

# Chapter 341

## 1959 REPLACEMENT PART

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**ADULT EDUCATION**

**341.010 Definition.** As used in ORS 341.010 to 341.080, "adult" means a person 18 years of age or over, or any person who has graduated from a high school.

**341.020 Supervision by Superintendent of Public Instruction.** The general control and supervision of adult education in elementary and high school subject matter and grade shall be exercised by the Superintendent of Public Instruction.

**341.030 Adult education classes; fees.** Any district school board may provide for the establishment of classes for adult education in the elementary or high school field. The district school board also shall determine any fees to be levied. The board may hire certified teachers and supervisors for the purpose of establishing and maintaining such classes for adults in English, the fundamental principles of democratic government, citizenship, public affairs, forums, arts and crafts, general cultural subjects, adult recreation and such other subjects as the State Board of Education may authorize. The funds from such fees shall be used for the support or encouragement of adult education in the elementary or high school field. The classes shall be subject to the regulations of the district school board, shall be organized to meet the needs of the adults in the district and, as far as practicable, shall be held at such times and places as are most convenient and accessible to the members of the class.

**341.040 Admission of students; exemption from fees.** All classes in the elementary or high school field under the adult education program shall be open to every person 18 years of age or over, or any person who has graduated from high school and shall be under the direct management of the local district school board. The district school board may, with the recommendation of an authorized representative of the county relief committee, exempt any adult from the payment of any fees levied for participation in the adult education program.

**341.050 State Board of Education may accept federal funds.** The State Board of Education is authorized and empowered, in its discretion, to accept in behalf of this state, any executive or legislative provisions that may be promulgated or enacted by the Federal Government whereby the state is

invited, permitted or authorized to participate in the distribution, disbursement or administration of any fund or funds advanced, offered or contributed by the Federal Government for adult education in the elementary or high school field.

**341.060 Administration of adult education funds.** After the State Board of Education has accepted such executive or legislative provisions of the Federal Government, the state board, through the Superintendent of Public Instruction, shall act as the agency of the state in administering and giving full force and effect to the provisions and conditions so promulgated or enacted. The state board may, by adopting rules and regulations, provide in compliance with the federal provisions and in cooperation with the county or other local district, for the administration of any state or federal funds which are for the support or encouragement of adult education in the elementary or high school field.

**341.070** [Repealed by 1957 c.723 §28]

**341.080 Other adult education programs.** No part of ORS 341.010 to 341.060 shall be construed to mean any interference with, infringement upon, or control or supervision of any form of adult education sponsored or administered by other state departments, labor groups, independent colleges, organizations, clubs, associations and others without state support and not under state auspices; nor be construed to mean a duplication, curtailment, control or supervision of the programs of adult education of the Oregon state system of higher education.

**341.090 and 341.200** [Reserved for expansion]

**341.210** [Repealed by 1959 c.121 §2]

**341.220** [Repealed by 1959 c.121 §2]

**341.230** [Repealed by 1959 c.121 §2]

**341.240** [Repealed by 1959 c.121 §2]

**341.250** [Repealed by 1959 c.121 §2]

**341.260 to 341.300** [Reserved for expansion]

**CIVIC CENTERS**

**341.310 Use of schoolhouses as civic centers.** There hereby is established a civic center at each public schoolhouse where the

citizens of the respective public school districts may engage in supervised recreational activities, and where they may meet and discuss any and all subjects and questions which in their judgment may appertain to the educational, political, economic, artistic and moral interests of the citizens of the respective communities in which they reside. Such use of public schoolhouses and grounds shall in no wise interfere with such use and occupancy of the public schoolhouse and grounds required for public school purposes.

**341.320 Cost of use and maintenance of schoolhouse as civic center.** Lighting, heating, janitor service and services of a special supervising officer when needed, in connection with the use of public school buildings and grounds as set forth in ORS 341.310, shall be provided for out of the county or special school funds of the respective school districts in the same manner and by the same authority as such similar services are provided for. Such use of the schoolhouses, property and ground shall be granted free except that in case of entertainments where an admission fee is charged, a charge may be made for the use of schoolhouses, property and grounds and a charge may be made for the use of and equipment for gymnasiums, swimming pools, athletic fields and tennis courts.

**341.330 Management vested in school board.** The management, direction and control of the civic center shall be vested in the district school board. The district school board shall make all needful rules and regulations for conducting civic center meetings and for such recreational activities as are provided for in ORS 341.310. The district school board may appoint a special supervising officer who shall have charge of the grounds, preserve order, protect the school property and do all things necessary in the capacity of a peace officer to carry out the provisions and intents and purposes of ORS 341.310 to 341.340.

**341.340 Authority to refuse use of schoolhouse.** The provisions of ORS 341.310 are not mandatory upon any district school board. Whenever in its judgment it seems inadvisable to permit the use of a schoolhouse for the purpose requested, the board may refuse the use of the schoolhouse for any of the purposes mentioned in ORS 341.310.

**341.350 to 341.500** [Reserved for expansion]

### EDUCATION CENTERS AND COMMUNITY COLLEGES

**341.510 Definitions for ORS 341.510 to 341.910.** As used in ORS 328.245, 341.520 to 341.910 and 352.370, unless the context otherwise requires:

(1) "Area education district" means an area which includes more than one school district and is formed under the provisions of ORS 341.510 to 341.910.

(2) "Education center" or "community college" means a public secondary school established by a school district or by an area education district under the provisions of ORS 341.510 to 341.910 for the purposes of providing courses of study beyond the twelfth grade designed to meet the needs of a community by providing courses in one or more of the following areas:

(a) Vocational education programs.

(b) Lower division collegiate programs.

(c) Other adult education programs for adults who are no longer subject to the compulsory school law.

(d) Counseling and guidance service.

(3) The term "education center" shall be used when a lower division collegiate program is not offered.

(4) "Full-time student" means a student carrying 12 term hours per week of academic course work or 20 clock hours per week of course work for three terms each of which provides for not less than 10 weeks of instructional time, exclusive of registration, organizational meetings and final examination periods.

(5) "Operating expenses" means the sum of the expenditures of an area education district for administration, instruction, necessary student services, operation and maintenance of plant and fixed charges as determined in accordance with the regulations of the State Board of Education. It does not include building reserves, capital outlay or debt service as those terms are defined in ORS 327.006.

(6) "State board" means the State Board of Education.

(7) "Term hour" means a 50-minute period of class work a week of a single student for approximately one-third of a school year. [1959 c.641 §1]

**341.520 Districts authorized to establish education centers or community colleges.**

(1) An education center or community college may be established by a school district having a population of more than 100,000 inhabitants or an area education district in which all the following exist:

(a) The true cash value, as defined in ORS 308.205, of the taxable property in the district is at least \$75 million.

(b) The enrollment in grades 9 to 12 is at least 1,000 resident pupils.

(c) Available building space is modern and adequate.

(d) A well chosen general and reference library, adequate for the courses offered and for the size of the enrollment, is provided.

(e) Suitable laboratory or shop space, or both, and equipment for work in the courses offered is available.

(f) The State Board of Education has given final approval for establishment of an education center or community college.

(2) A community college established by a school district under prior laws shall not be affected by numerical changes in requirements under subsection (1) of this section. [1959 c.641 §2]

**341.530 Certain districts authorized to contract for lower division collegiate grade classes or post high school vocational courses.** (1) The board of education of any school district which is not located within an area education district may enter into a contract with the State Board of Higher Education, acting through the General Extension Division, for the holding of classes of lower division collegiate grade in the school district. The classes shall be conducted under the joint supervision of the General Extension Division and the superintendent of schools of the district.

(2) The board of education of any school district which is not located within an area education district may enter into a contract with the State Division of Vocational Education for the holding of post high school vocational courses. The classes shall be conducted under the joint supervision of the Division of Vocational Education and the superintendent of schools of the district.

(3) A school board may provide funds in its regular budget for conducting classes of the type contracted for in subsection (1) or (2) and may expend funds of the district budgeted for that purpose in meeting the

costs of the classes. A district school board shall not be eligible for reimbursement under ORS 341.610 for any programs operated pursuant to this section.

(4) If at any time during the contract period either the district school board or an area education district whose boundaries include territory located in the contracting district establish an education center or community college, the contract shall be terminated. [1959 c.641 §3]

**341.540 Petition or resolution to establish education center or community college in individual school district.** (1) Upon receiving a written petition signed by not less than 10 percent of the registered voters of the school district requesting establishment of an education center or a community college for that school district, the district school board shall enter the petition upon the record of board proceedings. The State Board of Education shall establish and furnish a recommended form for the petition. If the district school board finds that the petition is signed by the requisite number of qualified voters as determined from the registration lists for the last preceding general election, the board shall forward the petition to the State Board of Education not later than the school board's next regular meeting. The district school board shall forward with the petition such other pertinent facts and information as the board may have regarding the desirability of establishing an education center or a community college and their recommendations in the matter.

(2) On its own initiative, a district school board of a district having a population of more than 100,000 inhabitants may adopt a resolution requesting establishment of an education center or community college and forward the resolution, together with pertinent facts and information regarding the desirability of such establishment, to the State Board of Education. Upon approval of the petition by the State Board of Education, the school district may establish an education center or community college without an election. [1959 c.641 §4]

**341.550 Action on petition or resolution; election.** (1) Upon receipt of a petition or resolution requesting establishment of an education center or a community college, the State Board of Education shall conduct an independent investigation to determine

whether the request should be granted and grant or deny the request.

(2) If the request is denied, the state board shall, upon petition by the district school board, conduct a public hearing. If the request is approved initially or after public hearing, the district school board shall submit to the registered voters of the school district at the next election the question of establishment of an education center or a community college. Notice of the election shall be given in conformance with ORS 331.010 and call, holding, canvass and all other parts of such election shall, so far as practicable, conform to the manner prescribed for holding bond elections in the district involved. [1959 c.641 §5]

**341.560 Approval required to commence or change program.** (1) Before an educational program under ORS 341.510 to 341.910 is commenced the district board shall apply to the State Board of Education for permission to commence such program. The application shall be made prior to July 1 of the first year in which courses are to be offered and shall include a full statement of the courses to be offered the first year. After the first year of the program, course additions, deletions or changes in that program must be presented to the State Board of Education for approval.

(2) Before approving an application or change submitted under subsection (1) of this section, the State Board of Education shall submit a list of courses which are to be recognized for credit by institutions of higher education to the State Board of Higher Education for approval.

(3) After receiving the approval of the State Board of Higher Education and after suggesting any modifications in the proposed program of studies, the State Board of Education shall approve or disapprove the application of a district.

(4) Any programs of study for which state aid is desired must be approved by the State Board of Education. [1959 c.641 §24]

**341.570 Locations of classes.** The district board shall determine the locations of classes to be held in the district after considering geographical and population factors, available buildings and sites and other factors important to the selection of locations of classes. [1959 c.641 §25]

**341.580 Awarding certificates and degrees.** A district board, upon approval of the State Board of Education, may award certificates and degrees of less than the baccalaureate level. [1959 c.641 §29]

**341.590 Student tuition rates; residents of other districts attending center or college.** (1) A district board may establish the tuition rate and fee schedule to be paid by a student.

(2) Any school district not operating an education center or community college may contract with an operating district to permit residents of the nonoperating district to attend the education center or community college as nonresident students. The contract shall stipulate that the nonoperating district shall reimburse the operating district for each student from the nonoperating district. The amount which the nonoperating district shall reimburse the operating district for each student shall be the difference obtained by subtracting the tuition and fees received from the student by the operating district and the per student receipts from state and federal aid for operating expenses from the per student operating expenses of the operating district. If only a part of a school district is included in an area education district, the residents of the portion of the school district that is not included in the district are considered residents of a nonoperating noncollege district for the purposes of this section.

(3) A district operating an education center or community college may contract with a similar district to permit the residents of either district to attend the other district. The contract shall stipulate that the district where the student is a resident shall reimburse the district where the student is in attendance in an amount determined under subsection (1) of this section. [1959 c.641 §30]

**341.600 Administrator, instructors and other personnel.** (1) The district board is authorized to employ administrators, instructors and other personnel to staff the district program.

(2) Instructors of courses required to be approved by the State Board of Higher Education shall not be required to have teaching certificates. Until the classes operated by the district become accredited, the district board shall obtain the approval of the State Board

of Higher Education before employing any person to teach courses required to be approved by the State Board of Higher Education. An institution is accredited when it receives that rating from the Northwest Association of Secondary and Higher Schools, or its successor.

(3) All instructors, other than those specified in subsection (2) of this section, shall be certified as required by ORS 342.005 to 342.115.

(4) ORS 342.600 and 342.605 shall not apply to employes employed in an education center or community college.

(5) The administrator employed by the district board shall administer and exercise general supervision over the area education program. He shall submit such reports relating to the district as the State Board of Education shall require. [1959 c.641 §§26, 27]

**341.610 Apportionment from Basic School Support Fund.** (1) Subject to the provisions of subsections (2) and (3) of this section, the Superintendent of Public Instruction shall distribute annually in the manner prescribed in subsection (4) of this section to each district operating an education center or community college an amount equal to the lesser of:

(a) \$200 for each equivalent full-time student in lower division collegiate classes approved by the State Board of Education and completed by a student who is a resident of Oregon; or

(b) One-third of the operating expenses.

However, no amount shall be paid to the district under this section for any classes for which the district receives state aid under the provisions of ORS chapter 344.

(2) If during the first fiscal year of the biennium commencing July 1, 1959, or of any subsequent biennium, the amount due all the reporting districts for that year under subsection (1) of this section exceeds \$60,000, each reporting district shall be paid only a pro rata share of \$60,000. The pro rata share shall be determined by the proportion the total number of equivalent full-time students in approved classes completed by Oregon residents during the year in the education center or community college operated by the district bears to the total of all equivalent full-time students in classes completed during the year in all the education centers and community colleges operated by reporting districts in the state.

(3) If during the second fiscal year of the biennium commencing July 1, 1959, or of any subsequent biennium, the amount due all the reporting districts for that year under subsection (1) of this section exceeds the amount remaining which may be appropriated in the biennium under subsection (6) of this section after the distribution in the first fiscal year of the biennium under this section, each district reporting under subsection (4) of this section shall only be paid the pro rata share of the remaining funds in the same manner as provided under subsection (2) of this section.

(4) Each district shall at the end of each term report to the Superintendent of Public Instruction the total number of equivalent full-time students in classes approved by the State Board of Education and completed during the term by students in the education center or community college who are residents of Oregon. If the limits set under the provisions of paragraph (b) of subsection (1) or subsection (2) or (3) of this section apply, the Superintendent of Public Instruction shall make the necessary adjustment in the amounts due each district following the last term in each year unless he determines that adjustments must be made at an earlier time in order to avoid overpayment. If overpayments or underpayments result, adjustments shall be made in the following year.

(5) The Superintendent of Public Instruction shall, as soon as practicable following the receipt of the reports from the several districts at the end of each term, prepare, certify and transmit to the Secretary of State a roll of the districts operating education centers or community colleges and the amount due each district for the preceding term as adjusted under subsection (4) of this section if necessary. The Secretary of State shall audit the roll so certified by the Superintendent of Public Instruction and draw his warrants on the State Treasurer payable out of the Basic School Support Fund for the amounts certified payable to the several reporting districts.

(6) There hereby is appropriated for the purposes of this section out of the Basic School Support Fund an amount equal to each such certified roll, except that the amount appropriated under this section shall not exceed \$120,000 in a single biennium. Any money appropriated under this section remaining unobligated and unexpended on July 1 following the end of the biennium for

which it was appropriated shall revert to the Basic School Support Fund. [1959 c.641 §33]

**341.620 to 341.700** [Reserved for expansion]

### AREA EDUCATION DISTRICTS

Note: For definitions applicable to ORS 341.710 to 341.910, see ORS 341.510.

**341.710 Petition for formation of area education district; assets and property of previously established community college.** Whenever the voters of contiguous territory whose boundaries are designated in the petition desire the formation of an area education district, they may sign a petition requesting the formation of an area education district and present it to the State Board of Education. The designated territory may be located in more than one county. The petition must contain the signatures of at least 10 percent or at least 500 of the registered voters of the designated territory, whichever is less, as determined from the registration lists for the last preceding general election; must specify the territory proposed to be united and must request that the territory be united and organized into an area education district. The signers of the petition may forward with the petition any pertinent facts and information they may have regarding the desirability of establishing the district. The State Board of Education shall establish and furnish a recommended form for the petition. All or a portion of the territory lying within the boundaries of a school district that maintains an education center or a community college may be included in a proposed area education district. If territory within the boundaries of a school district that maintains an education center or a community college is included within the boundaries of an area education district, the assets and property of the community college established by the school district shall remain the property of the school district originating it unless the area education district as established makes other arrangements with the school district maintaining the education center or community college. [1959 c.641 §6]

**341.720 Bond to accompany petition.** A petition for the formation of an area education district shall be accompanied by a good and sufficient bond in the form and amount approved by the State Board of Education. The bond must guarantee that the petitioners

will pay the costs of attempted formation, election and organization in case organization is not effected. In the event the area education district is organized, the district shall be liable for the costs. [1959 c.641 §7]

**341.730 Setting date for hearing; notice of hearing.** (1) The State Board of Education shall examine the petition and if it finds that the petition satisfies the requirements of ORS 341.540 or 341.710 and that the proposed area education or community college district meets the requirements of paragraphs (a) and (b) of subsection (1) of ORS 341.520, it shall set a date for a hearing on the petition. The hearing shall be set for a date not later than the second regular meeting of the state board following receipt of the petition. The state board shall give notice of the hearing by causing publication to be made in at least two issues of a newspaper published in and having a general circulation in the territory designated in the petition. If no newspaper is published in and has general circulation in the designated territory, the state board shall cause the notice to be placed in at least two issues of any newspaper that does have general circulation in the designated territory. The first publication of the notice shall be not more than 25 days nor less than 15 days preceding the hearing and the last publication shall be not more than 14 days nor less than 8 days preceding the hearing.

(2) The notice of hearing shall state:

(a) That a petition has been filed for establishment of an area education district.

(b) The name and boundaries of the proposed area education district.

(c) The time and place set for the hearing on the petition.

(d) That all persons interested may appear and be heard. [1959 c.641 §8]

**341.740 Hearing; alteration of proposed boundaries.** (1) At the time designated in the notice the State Board of Education shall hear the petition and may adjourn the hearing from time to time. The State Board of Education may alter the boundaries set forth in the petition to include all territory which may be benefited by inclusion within the area education district. The board shall not modify the boundaries of the district as set forth in the petition so as to exclude from the district any territory which could be benefited by its formation, nor may there be included in the proposed district any territory which

will not, in the judgment of the board, be benefited.

(2) If the board concludes that any territory has been improperly omitted from the proposed area education district and that registered voters within that territory have not appeared at the hearing, the board shall continue further hearing of the petition and shall order notice given to the nonappearing registered voters requiring them to appear and show cause, if any, why their territory should not be included in the proposed district. The notice shall be given either by publication in the same manner as notice of the original hearing was given and for the same period of time or by personal service on each nonappearing registered voter. If notice is given by personal service, such service shall be made at least 10 days prior to the date fixed for the hearing. [1959 c.641 §9]

**341.750 Final determination of boundaries; election in proposed district.** (1) If upon final hearing of a petition the State Board of Education approves the petition either as originally presented or as altered pursuant to the hearing, the state board shall make an order describing the exterior boundaries and approving the formation of the proposed area education district. If no appeal from this order is filed within 60 days of the date of the order, the determination of boundaries shall become final. If an appeal is filed, either the order shall become final upon the date the board's order is affirmed by the court or, if the order is not affirmed, a date for a new hearing shall be set in the same manner as provided for the original hearing. Appeals shall be governed by ORS 183.480.

(2) An election for the purpose of presenting the question of formation of an area education district to the voters of the area designated in the final order shall be held between 30 and 60 days after the day the order becomes final. The election date, which shall be uniform throughout the proposed area education district, shall be set by the State Board of Education. Notice of the election shall be given in the same manner as is provided for the notice of the hearing. The State Board of Education shall make all necessary arrangements for the election, including provisions for election judges, size and location of precincts and location and number of polling places. So far as practical, the State Board of Education shall use schoolhouses, which shall be furnished free of cost,

for polling places. In making the arrangements for the election, the State Board of Education shall use, as far as practical, the procedures established for elections in a first class district of less than 100,000 persons under ORS 331.310 to 331.350. [1959 c.641 §10]

**341.760 Persons entitled to vote at election.** (1) Any person who is a registered voter in a precinct or portion of a precinct which is located within the boundaries of the proposed area education district and who has continuously resided in the proposed district for the six months immediately preceding the election is entitled to vote on any matter arising at that election.

(2) A registered voter as used in ORS 341.510 to 341.910 is defined as one who has registered under the general election laws with the county clerk at least 30 days before the election. [1959 c.641 §11]

**341.770 List of voters; poll books.** (1) At the request of the State Board of Education, a county clerk shall prepare a list or lists of names and addresses of the registered voters of his county who reside in the proposed area education district and who were registered at least 30 days prior to the date set for the election. The county clerk may make a reasonable charge for preparing such lists, and the State Board of Education is authorized to pay the charge to the extent of the statutory fee out of any money made available for the formation of the proposed area education district.

(2) Poll books are not required to be used at area education district elections. If poll books are not used, a clerk at each polling place must keep a record of the names of the persons voting on the question of forming an area education district at that election. [1959 c.641 §12]

**341.780 Reporting election results; proclamation that district is formed.** When the polls are closed each election board shall certify and report the results to the State Board of Education who shall in turn canvass the vote. If the vote is in favor of the area education district, the State Board of Education shall proclaim not later than the second regular meeting of the state board following the receipt of the tabulation of the votes that an area education district has been formed and shall furnish any affected county assessor with a copy of the proclamation. [1959 c.641 §13]

**341.790 District board; directors.** (1) The area education district board of education shall be composed of five qualified directors elected at large from the residents of the area education district in accordance with the provisions for elections in a first class district with a population of less than 100,000 persons under ORS 331.310 to 331.350. However, the directors shall be elected for terms of only four years and two directors shall be elected for four-year terms in the years when the terms of two directors elected to four-year terms expire. A qualified director is a person who is both a resident and a registered school voter of that area education district. Except as provided in subsection (2) of this section, directors shall take office on July 1 following their election.

(2) If a vacancy occurs on the area education district board of directors, a majority of the directors remaining on the board shall elect a director to fill the vacancy until the next annual election.

(3) In any election in which a person receiving a sufficient number of votes for election is not qualified, the person receiving the next largest number of votes who is qualified to be a director shall be declared elected. [1959 c.641 §14]

**341.800 First board of directors.** (1) The first board of directors shall be elected at the same election as the election at which votes are cast for the formation of the area education district. Nominations for the board of directors shall be made by petition requesting that such person's name be placed on the ballot and signed with the signatures of at least 50 registered voters residing in the proposed area education district. The petition shall be presented to the State Board of Education 30 days prior to the election. Upon receipt of petitions which contain the requirements specified by law, the State Board of Education shall cause the names of such nominees to be placed upon the ballot.

(2) Notwithstanding the provisions of ORS 331.350, five qualified directors shall be elected at this election to serve terms of four, four, three, two and one years respectively in accordance with the number of votes each receives with the directors receiving the largest number of votes serving the four-year terms. The terms of office of the directors of this first board shall be computed from the date of the annual school election prior to the date of election of the board,

but the directors shall take office immediately following the election. If for any reason an area education district is not formed, the election of directors for that proposed district shall be void. [1959 c.641 §15]

**341.810 Date of regular elections.** After the district has been formed, the district shall hold its regular elections on the first Monday in May each year. [1959 c.641 §16]

**341.820 Liability for pre-existing debts.** Except as otherwise provided by law or by the electors of a school district, any debts accruing to a school district prior to the formation of an area education district shall remain the sole liability of that school district. [1959 c.641 §17]

**341.830 Withdrawal of territory from district.** (1) Whenever it is desired to change the boundaries of an area education district by withdrawal of territory which is within the area education district from the area education district, a petition requesting the change shall be filed with the area education district board which shall have jurisdiction over the proceedings. The area education district board shall then call an election giving notice in conformance with ORS 341.730. The election procedure shall conform, as far as practical, to the procedure for a first class district with a population of less than 100,000 under ORS 331.320. The petition shall be signed by 10 percent or 100, whichever is the lesser number, of the legal voters residing within the area education district.

(2) If at the election a majority of the votes cast by the legal voters of the area education district and of the legal voters of the petitioning territory favor boundary change by withdrawal of the territory from the area education district, the area education district board shall make the required change.

(3) The withdrawal of territory from an area education district shall not affect the validity of bonds theretofore issued by the area education district. No territory withdrawn shall be relieved, by reason of the withdrawal, of liability for any debt existing at the time of withdrawal. [1959 c.641 §18]

**341.840 Petition for annexation of territory to district.** (1) When voters of territory contiguous to an area education district desire to have their territory included in such area education district, the voters of that

contiguous territory designated in the petition may present a petition to the board of directors of the area education district. The petition must contain the signatures of at least 10 percent or at least 500 of the registered voters of the designated territory, whichever is less, as determined from the registration lists for the last preceding general election; must specify the territory proposed to be united and must request that the territory be included in the named area education district.

(2) The area education district board of directors may approve or disapprove the petition. If the petition meets the requirements of law and is otherwise approved by the board, the board shall forward the petition to the State Board of Education. [1959 c.641 §19]

**341.850 Deposit by petitioners.** Before the State Board of Education may set a date for a hearing under ORS 341.860, the petitioning territory must deposit a sum of money in the amount determined by the State Board of Education to guarantee the payment of costs of the hearing, notices, election and all other matters incident to the inclusion of the petitioning territory in the area education district. After the petitioning territory has either become a part of the area education district or has failed in its attempt to become a part of that district, the State Board of Education shall return any money remaining in the deposit after all costs have been paid. [1959 c.641 §22]

**341.860 Hearing and determination on petition.** After receiving the petition, the State Board of Education, if the deposit required by ORS 341.850 has been made, shall set a date for a hearing or hearings and shall give notice of each hearing in the manner prescribed in ORS 341.730. Upon hearing, the State Board of Education shall determine whether all territory concerned will be benefited by inclusion of the petitioning territory in the area education district. The State Board of Education shall not include in the area education district any part of the designated petitioning territory which will not, in the judgment of the board, be benefited by inclusion in such district. The State Board of Education shall announce its decision in the same manner as the notice of hearing was given. [1959 c.641 §20]

**341.870 Filing remonstrance; when election required; proclaiming territory to be part of district.** (1) If the State Board of Education approves the petition, it shall wait at least 30 days before proclaiming the petitioning territory as part of the area education district.

(2) If a remonstrance is not filed by either the area education district or the petitioning territory within 30 days after the date of the second publication of the decision of the State Board of Education, the State Board of Education shall proclaim the area education district's boundaries enlarged to include the petitioning territory.

(3) If within 30 days after the date of the second publication of the decision of the State Board of Education a remonstrance signed by at least five percent or at least 50, whichever is less, of the registered legal voters of either the area education district or the petitioning territory is filed with the State Board of Education, the State Board of Education shall call an election in both the area education district and the petitioning territory. The area education district board shall then give notice of the election in the manner prescribed in ORS 341.730 and shall handle all details of the election, so far as practical, in the manner prescribed for holding elections in a first class district of less than 100,000 persons under ORS 331.310 to 331.350. When the polls are closed each election board shall certify and report the results to the State Board of Education who shall in turn canvass the vote. If the vote in both the area education district and the petitioning territory is in favor of including the petitioning territory in the area education district, the State Board of Education shall proclaim that the boundaries of the area education district are enlarged to include the petitioning territory. [1959 c.641 §21]

**341.880 Liability of annexed territory for pre-existing debt of district.** When territory is annexed to an area education district, the annexed territory shall become liable for its share of the existing debt of the area education district. [1959 c.641 §23]

**341.890 Powers and duties of area education districts and their officers.** Except when the provisions of ORS 341.510 to 341.910 are inconsistent with the laws governing first class school districts, all laws governing first class school districts, including the jurisdiction of the Superintendent of

Public Instruction, shall apply to area education districts and their officers. An area education district shall have all the applicable powers of a first class school district. [1959 c.641 §28]

**341.900 Tax levy.** Subject to the Local Budget Law (ORS 294.305 to 294.415) and section 11, Article XI of the Oregon Constitution, each area education district shall prepare annually an estimate of the amount of funds necessary to carry out the purposes of the area education district and may levy a tax upon all assessable property in the district. [1959 c.641 §31]

**341.910 Pre-existing community college terminated upon formation of area education district.** A community college established prior to July 1, 1959, shall be terminated whenever it is included in an area education district. [1959 c.641 §32]

**341.920 to 341.980** [Reserved for expansion]

#### **PENALTIES**

**341.990 Penalties.** Violation of any of the provisions of ORS 341.010 to 341.340 is a misdemeanor.

#### **CERTIFICATE OF LEGISLATIVE COUNSEL**

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.  
Done at Salem, Oregon,  
on November 1, 1959.

Sam R. Haley  
Legislative Counsel

