

**STAFF MEASURE SUMMARY****House Committee On Education****Fiscal:** Fiscal impact issued**Revenue:** Revenue impact issued**Action Date:** 04/20/15**Action:** Without Recommendation As To Passage, With Amendments, Be Printed Engrossed And Be Referred To Revenue By Prior Reference.**Meeting Dates:** 04/01, 04/20**Vote:**

Yeas: 9 - Barreto, Doherty, Frederick, Hack, McLain, Piluso, Reardon, Sprenger, Wilson

**Prepared By:** Richard Donovan, Committee Administrator

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**WHAT THE MEASURE DOES:**

Provides that Superintendent of Public Instruction (Superintendent) and State Board of Education may not make or authorize certain calculations related to aggregate days membership and weighted average daily membership except as specified by statute. Specifies exemptions for students enrolled in half-time programs, specified alternative education programs, or receiving tutorial instruction. Allows exemption for existing rules and statutes. Declares emergency, effective July 1, 2015.

**ISSUES DISCUSSED:**

- Large amount of time, effort spent on education budget by Legislative Assembly
- History of “tenths proposal,” a rule change considered, but not yet enacted, by State School Board to allow distribution of State School Fund base-weight Average Daily Membership moneys on a per-tenths-hour basis
- Potential destabilizing effects rule could have on school budget planning
- Tenths proposal a “radical” departure from current funding distribution process
- Measure as clarifying that Legislative Assembly has authority over State School Fund moneys

**EFFECT OF COMMITTEE AMENDMENT:**

Specifies exemptions for students enrolled in half-time programs, specified alternative education programs, or receiving tutorial instruction. Allows exemption for existing rules and statutes.

**BACKGROUND:**

ORS 327 governs, generally, State School Fund (SSF) distributions. ORS 327.125 governs the ability of the Superintendent to administer statutes related to state financing of education, and says: “The Superintendent of Public Instruction shall administer the provisions of ORS 327.006 to 327.133, 327.348 and 327.731. The State Board of Education shall adopt all necessary rules not inconsistent with ORS 327.006 to 327.133, 327.348 and 327.731 to carry into effect the provisions of those statutes.” Those listed statutes detail various portions of SSF distributions, but do not contain a requirement that the Superintendent or State Board of Education distribute fully all moneys allocated by the Legislative Assembly.

House Bill 3493-A prohibits the Superintendent and the State Board of Education from making partial distributions of SSF moneys except as otherwise provided by law.