

# Chapter 334

## 1963 REPLACEMENT PART

### Intermediate Education Districts

#### GENERAL

- 334.005 Purpose
- 334.010 Intermediate education district; intermediate education district board; inapplicability of certain statutes to certain boards
- 334.020 Composition of intermediate education district
- 334.025 Number of board members; members to be elected at large and from zones
- 334.035 Nomination of candidates
- 334.045 Election of members of board
- 334.070 Recall of board
- 334.090 Term of office; election of successors; vacancies
- 334.100 Organization of board; secretary; rule-making power
- 334.110 Regular board meetings; compensation of board members
- 334.120 County school superintendent; duties; compensation
- 334.135 Abolition or reestablishment of office of county superintendent; election; successor
- 334.160 Employment of personnel
- 334.175 Special services and facilities for local districts

#### BUDGET AND TAX LEVIES

- 334.240 District budget
- 334.250 Tax equalization procedure where taxes collected are offset against levy by districts; when applicable
- 334.260 Determination of "the estimated local school tax levies for operating purposes"
- 334.270 Levy of tax
- 334.280 Determination of amount of levy and apportionment thereof; certification to assessor; extension of levy
- 334.290 Manner of apportionment of proceeds of tax levy

- 334.295 Time of apportionment
- 334.300 Levy by school boards; offset against levy of sums apportioned under ORS 334.250 to 334.290; extension on assessment roll
- 334.350 Tax equalization procedure where approved budgets are included in levy of intermediate education district; when applicable
- 334.360 Preparation of budget for local school district or school unit; when levy on such budget may be made by local district
- 334.370 Intermediate education district board budget may include an emergency aid fund
- 334.380 Intermediate education district board powers and duties as to budgets of local districts; levy of tax
- 334.390 Certification and extension of district tax levy
- 334.400 Apportionment of levy proceeds
- 334.410 District tax powers; tax powers retained by local districts
- 334.450 Method of discontinuing one tax equalization procedure and adopting alternative procedure
- 334.510 Budget and tax levy where elementary pupils are educated by union high school
- 334.520 Special tax elections
- 334.530 Certification, extension and apportionment of tax levy

#### CONSOLIDATION

- 334.710 Petition; review by state board; notice; hearing
- 334.720 Election; effective date
- 334.730 Joint meeting; zoning; election of new directors
- 334.740 Nomination
- 334.750 Term of office
- 334.760 Power of new board prior to existence of new district
- 334.770 Power of new board generally

#### CROSS REFERENCES

- City zoning regulations, district required to comply with, 227.285
- Determination of population, 190.520
- Enemy attack, continuity of government in event of, 236.445, 236.450
- Giving notice concerning school matters, 331.005
- Guidance clinics, acceptance of gifts, 343.925
- Intermediate education district board as district boundary board, 330.080
- Levy to be in dollars and cents, 310.050
- Reorganization of school districts, 330.505 to 330.780

- School district budgets and taxes, Ch. 328
  - 334.290
- Authority of school district to expend distressed school district fund in emergency, 294.440
  - 334.370
- Authority of school district to expend emergency aid fund, 294.440
  - 334.510
- Cost of educating elementary pupils educated by union high school, 335.502

## GENERAL

**334.005 Purpose.** It is the purpose of chapter 544, Oregon Laws 1963, to provide maximum excellence in education and as nearly equal educational opportunities for all the children of this state as is feasible under optimum local control. In order to accomplish this purpose the Legislative Assembly intends that the intermediate education districts established under the provisions of ORS 334.010 shall succeed the rural school district and provide professional services and facilities in education and shall furnish such services and facilities, on a cooperative basis with local districts, as may further the intent and purposes of chapter 544, Oregon Laws 1963.

[1963 c.544 §1]

**334.010 Intermediate education district; intermediate education district board; inapplicability of certain statutes to certain boards.** (1) There is created in each county not operating under ORS chapter 333, and which has more than one school district, a district to be known as the intermediate education district and a governing body thereof to be known as the intermediate education district board.

(2) There is created in any county which ceases to operate under ORS chapter 333 and which has more than one school district a district to be known as the intermediate education district and a governing body thereof to be known as the intermediate education district board.

(3) The intermediate education district board of intermediate education districts formed under subsection (2) of this section shall consist of the members of the school boards of all school districts within the county.

(4) The provisions of ORS 334.025, 334.035, 334.045, 334.070 and 334.090 shall not apply to school boards established by subsection (2) of this section.

[Amended by 1961 c.153 §1; subsections (3) and (4) enacted as 1961 c.153 §2; 1963 c.544 §29]

**334.020 Composition of intermediate education district.** The intermediate education district shall embrace all territory within the county and, without regard to county lines, all territory in a joint school district shall be included in the intermediate education district of the county in which the joint district's school is located.

[Amended by 1957 c.678 §2; 1963 c.544 §30]

**334.025 Number of board members; members to be elected at large and from zones.** (1) The school boards of intermediate education districts shall consist of seven directors. In all such districts having a population not in excess of 300,000, no more than five and no less than two of said seven directors shall be elected, one from each of the zones as hereinafter provided, and at least two shall be elected from the district at large. In any intermediate education district having a population in excess of 300,000, all of the directors shall be elected from within the district at large.

(2) The district boundary board shall divide intermediate education districts, except any such district having a population in excess of 300,000, into not more than five zones as nearly equal in population as may be practicable and measured along common school boundary lines. In those intermediate education districts which have fewer than five common school districts, one director shall be elected from each of the common school districts and the additional directors shall be elected at large. The district boundary board may readjust the boundaries of such zones once each year and shall readjust the boundaries of the zones immediately upon any change of the territory comprising the intermediate education district.

[1957 c.678 §4; 1961 c.323 §1]

**334.030** [Repealed by 1957 c.678 §1]

**334.035 Nomination of candidates.** (1) In intermediate education districts, other than such districts having a population in excess of 300,000, the nomination of a candidate to serve as a member of the board from a zone shall be made by a petition filed with the clerk of the board not less than 30 days prior to the date of the election, signed by not less than 25 voters residing in the zone in which such candidate is a resident and who are legally qualified to vote for school district officers in their respective elementary school districts; and the nomination of a candidate to serve as a member of the intermediate education district board of any such district from the district at large shall be made by a petition similarly filed, signed by not less than 50 voters residing in the district and who are legally qualified to vote for school district officers in their respective elementary school districts. Each nominee shall file an acceptance of nomination with the clerk not less than 30 days

prior to the date of such election or such nomination shall be void. A candidate so nominated must be qualified to vote in the election in which he is a candidate.

(2) In intermediate education districts having a population in excess of 300,000, the name of any person qualified under ORS 332.077 shall be placed on the ballot as a candidate for the office of director of the intermediate education district upon the filing with the registrar of elections of the county, at least 70 days prior to the date of the primary election, of a certificate of nomination signed by not less than two percent of the qualified electors within the territorial limits of said district voting for the office of school director at the last election at which directors were elected; or, in lieu of such petition, the name of any person qualified to be a school director shall be placed on the ballot as a candidate for such office upon the payment to the registrar of elections of a \$10 fee and the filing with such registrar of a certificate of nomination signed by at least 300 qualified electors residing within the territorial limits of the district. However unless such nominee files with the registrar of elections an acceptance of his nomination at least 70 days prior to such election, such nomination shall be void.

[1957 c.678 §5; 1963 c.544 §32]

**334.040** [Amended by 1957 c.310 §15; repealed by 1957 c.678 §1]

**334.045 Election of members of board.**

(1) In intermediate education districts having a population of less than 300,000, members of the school board shall be elected at the time of the annual school meeting for the term provided in ORS 334.090. For this purpose a district election shall be held in such districts each year in those zones from which a member or members of the board are to be elected, and in the district as a whole when a member or members at large are to be elected. The board shall arrange for such election and designate one or more polling places for the purpose in each elementary school district within each zone. The boards of each such elementary school district shall appoint qualified electors from within their respective districts to serve as the judge and as clerks of said election at each polling place; and said election boards so appointed shall count the ballots cast and prepare a tally sheet. The chairman of each

such election board shall immediately seal the ballots and tally sheet and within five days after the election shall mail or deliver them to the district clerk. The board shall forthwith canvass the ballots and declare the results of the election.

(2) In any intermediate education district having a population of more than 300,000, members of the board shall be elected at the general primary election for the term provided in ORS 334.090. The registrar of elections of the county in which such district is located shall provide uniform printed ballots which shall contain the names of each candidate for the office of director whose certificate of nomination has been duly made and filed as provided in subsection (2) of ORS 334.035. The canvass and return of votes shall be conducted in the same manner and under the same penalties as prescribed by law relative to elections. The district shall pay to the county treasurer the actual cost of printing ballots and tally sheets for each such election, and the cost of checking signatures on certificates of nomination, together with such proportionate part of the general expenses of such primary election as may be agreed upon by the board and the governing body of the county.

[1957 c.678 §8; 1963 c.544 §33]

**334.050** [Repealed by 1957 c.678 §1]

**334.060** [Amended by 1957 c.622 §8; repealed by 1957 c.678 §1]

**334.070 Recall of board.** Members of intermediate education district boards are subject to recall by the legal school voters in the intermediate education district zones from which they were elected, or, in the case of directors elected at large, by the legal school voters in the intermediate education district, in the manner provided by law in respect to school directors generally.

[Amended by 1957 c.678 §6]

**334.080** [Repealed by 1957 c.678 §1]

**334.090 Term of office; election of successors; vacancies.** (1) The term of office of members of intermediate education district boards shall be three years in intermediate education districts having a population of less than 300,000, and four years in such districts having a population of more than 300,000. At the expiration of the term of office of any member of the intermediate education district board who was elected

from a zone established pursuant to ORS 334.025, a successor from the same zone shall be elected by the legal voters thereof; and at the expiration of the term of office of any member of such board who was elected at large, including temporary members at large elected pursuant to subsection (3) of ORS 334.045, a successor shall be elected at large by the legal voters of the district.

(2) Any vacancy on the board from any zone shall be filled by the remaining members of the board from among the qualified residents of that zone, and any such vacancy from the district at large shall be filled by the remaining members of the board from among the qualified residents of the district; the appointee to serve until the next annual school meeting, or in districts having a population of more than 300,000, until the next general primary election, when a successor from the same zone, or at large, shall be elected to serve for the remainder of the unexpired term.

(3) Newly elected or appointed members of the intermediate education district board shall take office at the meeting of the intermediate education district board next following such election or appointment.

[Amended by 1957 c.678 §9]

**334.100 Organization of board; secretary; rule-making power.** (1) Each intermediate education district board shall meet within 10 days after each annual election and organize or reorganize by electing one of its members chairman and one vice chairman, each of whom shall serve for one year or until a successor is elected and qualified.

(2) The board may make such rules and regulations not inconsistent with this chapter as it may deem necessary to enforce the provisions thereof.

[Amended by 1963 c.544 §34]

**334.110 Regular board meetings; compensation of board members.** Regular meetings of the intermediate education district board of each intermediate education district shall be held on meeting dates to be determined for the year at the meeting of the board next following each annual election, and in rooms provided by the county court. Members of the intermediate education district board shall receive no compensation for their services, but shall be reimbursed for all traveling and other expenses necessarily incurred in performing their duties as members of the board.

**334.120 County school superintendent; duties; compensation.** The intermediate education district board shall employ a superintendent of schools who shall hold an administrative certificate as provided in ORS 342.140 and whose qualifications shall meet the requirements of the State Board of Education, who shall serve as the board's executive officer and secretary and who shall take oath, give an official bond, and have the duties prescribed by the board and the laws of this state. The board shall fix the term and compensation of the superintendent, provide office room for him in rooms provided for it by the county court and allow all his necessary traveling expenses.

[Amended by 1957 c.678 §10; 1963 c.544 §35]

**334.130** [Repealed by 1957 c.678 §1]

**334.135 Abolition or reestablishment of office of county superintendent; election; successor.** (1) Whenever at least two-thirds of the district school boards of common school districts within the intermediate education district pass a resolution favoring the abolition or the reestablishment of the office of superintendent for the intermediate education district and send such resolution to the intermediate education district board, the question of such abolition or reestablishment shall be submitted to the voters of the intermediate education district at the next annual school election in conformity with ORS chapter 331. However, no resolution or petition shall be received by the intermediate education district board within 30 days immediately preceding the annual school election.

(2) If a majority of the votes cast at the election are in favor of abolishing the office of superintendent, the office shall be abolished at the end of the next fiscal year and the duties of the superintendent shall be assumed and performed by the superintendent of the common school district in which the county seat of the county is located. The intermediate education district board shall enter into an agreement with such common school district to reimburse the district for the services of its superintendent and shall reimburse the district as provided in the agreement.

[1963 c.544 §50k]

**334.140** [Repealed by 1957 c.678 §1]

**334.150** [Repealed by 1957 c.678 §1]

**334.160 Employment of personnel.** The intermediate education district board may employ and fix the compensation of such personnel as it may deem necessary for the supervision of schools in the district, and for carrying out the authority and duties of the board.

[Amended by 1963 c.544 §36]

**334.170** [Repealed by 1957 c.678 §1]

**334.175 Special services and facilities for local districts.** (1) The intermediate education district or a combination of intermediate education districts may provide services and facilities, including but not limited to, central purchasing, library, curriculum material, special teachers and special education to local school districts within the intermediate education district or districts and to local school districts in adjoining areas when the extent and nature of such facilities and services:

(a) Are agreed upon on or before March 1 by resolution of two-thirds of the local district boards which have at least a majority of the pupils included in the average daily membership of the intermediate education district or districts, as determined by the annual reports of the local school districts for the preceding year, enrolled in the schools of the districts;

(b) Are within the authority of the interested districts; and

(c) Are approved by the Superintendent of Public Instruction.

(2) Notwithstanding subsection (1) of this section, the intermediate education district may provide facilities and services of the type specified in subsection (1) of this section by agreement and on a reimbursable basis to any local school district or combination thereof within the intermediate education district.

(3) When facilities and services authorized under subsection (1) of this section are provided to local school districts in adjoining areas they shall be provided on a reimbursable basis. The pupils residing in such districts shall not be included in the computation of the percentage required by subsection (1) of this section.

(4) Pursuant to subsections (1), (2) and (3) of this section, the intermediate education district may establish or participate in all programs under ORS 343.211 to 343.291, 343.315 to 343.385, 343.391 to 343.403,

343.410 to 343.520, 343.810 to 343.835, 343.925 and 343.940.

[1963 c.544 §§10, 12]

**334.180** [Repealed by 1957 c.678 §1]

**334.190** [Repealed by 1957 c.678 §1]

**334.200** [Repealed by 1957 c.678 §1]

**334.205** [1953 c.390 §2; renumbered 334.510]

**334.210** [Amended by 1957 c.678 §18; renumbered 334.520]

**334.220** [Renumbered 334.530]

**334.230** [Amended by 1953 c.429 §2; 1957 c.678 §19; renumbered 334.540 and then 334.295]

**BUDGET AND TAX LEVIES**

**334.240 District budget.** (1) The intermediate education district board shall be subject in all respects to the Local Budget Law (ORS 294.305 to 294.520), except that in addition to other qualifications, members of the budget committee under ORS 294.410 who are not members of the intermediate education district board shall be directors of local school district boards within the intermediate education district. The board of the intermediate education district is authorized, not later than March 15 each year, to prepare and adopt a budget for its own expenses, including expenses for travel, for providing the board with professional and clerical assistance, and for such services, equipment and supplies as the board may require. The board's expenses may include amounts necessary to provide special services and facilities as provided in subsection (1) of ORS 334.175.

(2) The estimates of expenditures for special services and facilities provided on a reimbursable basis under ORS 334.175 shall show the estimates of funds receivable from such districts for the purpose or purposes specified and shall be shown as offsetting revenue items.

(3) Expenditures for special services and facilities provided on a reimbursable basis under ORS 334.175 shall be limited to the funds received from such districts for the purpose or purposes specified and shall not be subject to the provisions of the Local Budget Law.

[1957 c.678 §12; 1963 c.544 §37]

**334.250 Tax equalization procedure where taxes collected are offset against levy by districts; when applicable.** The provisions of ORS 334.250 to 334.290 shall apply (a) to every intermediate education district to

which the territory of one or more school districts was annexed by subsection (2) of ORS 334.020; (b) to any intermediate education district created after August 20, 1957; and (c) to any other intermediate education district voting after August 20, 1957, as provided in ORS 334.450, to adopt the procedure provided for in ORS 334.250 to 334.290.

[1957 c.678 §13(1); 1957(s.s.) c.4 §1(1)]

**334.260 Determination of "the estimated local school tax levies for operating purposes."** Prior to March 1 each year, the board of each intermediate education district to which ORS 334.250 to 334.290 apply shall determine a sum to be known as "the estimated local school tax levies for operating purposes" for the school year commencing on the following July 1. The board shall make such determination as follows:

(1) From the total amount of taxes extended on the assessment and tax rolls pursuant to levies for the current school year by all school districts within the intermediate education district and by the intermediate education district, there shall be deducted the amounts included in such taxes for the payment of the principal of and the interest on school district bonds, for the acquisition of school sites, and for constructing and equipping new school facilities and major additions to existing school facilities.

(2) The remainder so obtained shall be divided by the average daily membership of all districts within the intermediate education district, as reported by such districts in their reports to the Superintendent of Public Instruction for the quarter ending on the preceding December 31, or if these reports are discontinued, in the reports most nearly equivalent thereto.

(3) The quotient so obtained shall be multiplied by the estimated average daily membership for all districts within the intermediate education district for the school year commencing on the following July 1; such estimate to be made by deducting from the current year's average daily membership the number of twelfth grade children included therein, and by adding thereto such portion of the five-year-old children within the intermediate education district, as shown by the current school census, as the intermediate education district board anticipates will attend the schools of the school districts within the intermediate education district.

[1957 c.678 §13(2); 1957(s.s.) c.4 §1(2)]

**334.270 Levy of tax.** Subject to section 11, Article XI, of the Oregon Constitution, for the school year commencing on July 1 of each year, each intermediate education district to which ORS 334.250 to 334.290 apply shall levy a tax in an amount which, together with any other funds available to it for the purposes set forth in ORS 334.270 to 334.290, shall equal the amount of the intermediate education district board's own budget, prepared and adopted pursuant to ORS 334.240, plus an amount which is 50 percent of the estimated local school tax levies for operating purposes, determined as provided in ORS 334.260.

[1957 c.678 §13(3); 1957(s.s.) c.4 §1(3)]

**334.280 Determination of amount of levy and apportionment thereof; certification to assessor; extension of levy.** (1) Before March 15 each year, the board of each intermediate education district to which ORS 334.250 to 334.290 apply shall determine and record in its minutes the amount of its said levy for the school year commencing on July 1 in such year, and its apportionment thereof pursuant to subsection (1) of ORS 334.290; provided, that the board may make any necessary revisions of its said levy and apportionment prior to July 1, by action recorded in its minutes. Before July 15 of such year, the board shall certify such apportionment to the county assessor.

(2) Before July 15 of said year said board shall certify the amount of its tax levy to the county assessor. The county assessor shall extend said levy on the assessment and tax roll as the levy of the intermediate education district board, applicable at a uniform rate or rates to all taxable property within the intermediate education district, including joint districts in adjacent counties that are included in said district.

(3) Notwithstanding subsection (2) of this section, where necessary in order to avoid double taxation, the procedure provided in this subsection shall be followed. The intermediate education district board shall split its total levy referred to in subsection (1) of this section into a separate levy for elementary purposes equal to two-thirds of such total levy and a separate levy for high school purposes equal to one-third of its total levy. Before July 15 of such year, the board shall certify to the county assessor the amount of its levy for elementary purposes and the amount of its levy for high

school purposes. The county assessor shall extend the levy for elementary purposes on the assessment and tax rolls as a levy of the intermediate education district board, applicable at a uniform rate or rates to all taxable property within the intermediate education district (including joint districts in adjacent counties that are included in the intermediate education district, within which elementary education is provided by a school district within the intermediate education district). The county assessor shall extend the levy for high school purposes on the assessment and tax rolls as a levy of the intermediate education district board, applicable at a uniform rate or rates to all taxable property within the intermediate education district (including joint districts in adjacent counties that are included within the intermediate education district) within which high school education is provided by a school district within the intermediate education district.

[1957 c.678 §13(4); 1957(s.s.) c.4 §1(4)]

**334.290 Manner of apportionment of proceeds of tax levy.** (1) The apportionment required by ORS 334.280 shall be made as follows: After first setting aside for its own expenses and for the expenses of the county superintendent of schools the amounts budgeted therefor pursuant to ORS 334.240 for the school year commencing on July 1 of such year, and after also setting aside such sum as it finds necessary for a distressed school district fund as provided in subsection (2) of this section, the board of such intermediate education district shall apportion the remainder of its total tax levy to the school districts within the intermediate education district in the proportion that the estimated average daily membership of resident pupils of each such district for such school year bears to the estimated total average daily membership within the intermediate education district; provided, that such estimated average daily memberships shall be determined from the reports of each school district to the Superintendent of Public Instruction for the quarter ending on the preceding December 31 (or if these reports are discontinued, from the reports most nearly equivalent thereto), adjusted in the case of each school by deducting the number of children who completed or will complete the highest grade taught therein during the school year ending on June 30 of the current year, and by adding the number of children that the

intermediate education district board estimates will enroll in the lowest grade taught in such school during the school year beginning on July 1 of the current year. School districts paying tuition for the education of resident pupils attending school in another school district shall be credited with the average daily membership of such pupils in making the apportionment.

(2) For the purposes of subsection (1) of this section, a school district is a distressed district if the intermediate education district board finds, by resolution recorded in its minutes, either (a) that such district maintains an elementary school with less than 6,000 total days membership or a high school with less than 13,500 total days membership, and that the continued operation of such school is necessary because of the isolation thereof and the difficulty and expense of transporting the pupils in such school to other school facilities; or (b) that the true cash value of the taxable property in said district per pupil in average daily membership is less than 50 percent of the average of such true cash value per pupil in said intermediate education district. The sum to be set aside in the distressed district fund provided for in subsection (1) of this section shall be such sum as said intermediate education district board deems reasonable as supplemental assistance for such distressed districts; provided that the supplemental assistance allowed to any distressed district shall not exceed the amount which such district will receive pursuant to subsection (1) of this section for such an isolated school, or for the entire distressed district if its true cash value per pupil is less than 50 percent of the average within the intermediate education district as aforesaid. All or any part of the amounts so allowed as supplemental assistance shall be distributed to each distressed district from the special distressed district fund at such times as the intermediate education district board deems proper.

[1957 c.678 §13(5), (6); 1957(s.s.) c.4 §1(5), (6); 1961 c.356 §1]

**334.295 Time of apportionment.** All moneys received by the county treasurer as proceeds of the property tax levy or levies of the intermediate education district board, extended for any fiscal year as required by ORS 334.280, shall be apportioned, in accordance with the provisions of ORS 334.290, by the intermediate education district board on the first Monday in December of each year

and at such other times as it deems advisable. The county treasurer upon request shall report to the district board the moneys so received. Upon issuance of warrants to the county treasurer in favor of the school board of each district for the amount of its apportionment the treasurer shall pay such amount to the proper district school board. [Formerly 334.230 and then 334.540]

**334.300 Levy by school boards; offset against levy of sums apportioned under ORS 334.250 to 334.290; extension on assessment roll.** The school board of each school district within an intermediate education district to which ORS 334.250 to 334.290 apply shall prepare such district's budget, levy its taxes, and, if said board deems proper, submit to the voters of said district the proposal to establish a new tax base, as provided in the Local Budget Law (ORS 294.305 to 294.520) and in ORS chapter 328. The amount which each such school board certifies to the county assessor before July 15 of each year as the levy of such district shall be determined by such school board without including in the anticipated receipts of the district the sum or sums to be apportioned to the district by the intermediate education district board pursuant to ORS 334.250 to 334.290. The county assessor shall subtract from the tax levy of each such school district the sum or sums apportioned to such district by the intermediate education district board pursuant to ORS 334.250 to 334.290, as certified to such assessor by the intermediate education district board; and the assessor shall extend on the assessment roll no more than the remainder as the levy of such district.

[1957 c.678 §14; 1963 c.576 §41]

**334.310 to 334.340** [Reserved for expansion]

**334.350 Tax equalization procedure where approved budgets are included in levy of intermediate education district; when applicable.** The provisions of ORS 334.350 to 334.400 shall apply to every intermediate education district which immediately prior to August 20, 1957, included the territory of every first class school district and of every union high school district and any county high school district located within the boundaries of such intermediate education district, and also to any other intermediate education district voting after August 20, 1957, as provided in ORS 334.450, to adopt the procedure provided for in ORS 334.350 to 334.400.

[1957 c.678 §15(1)]

**334.360 Preparation of budget for local school district or school unit; when levy on such budget may be made by local district.** (1) Immediately following a public meeting as provided by law on the budget for each fiscal year of any school district or school unit within an intermediate education district to which ORS 334.350 to 334.400 apply, and in any event not later than March 15 of such year, the responsible officer of the district or unit shall deliver or transmit the budget to the intermediate education district board.

(2) No tax levy based on such budget shall be made by the school district, school unit or school district governing body, other than the tax levy outside the constitutional limitation for the particular purposes specified in ORS 334.410.

(3) The intermediate education district board may prepare a budget for any such school district which fails to submit a budget to the intermediate education district board by March 15.

[1957 c.678 §15(2)]

**334.370 Intermediate education district board budget may include an emergency aid fund.** The intermediate education district board may include in its own budget, prepared and adopted pursuant to ORS 334.240, an emergency aid fund for use, at the discretion of said board, in aiding local school districts with emergency expenses unforeseen at the time of making the budget of such districts; the emergency aid fund not to exceed five percent of the combined budget of all districts included in such intermediate education district.

[1957 c.678 §15(2)]

**334.380 Intermediate education district board powers and duties as to budgets of local districts; levy of tax.** (1) The board of each intermediate education district to which ORS 334.350 to 334.400 apply shall examine and audit or cause to have examined and audited the budgets of the school districts or school units within such intermediate education district. The intermediate education district board may approve or reject, increase or reduce any item or amount in any such budget, but shall not reduce the total budgeted expenditures of a district below the maximum program established in ORS 327.028. Where necessary, the intermediate education district board shall determine from the budgets submitted the amounts to

be levied for elementary and high school purposes and make separate levies for the same. On or before April 10 the governing body of every school district or school unit within such intermediate education district shall be notified in writing of any contemplated changes in its budget; and, on request, it shall be entitled to a hearing by the intermediate education district board on the budget submitted by it. The intermediate education district board shall set times and places for such hearings which shall be open to the public.

(2) After the budget hearing required by subsection (1) of this section and careful consideration of all the budgets, the board of each intermediate education district to which ORS 334.350 to 334.400 apply shall determine the final amount in which the budget of each school district or school unit shall be included in the tax levies to be made by it and shall notify each such school district or unit of its action on or before April 20 of the then current year.

(3) The board of each such intermediate education district shall levy for each fiscal year a tax in the amount equal to the total of the levies, so determined and approved, of the several school districts or school units within such intermediate education district; to which levy shall be added the budget for the expenditures of the intermediate education district board and of the county school superintendent as prepared and adopted pursuant to ORS 334.240, including therein any amounts provided for emergency aid to districts as authorized in ORS 334.370. This tax levy shall apply at uniform rate or rates for elementary and high school purposes to all property within such intermediate education district taxable for such purposes.  
[1957 c.678 §15(3), (4)]

**334.390 Certification and extension of district tax levy.** The board of each intermediate education district to which ORS 334.350 to 334.400 apply, on or before July 15 of each year, shall certify to the county assessor and to the county treasurer the total amount of the tax levy so made by it and also shall certify to the county treasurer the amount in which the budget of each school district or school unit within such intermediate education district is included in such tax levy. The county assessor shall extend said tax levy or levies on the assessment and tax roll as the property tax levy or

levies of such intermediate education district board, applicable at uniform rate or rates to all taxable property within such intermediate education district, including joint districts in adjacent counties that are included in said intermediate education district.  
[1957 c.678 §15(5)]

**334.400 Apportionment of levy proceeds.** After deducting the estimated expenses provided in the budget of the intermediate education district board pursuant to ORS 334.240, the board of each intermediate education district to which ORS 334.350 to 334.400 apply shall apportion the remainder of the levy extended in the proportion that the original levy as determined and included by such board for each district is of the total of all such levies in the district.  
[1957 c.678 §15 (6); 1963 c.544 §38]

**334.410 District tax powers; tax powers retained by local districts.** All powers and duties to levy taxes otherwise by law vested in and imposed on any school district or school unit within an intermediate education district to which ORS 334.350 to 334.400 apply, or otherwise vested in and imposed on the governing body of any such school district or school unit, are transferred to, vested in and imposed on the said intermediate education district. However, each such school district, school unit or governing body thereof, shall retain and exercise the power to levy a tax each year for payment of principal and interest of its bonded or negotiable interest-bearing warrant indebtedness, for payment of capital expenditures and current expenditures not provided for in the budget of the district by the intermediate education district board, and for any supplementary budget items which have been specifically authorized by the legal voters of such district or unit as outside the limitation of section 11, Article XI, Oregon Constitution.  
[1957 c.678 §16]

**334.420 to 334.440** [Reserved for expansion]

**334.450 Method of discontinuing one tax equalization procedure and adopting alternative procedure.** (1) The board of an intermediate education district to which ORS 334.250 to 334.290 apply may, and shall upon the petition of such number of legal voters in the district as equals eight percent of the number of votes cast in the district for Justice of the Supreme Court at the last preceding regular election, submit to the legal

voters of the district the question whether such district shall discontinue the tax equalization procedure provided for in ORS 334.250 to 334.290 and 334.300, and adopt in lieu thereof the alternative procedure provided for in ORS 334.350 to 334.410. Similarly the board of an intermediate education district to which ORS 334.350 to 334.400 apply may, and shall upon the petition of such number of legal voters in the district as equals eight percent of the number of votes cast in the district for Justice of the Supreme Court at the last preceding regular election, submit to the legal voters of the district the question whether such district shall discontinue the tax equalization procedure provided for in ORS 334.350 to 334.410, and adopt in lieu thereof the alternative procedure provided for in ORS 334.250 to 334.290 and 334.300; provided, however, that there may also be submitted, at the same time and place, the question whether said intermediate education district shall have such a tax base as will enable it to make a levy in the next succeeding year in the amount required by ORS 334.250 to 334.290.

(2) In intermediate education districts having a population of less than 300,000, any such question shall be submitted to the legal voters of the district at the annual school meeting. The intermediate education district board shall arrange for such election and designate a polling place for the purpose in each elementary school district within each zone. The polling place shall be the school building if there is one within the zone. The chairman of the district school board of each elementary school district having a school so used as a polling place shall act as judge and the other members of the board as clerks of said election and shall count the ballots cast and prepare a tally sheet. The chairman shall immediately seal the ballots and tally sheet and within five days shall mail or deliver them to the intermediate education district superintendent. The intermediate education district board shall forthwith canvass the ballots and declare the results of the election.

(3) In an intermediate education district having a population of more than 300,000, any such question shall be submitted to the legal voters of the district at a general primary election. The registrar of elections of the county in which such district is located shall provide uniform printed ballots which shall contain the ballot title and text of the

proposal being submitted to the voters. The canvass and return of votes shall be conducted in the same manner and under the same penalties as prescribed by law relative to elections. The intermediate education district shall pay to the county treasurer the actual cost of printing ballots and tally sheets for each such election, together with such proportionate part of the general expenses of such primary election as may be agreed upon by the intermediate education district board and the board of county commissioners.

(4) If a majority of the votes cast at any such election is in favor of the proposal, the discontinuation of the former tax equalization procedure and the adoption of the alternative procedure, and the establishment of an adequate tax base if this is included in the question voted upon, shall be effective as of July 1 of the next calendar year; except that the budgets of the intermediate education district board and of the school districts within its boundaries for the year commencing on said July 1 shall be prepared pursuant to the newly adopted procedure.

[1957 c.678 §17]

334.460 to 334.500 [Reserved for expansion]

**334.510 Budget and tax levy where elementary pupils are educated by union high school.** In intermediate education districts containing an elementary school district of which the pupils of any grade below the ninth grade are being educated by and at the expense of a union high school district excepted from the intermediate education district, such elementary school district shall not include in its budget the cost of educating such pupils. The intermediate education district board shall segregate the cost of educating all pupils in the intermediate education district who are in such grade or grades and shall make a separate levy for said cost, which levy shall not be extended upon the property of the elementary school districts included in such union high school district. [Formerly 334.205]

**334.520 Special tax elections.** The intermediate education district board shall call a special school election in the intermediate education district whenever the sum of the levies as determined in ORS 334.250 to 334.290 or 334.350 to 334.400 exceeds the limitations imposed by section 11, Article XI, Oregon Constitution, and may call a second election. The first election shall be called and held on or before the third Monday in May

in each district in the manner prescribed by subsection (1) of ORS 334.045 for the election of intermediate education district board members, except that in any intermediate education district having a population of more than 300,000, such first election shall be called and held only at the time of the general primary election, in the manner prescribed by subsection (2) of ORS 334.045. The election shall be in substantial compliance with the provisions of ORS 310.360 and 310.390, in so far as applicable. The second election may be called after proper notice on a date fixed by the board. In case a proposed levy in excess of constitutional limitation is not approved by the legal voters of the intermediate education district the intermediate education district board shall levy the maximum permitted by law.

[Formerly 334.210]

**334.530 Certification, extension and apportionment of tax levy.** The intermediate education district board, on or before July 15 of each year, shall certify to the county assessor and to the county treasurer the total amount of the tax levy so made by it and also shall certify to the county treasurer the amount in which the budget of each school district or school unit within the intermediate education district is included in such tax levy. The county assessor shall extend said tax levy or levies on the assessment and tax roll as the property tax levy or levies of the intermediate education district board, applicable at uniform rate or rates to all taxable property within the intermediate education district of the county, including joint districts in adjacent counties that are included in said intermediate education district.

[Formerly 334.220]

**334.540** [Formerly 334.230; amended by 1963 c.544 §39; renumbered 334.295]

**334.550 to 334.700** [Reserved for expansion]

### CONSOLIDATION

**334.710 Petition; review by state board; notice; hearing.** (1) Whenever two or more intermediate education districts desire to join together for the purpose of forming one intermediate education district, a petition from each such district shall be presented to the State Board of Education. The petition shall contain the signatures of at least 100 legal school voters or a number of legal school voters equal to five percent of the le-

gal school voters in each proposing district, whichever is less.

(2) The State Board of Education shall review the petition and within 15 days after the board meeting at which the petition is reviewed, shall notify the intermediate education district boards of each district designated by the petition, fix the date of and be responsible for supervising the giving of notices as provided in ORS 331.010 and conducting the public hearings in each proposing district to discuss the proposal contained in the petition.

[1963 c.544 §50b]

**334.720 Election; effective date.** (1) At the public hearings the State Board of Education shall cause to have discussed the effect of the proposed district and any resident of the affected districts may be heard with reference to the proposal.

(2) If, after the hearings, the State Board of Education determines that the proposal is feasible, the question of the proposed district shall be submitted to the voters of each intermediate education district at the next annual school election after the board's determination.

(3) The votes cast in each intermediate education district shall be counted separately and if a majority of the votes cast by the legal school voters residing in each district within the boundaries of the proposed district is in favor of the formation of the proposed district, the new intermediate education district shall be organized in the manner provided in ORS 334.730 to 334.770. If the majority of the votes cast in any intermediate district are opposed to the formation of the new district, the districts shall remain as they were prior to the election.

(4) When two or more intermediate education districts join together in the manner provided in this section, the new district shall come into existence effective January 1 of the following year.

[1963 c.544 §§50c, 50d]

**334.730 Joint meeting; zoning; election of new directors.** (1) Immediately after the election to join two or more intermediate education districts together, if the election supported such action, the boards of directors of all intermediate education districts within the boundaries of the new district shall meet together upon the call of the chairman of the board of the most populous district. The joint board of directors shall divide the new district into five zones. The

zones shall be as nearly equal in population as may be practicable.

(2) Within 90 days after the zones required in subsection (1) of this section are established, the joint board of directors shall call a special election in the new district for the purpose of electing seven directors, five of whom shall be elected from the zones established under subsection (1) of this section and two of whom shall be elected from the district at large.

[1963 c.544 §50e]

**334.740 Nomination.** The nomination of a candidate to serve as a member of the board of directors of the new intermediate education district from a zone shall be made by a petition filed with the joint board not less than 30 days prior to the date of the election, signed by not less than 25 voters residing in the zone in which the candidate is a resident and who are legally qualified to vote for district officers in the intermediate education district. The nomination of a candidate to serve as a member of the board of directors of the new intermediate district at large shall be made by a petition similarly filed, signed by not less than 50 voters residing in the district who are legally qualified to vote for district officers in the intermediate education district. Each nominee shall file an acceptance of nomination with the joint board not less than 30 days prior to the date of such election or the nomination shall be void. A candidate must be qualified to vote in the election in which he is a candidate and must be qualified to hold office as a director of an intermediate education district.

[1963 c.544 §50f]

**334.750 Term of office.** (1) The board of directors of the new intermediate education district shall take office on January 1 of the year following its election. One director shall serve for a term expiring 12:01 a.m. on January 1 of the year following his taking of

office; one director shall serve for a term expiring 12:01 a.m. on January 1 two years following his taking of office; two directors shall serve for terms expiring 12:01 a.m. on January 1 three years following their taking of office; two directors shall serve for terms expiring 12:01 a.m. on January 1 four years following their taking of office; one director shall serve for a term expiring on 12:01 a.m. on January 1 five years following his taking of office.

(2) The directors first elected shall determine by lot the length of term each shall hold office.

(3) Notwithstanding any other provisions of law, the term of office of boards of directors of preexisting intermediate education districts shall terminate on the date in which the new intermediate education district comes into existence and its new board of directors qualifies to hold office.

[1963 c.544 §§50h, 50j]

**334.760 Power of new board prior to existence of new district.** During the period following their election and prior to the date the new intermediate education district comes into existence, the board of directors of the new intermediate education district may take such action as is essential in order that the new district may carry out its required functions when it comes into existence, including the preparation and adoption of a budget for the new district. Expenditures of the board under this section shall be paid from the budgets of the component intermediate education districts on a prorata basis.

[1963 c.544 §50i]

**334.770 Power of new board generally.** The board of directors of the new intermediate education district shall have the same duties and exercise the same authority over the district as does the board of directors of every intermediate education district.

[1963 c.544 §50g]

#### 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 December 1, 1963.

Sam R. Haley  
Legislative Counsel