of this section:

16 (a) The “adjusted average daily membership” or “ADMa” for an elementary school is the aver-
 17 age daily membership for the school, but no less than 25.

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

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

22 (a) Eight grades is below 224.

23 (b) Seven grades is below 196.

24 (c) Six grades is below 168.

25 (d) Five grades is below 140.

26 (e) Four grades is below 112.

27 (f) Three grades is below 84.

28 (g) Two grades is below 56.

29 (h) One grade is below 28.

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

31 (a) The school is in a school district that has an ADMw of less than 8,500; and

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

33 (A) Four grades is below 350.

34 (B) Three grades is below 267.

35 (4) An elementary school does not qualify as a remote small elementary school under subsection
 36 (2) of this section if it is within eight miles by the nearest traveled road from another elementary
 37 school **in the same school district** unless there are physiographic conditions that make transpor-
 38 tation to another school not feasible.

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

41 (b) The additional amount = $\{224 - (\text{ADMa} \div (\text{number of grades in the school} \div \text{eight}))\} \times$
 42 $0.0045 \times \text{ADMa} \times \text{distance adjustment}$.

43 (6)(a) If a high school in a district qualifies as a small high school, the district shall have an
 44 additional amount added to the district’s ADMw.

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

1 0.0029 × ADMa.

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

5 (8)(a) A school may qualify as a remote small elementary school under this section only if the
6 location of the school has not changed since January 1, 1995, and if the school qualified as a remote
7 small school on *[July 18, 1995]* **the effective date of this 2011 Act.**

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

9 (A) The location of the school has not changed since January 1, 1995;

10 (B) The school qualified as a small high school on July 23, 2009; and

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

13 (c) A public charter school as defined in ORS 338.005 may qualify as a remote small elementary
14 school under this section only if the location of the school has not changed since January 1, 1995,
15 and if the school qualified as a *[nonchartered public]* remote small school on *[July 18, 1995]* **the ef-**
16 **fective date of this 2011 Act.**

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

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

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

24 (9) The opening of a public charter school shall not disqualify a school as a remote small ele-
25 mentary school under subsection (4) of this section or change the distance adjustment for a school
26 under subsection (7) of this section.

27 (10)(a) Notwithstanding subsections (3), (6) and (8)(b) and (d) of this section, if two high schools
28 merge and prior to the merger at least one of the high schools qualified as a small high school under
29 this section, the Department of Education shall continue to add an additional amount pursuant to
30 subsection (6) of this section to the ADMw of the school district in which the new merged high
31 school is located that is equal to the higher of:

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

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

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

41 **SECTION 3. The amendments to ORS 327.077 by sections 1 and 2 of this 2011 Act apply**
42 **to State School Fund distributions commencing with the 2011-2012 distribution.**

43 **SECTION 4. For the 2011-2012 State School Fund distribution, the district extended**
44 **ADMw under ORS 327.013 shall be calculated as though the amendments to ORS 327.077 by**
45 **sections 1 and 2 of this 2011 Act were effective on July 1, 2010. A school district's ADMw of**

1 the prior year shall be adjusted to reflect the amendments to ORS 327.077 by sections 1 and
2 2 of this 2011 Act.

3 **SECTION 5.** Section 12, chapter 61, Oregon Laws 1993, as amended by section 24, chapter
4 1066, Oregon Laws 1999, is repealed.

5 **SECTION 6.** This 2011 Act being necessary for the immediate preservation of the public
6 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect
7 July 1, 2011.

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