

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2501**

1 In line 2 of the printed A-engrossed bill, delete “amending” and insert
2 “creating new provisions; amending ORS 327.077 and”.

3 In line 3, delete the first “and” and after “2011” insert “, and section 21,
4 chapter 718, Oregon Laws 2011”.

5 After line 13, insert:

6 **“SECTION 3.** ORS 327.077 is amended to read:

7 “327.077. (1) For purposes of this section:

8 “(a) The ‘adjusted average daily membership’ or ‘ADMa’ for an elementary
9 school is the average daily membership for the school, but no less than 25.

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

12 **“(c) The ‘adjusted average daily membership’ or ‘ADMa’ shall be
13 calculated by adding the average daily membership of a school plus the
14 average daily membership of nonresident students attending the
15 school as a result of:**

16 **“(A) Receiving consent from district school boards, as described in
17 ORS 339.133 (5)(a);**

18 **“(B) Being admitted under a contract entered into between district
19 school boards, as provided by ORS 339.125;**

20 **“(C) Paying tuition as a nonresident person, as allowed by ORS
21 339.115; or**

22 **“(D) Receiving consent from the district school board for the school**

1 **district in which the school is located, as provided by section 9, chap-**
2 **ter 718, Oregon Laws 2011.**

3 “(2) A school may qualify as a remote small elementary school if the av-
4 erage daily membership in grades one through eight for an elementary school
5 teaching:

6 “(a) Eight grades is below 224.

7 “(b) Seven grades is below 196.

8 “(c) Six grades is below 168.

9 “(d) Five grades is below 140.

10 “(e) Four grades is below 112.

11 “(f) Three grades is below 84.

12 “(g) Two grades is below 56.

13 “(h) One grade is below 28.

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

15 “(a) The school is in a school district that has an ADMw of less than
16 8,500; and

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

19 “(A) Four grades is below 350.

20 “(B) Three grades is below 267.

21 “(4) An elementary school does not qualify as a remote small elementary
22 school under subsection (2) of this section if it is within eight miles by the
23 nearest traveled road from another elementary school in the same school
24 district unless there are physiographic conditions that make transportation
25 to another school not feasible.

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

29 “(b) The additional amount = $\{224 - (\text{ADMa} \div (\text{number of grades in the}$
30 $\text{school} \div \text{eight}))\} \times 0.0045 \times \text{ADMa} \times \text{distance adjustment.}$

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

3 “(b) The additional amount = {350 – (ADMa ÷ (number of grades in the
4 school ÷ four))} × 0.0029 × ADMa.

5 “(7) The distance adjustment for an elementary school = 0.025 for each
6 10th of a mile more than eight miles that a school is away from the nearest
7 elementary school in the same school district measured by the nearest trav-
8 eled road or 1.0, whichever is less.

9 “(8)(a) A school may qualify as a remote small elementary school under
10 this section only if the location of the school has not changed since January
11 1, 1995, and if the school qualified as a remote small school on August 2,
12 2011.

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

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

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

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

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

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

28 “(e) The Superintendent of Public Instruction may waive the requirements
29 of paragraph (a), (b), (c) or (d) of this subsection if the superintendent de-
30 termines that exceptional circumstances exist.

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

3 “(9) The opening of a public charter school shall not disqualify a school
4 as a remote small elementary school under subsection (4) of this section or
5 change the distance adjustment for a school under subsection (7) of this
6 section.

7 “(10)(a) Notwithstanding subsections (3), (6) and (8)(b) and (d) of this
8 section, if two high schools merge and prior to the merger at least one of the
9 high schools qualified as a small high school under this section, the De-
10 partment of Education shall continue to add an additional amount pursuant
11 to subsection (6) of this section to the ADMw of the school district in which
12 the new merged high school is located that is equal to the higher of:

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

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

19 “(b) The department shall add the additional amount under this sub-
20 section only for the first four fiscal years after the merger of the two high
21 schools is final. If the merger of the two high schools becomes final on or
22 before September 1, for purposes of this paragraph the merger shall be con-
23 sidered final in the prior fiscal year.

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

26 “327.077. (1) For purposes of this section:

27 “(a) The ‘adjusted average daily membership’ or ‘ADMa’ for an elementary
28 school is the average daily membership for the school, but no less than 25.

29 “(b) The ‘adjusted average daily membership’ or ‘ADMa’ for a high school
30 is the average daily membership for the school, but no less than 60.

1 “(c) The ‘adjusted average daily membership’ or ‘ADMa’ shall be
2 calculated by adding the average daily membership of a school plus the
3 average daily membership of nonresident students attending the
4 school as a result of:

5 “(A) Receiving consent from district school boards, as described in
6 ORS 339.133 (5)(a);

7 “(B) Being admitted under a contract entered into between district
8 school boards, as provided by ORS 339.125;

9 “(C) Paying tuition as a nonresident person, as allowed by ORS
10 339.115; or

11 “(D) Receiving consent from the district school board for the school
12 district in which the school is located, as provided by section 9, chap-
13 ter 718, Oregon Laws 2011.

14 “(2)(a) A school may qualify as a remote small elementary school if the
15 average daily membership in kindergarten through grade eight for an ele-
16 mentary school teaching:

17 “(A) Nine grades is below 252.

18 “(B) Eight grades is below 224.

19 “(C) Seven grades is below 196.

20 “(D) Six grades is below 168.

21 “(E) Five grades is below 140.

22 “(F) Four grades is below 112.

23 “(G) Three grades is below 84.

24 “(H) Two grades is below 56.

25 “(I) One grade is below 28.

26 “(b) For purposes of this subsection, kindergarten may be included in the
27 calculation for determining the number of grades at an elementary school
28 only if the kindergarten is full-day kindergarten.

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

30 “(a) The school is in a school district that has an ADMw of less than

1 8,500; and

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

4 “(A) Four grades is below 350.

5 “(B) Three grades is below 267.

6 “(4) An elementary school does not qualify as a remote small elementary
7 school under subsection (2) of this section if it is within eight miles by the
8 nearest traveled road from another elementary school in the same school
9 district unless there are physiographic conditions that make transportation
10 to another school not feasible.

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

14 “(b) The additional amount = $\{252 - (\text{ADM}_a \div (\text{number of grades in the}$
15 $\text{school} \div \text{nine}))\} \times 0.0045 \times \text{ADM}_a \times \text{distance adjustment}.$

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

18 “(b) The additional amount = $\{350 - (\text{ADM}_a \div (\text{number of grades in the}$
19 $\text{school} \div \text{four}))\} \times 0.0029 \times \text{ADM}_a.$

20 “(7) The distance adjustment for an elementary school = 0.025 for each
21 10th of a mile more than eight miles that a school is away from the nearest
22 elementary school in the same school district measured by the nearest trav-
23 eled road or 1.0, whichever is less.

24 “(8)(a) A school may qualify as a remote small elementary school under
25 this section only if the location of the school has not changed since January
26 1, 1995, and if the school qualified as a remote small school on August 2,
27 2011.

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

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

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

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

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

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

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

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

18 “(9) The opening of a public charter school shall not disqualify a school
19 as a remote small elementary school under subsection (4) of this section or
20 change the distance adjustment for a school under subsection (7) of this
21 section.

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

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

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

4 “(b) The department shall add the additional amount under this sub-
5 section only for the first four fiscal years after the merger of the two high
6 schools is final. If the merger of the two high schools becomes final on or
7 before September 1, for purposes of this paragraph the merger shall be con-
8 sidered final in the prior fiscal year.

9 **“SECTION 5. The amendments to ORS 327.077 by sections 3 and 4**
10 **of this 2013 Act apply to State School Fund distributions commencing**
11 **with the 2013-2014 school year distributions.**

12 **“SECTION 6. ORS 327.077, as amended by section 8, chapter 704, Oregon**
13 **Laws 2011, and section 4 of this 2013 Act, is amended to read:**

14 “327.077. (1) For purposes of this section:

15 “(a) The ‘adjusted average daily membership’ or ‘ADMa’ for an elementary
16 school is the average daily membership for the school, but no less than 25.

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

19 “(c) The ‘adjusted average daily membership’ or ‘ADMa’ shall be calcu-
20 lated by adding the average daily membership of a school plus the average
21 daily membership of nonresident students attending the school as a result
22 of:

23 “(A) Receiving consent from district school boards, as described in ORS
24 339.133 (5)(a);

25 “(B) Being admitted under a contract entered into between district school
26 boards, as provided by ORS 339.125; **or**

27 “(C) Paying tuition as a nonresident person, as allowed by ORS 339.115[;
28 *or*]

29 “[*D*] *Receiving consent from the district school board for the school district*
30 *in which the school is located, as provided by section 9, chapter 718, Oregon*

1 *Laws 2011*].

2 “(2)(a) A school may qualify as a remote small elementary school if the
3 average daily membership in kindergarten through grade eight for an ele-
4 mentary school teaching:

5 “(A) Nine grades is below 252.

6 “(B) Eight grades is below 224.

7 “(C) Seven grades is below 196.

8 “(D) Six grades is below 168.

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11 “(G) Three grades is below 84.

12 “(H) Two grades is below 56.

13 “(I) One grade is below 28.

14 “(b) For purposes of this subsection, kindergarten may be included in the
15 calculation for determining the number of grades at an elementary school
16 only if the kindergarten is full-day kindergarten.

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

18 “(a) The school is in a school district that has an ADMw of less than
19 8,500; and

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

22 “(A) Four grades is below 350.

23 “(B) Three grades is below 267.

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

29 “(5)(a) If an elementary school in a school district qualifies as a remote
30 small elementary school, the district shall have an additional amount added

1 to the district's ADMw.

2 “(b) The additional amount = {252 – (ADMa ÷ (number of grades in the
3 school ÷ nine))} × 0.0045 × ADMa × distance adjustment.

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

6 “(b) The additional amount = {350 – (ADMa ÷ (number of grades in the
7 school ÷ four))} × 0.0029 × ADMa.

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

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

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

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

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

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

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

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

1 “(e) The Superintendent of Public Instruction may waive the requirements
2 of paragraph (a), (b), (c) or (d) of this subsection if the superintendent de-
3 termines that exceptional circumstances exist.

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

6 “(9) The opening of a public charter school shall not disqualify a school
7 as a remote small elementary school under subsection (4) of this section or
8 change the distance adjustment for a school under subsection (7) of this
9 section.

10 “(10)(a) Notwithstanding subsections (3), (6) and (8)(b) and (d) of this
11 section, if two high schools merge and prior to the merger at least one of the
12 high schools qualified as a small high school under this section, the De-
13 partment of Education shall continue to add an additional amount pursuant
14 to subsection (6) of this section to the ADMw of the school district in which
15 the new merged high school is located that is equal to the higher of:

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

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

22 “(b) The department shall add the additional amount under this sub-
23 section only for the first four fiscal years after the merger of the two high
24 schools is final. If the merger of the two high schools becomes final on or
25 before September 1, for purposes of this paragraph the merger shall be con-
26 sidered final in the prior fiscal year.

27 “**SECTION 7.** Section 21, chapter 718, Oregon Laws 2011, is amended to
28 read:

29 “**Sec. 21. (1)** Section 9 [*of this 2011 Act*], **chapter 718, Oregon Laws**
30 **2011**, is repealed on July 1, 2017.

