

A-Engrossed
House Bill 2733

Ordered by the House April 5
Including House Amendments dated April 5

Sponsored by Representative BUCKLEY

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.

Adjusts distance adjustment calculations for remote small elementary schools to provide greater level of funding for schools located between 8 and 12 miles from nearest elementary school.
Declares emergency, effective July 1, 2013.

A BILL FOR AN ACT

1
2 Relating to remote small elementary schools; creating new provisions; amending ORS 327.077; 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) 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 transporta-

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 tion to another school not feasible.

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

4 (b) The additional amount = $\{224 - (\text{ADM}_a \div (\text{number of grades in the school} \div \text{eight}))\} \times$
5 $0.0045 \times \text{ADM}_a \times (\text{distance adjustment} + \mathbf{0.5})$.

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

8 (b) The additional amount = $\{350 - (\text{ADM}_a \div (\text{number of grades in the school} \div \text{four}))\} \times$
9 $0.0029 \times \text{ADM}_a$.

10 (7) The distance adjustment for an elementary school = $[0.025]$ **0.0125** for each 10th of a mile
11 more than eight miles that a school is away from the nearest elementary school in the same school
12 district measured by the nearest traveled road or $[1.0]$ **0.5**, whichever is less.

13 (8)(a) A school may qualify as a remote small elementary school under this section only if the
14 location of the school has not changed since January 1, 1995, and if the school qualified as a remote
15 small school on August 2, 2011.

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

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

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

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

21 (c) A public charter school as defined in ORS 338.005 may qualify as a remote small elementary
22 school under this section only if the location of the school has not changed since January 1, 1995,
23 and if the school qualified as a remote small school on August 2, 2011.

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

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

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

44 (b) The department shall add the additional amount under this subsection only for the first four
45 fiscal years after the merger of the two high schools is final. If the merger of the two high schools

1 becomes final on or before September 1, for purposes of this paragraph the merger shall be consid-
 2 ered final in the prior fiscal year.

3 **SECTION 2.** ORS 327.077, as amended by section 8, chapter 704, Oregon Laws 2011, is amended
 4 to read:

5 327.077. (1) For purposes of this section:

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

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

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

12 (A) Nine grades is below 252.

13 (B) Eight grades is below 224.

14 (C) Seven grades is below 196.

15 (D) Six grades is below 168.

16 (E) Five grades is below 140.

17 (F) Four grades is below 112.

18 (G) Three grades is below 84.

19 (H) Two grades is below 56.

20 (I) One grade is below 28.

21 (b) For purposes of this subsection, kindergarten may be included in the calculation for deter-
 22 mining the number of grades at an elementary school only if the kindergarten is full-day
 23 kindergarten.

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

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

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

27 (A) Four grades is below 350.

28 (B) Three grades is below 267.

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

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

35 (b) The additional amount = $\{252 - (\text{ADMa} \div (\text{number of grades in the school} \div \text{nine}))\} \times$
 36 $0.0045 \times \text{ADMa} \times (\text{distance adjustment} + 0.5)$.

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

39 (b) The additional amount = $\{350 - (\text{ADMa} \div (\text{number of grades in the school} \div \text{four}))\} \times$
 40 $0.0029 \times \text{ADMa}$.

41 (7) The distance adjustment for an elementary school = $[0.025]$ **0.0125** for each 10th of a mile
 42 more than eight miles that a school is away from the nearest elementary school in the same school
 43 district measured by the nearest traveled road or $[1.0]$ **0.5**, whichever is less.

44 (8)(a) A school may qualify as a remote small elementary school under this section only if the
 45 location of the school has not changed since January 1, 1995, and if the school qualified as a remote

1 small school on August 2, 2011.

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

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

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

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

7 (c) A public charter school as defined in ORS 338.005 may qualify as a remote small elementary
8 school under this section only if the location of the school has not changed since January 1, 1995,
9 and if the school qualified as a remote small school on August 2, 2011.

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

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

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

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

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

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

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

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

34 **SECTION 3. The amendments to ORS 327.077 by sections 1 and 2 of this 2013 Act apply**
35 **to State School Fund distributions commencing with the 2013-2014 distributions.**

36 **SECTION 4. This 2013 Act being necessary for the immediate preservation of the public**
37 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
38 **July 1, 2013.**