Chapter 341

1963 REPLACEMENT PART

Adult Education; Community Colleges and Education Centers

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ADULT EDUCATION

341.010 Definition for ORS 341.010 to 341.080. 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]

341.310 [Renumbered 332.810]

341.320 [Renumbered 332.820]

341.330 [Renumbered 332.830]

341.340 [Renumbered 332.840]

341.350 to 341.500 [Reserved for expansion]

ORGANIZATION OF EDUCATION CENTERS AND COMMUNITY COLLEGES

341.510 Definitions for certain sections in ORS 341.510 to 341.910. As used in ORS 328.245, 341.520 to 341.610, 341.710 to 341.800, 341.810, 341.820, 341.830 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 341.610, 341.710 to 341.800, 341.810, 341.820 and 341.830 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 341.610, 341.710 to 341.800 341.810, 341.820 and 341.830 to 341.910 for the purposes of providing courses of study limited to not more than two years' full-time attendance and designed to meet the needs of a geographical area by providing services in at least one or more of the following educational areas:

(a) Vocational education programs.

(b) Lower division collegiate programs.

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

(4) "Full-time student" means a student carrying (a) 12 term hours per week and after July 1, 1964, 15 term hours per week of lower division collegiate course work or (b) 20 clock hours per week of other instruction for three terms each of which provides for not less than 10 weeks or its equivalent of instructional time.

(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; 1961 c.602 §1; 1963 c.483 §9]

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 or an area education district in which all the following requirements are met:

(a) The residents of the geographical area concerned are not, in the opinion of the state board, adequately served by an existing education center or community college or private school.

(b) The enrollment in grades 9 to 12 is at least 1,500 pupils in an area education district or the geographical area to be served by a school district.

(c) Available building space is adequate for the courses offered.

(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 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 and shall be eligible for all reimbursement allowed under ORS 341.610.

(3) Any school district which meets the requirements set forth in subsection (1) of this section, which provides for the enrollment of full-time students in more than one vocational education course or in lower division collegiate courses, and which desires to receive state financial support for this portion of the district's program shall apply for approval to establish an education center or community college under the provisions of ORS 341.510 to 341.610, 341.710 to 341.800, 341.810, 341.820 and 341.830 to 341.910. School districts qualifying under this subsection by May 26, 1961, shall have one year in which to apply for approval.

(4) If an area education district is formed which includes within its boundaries a school district operating an education center or community college under the provisions of ORS 341.510 to 341.610, 341.710 to 341.800, 341.810, 341.820 and 341.830 to 341.910, the school district may continue to operate the program and secure financial aid under ORS

341.610 until such time as an education center or community college is established by the area education district.
[1959 c.641 §2; 1961 c.602 §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 and which is not conducting a program under ORS 341.520 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 and does not meet the requirements of ORS 341.520 may enter into a contract with the Department of Education for the holding of post high school vocational courses. The classes shall be conducted under the joint supervision of the Department of 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.

(5) The Department of Education and the General Extension Division shall establish procedures to assure that duplication of classes does not occur.
[1959 c.641 §3; 1961 c.602 §3; 1963 c.483 §10]

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 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 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 meeting the requirements of ORS 341.520 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. Upon approval of the petition by the state board, the school district may establish an education center or community college without an election.
[1959 c.641 §4; 1961 c.602 §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 341.610, 341.710 to 341.800, 341.810, 341.820 and 341.830 to 341.910 is commenced the district board shall apply to the state board for permission to commence such program. The application shall be made prior to July 1 of the first year in which courses are offered and shall include a full statement of the courses offered the first year. After the first year of the program, course additions, deletions or changes must be presented to the state board or a representative of the Department of Education authorized to act for the state board for approval.

(2) Until the community college operated by the district becomes accredited, the state board 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 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 or its authorized representative.

[1959 c.641 §24; 1961 c.602 §5; 1963 c.483 §11]

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, other institutions, both public and private, offering like kinds of courses, and other important factors except that the locations may be determined at the election for formation of the district under ORS 341.750 or may be determined by the state board when the determination has been requested in the petition for formation of the district.

[1959 c.641 §25; 1961 c.602 §6]

341.580 Awarding certificates and associate degrees. A district board, upon approval of the State Board of Education, may award certificates and associate degrees indicating satisfactory completion of a course of study offered by the community college or education center.

[1959 c.641 §29; 1963 c.483 §12]

341.590 Tuition and fees; admission of resident, nonresident and special students. (1) A district operating an education center or community college shall admit any high school graduate and any other person 18 years of age or over who, in the judgment of the administrator of the center or college, is capable of profiting from the instruction offered. However, admission shall be subject to the provisions set forth in subsections (2), (3), (4) and (5) of this section.

(2) A district board shall establish a minimum tuition rate and fee schedule to be paid by a student subject to the approval of the state board or its authorized representative.

(3) 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.

(4) 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 (3) of this section.

(5) A district operating an education center or community college may contract with a school district to permit selected high school students who are residents of the school district to attend the education center or community college as nonresident students. The contract shall stipulate that the school district where the student resides shall reimburse the operating district for each nonresident stu-

dent from the school district. The amount which the school district shall reimburse the operating district for each student shall be the difference obtained by subtracting the tuition and fees received from the student from the per student operating expenses of the operating district. No operating district shall receive state or federal aid as provided under ORS 341.610 for operation expenses for the nonresident students admitted to the center or college under this subsection.
[1959 c.641 §30; 1961 c.602 §7]

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 community college operated by the district becomes 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 shall be subject to approval by the State Board of Education.

(4) ORS 342.600, 342.602 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 shall require.
[1959 c.641 §§26, 27; 1961 c.602 §8; 1963 c.483 §13]

341.610 Apportionment from General 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) Two-thirds of the approved per student operating expenses of the district for each equivalent full-time student in vocational education, lower division collegiate and other adult education classes approved by the state board or its authorized representative; or

(b) During the fiscal year commencing July 1, 1963, the difference between the operating expenses and the amount received from student tuition and fees, and for the fiscal year commencing July 1, 1964, and for each fiscal year thereafter 85 percent of the difference between the operating expenses and the amount received from student tuition and fees; or

(c) Four hundred thirty-three dollars per full-time equivalent student.

Funds available pursuant to ORS chapter 344 shall be distributed according to the formula set forth in paragraphs (a), (b) or (c) of this subsection except that special purpose funds may be allocated separately.

(2) If requests for funds from districts exceed the amount available during any fiscal year, priority shall be given to allocating funds in the maximum amounts stipulated in subsection (1) of this section to those districts for which petitions were received by the State Board of Education prior to December 31, 1962, before reimbursement shall be made to other districts.

(3) Funds available for other adult education classes as referred to in paragraph (a) of subsection (1) of this section shall be limited to self-improvement classes as defined by the state board and shall not include hobby and recreation classes.

(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 or its authorized representative and completed during the term by students in the education center or community college who are residents of Oregon. 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 General Fund for the amounts certified payable to the several reporting districts.
[1959 c.641 §33; 1961 c.602 §9; 1963 c.483 §14]

341.620 to 341.700 [Reserved for expansion]

AREA EDUCATION DISTRICTS

Note: For definitions applicable to certain sections in 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. (1) 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. The designated territory may be located in more than one county.

(2) The petition:

(a) Shall 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;

(b) Shall specify the territory proposed to be united;

(c) Shall request that the territory be united and organized into an area education district;

(d) May specify or reserve the right to specify the location for the proposed education center or community college or may request the state board to determine the location; and

(e) May require that the board of education for the proposed area be elected at large from the residents of the area education district or may be elected from residents of zones established by the state board.

(3) 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.

(4) The state board shall establish and furnish a recommended form for the petition.

(5) 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; 1961 c.602 §10]

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 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. However, after May 26,1961, there shall be a period of 60 days during which additional petitions relating to the same district or area shall be received. In the event no such petitions are presented during this period, petitions formerly submitted shall be considered further by the state board. 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 and the location of the proposed education center or community college if specified in the petition filed under ORS 341.710.

(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; 1961 c.602 §11]

341.740 Hearing; alteration of proposed boundaries. (1) At the time designated in the notice the state board or its authorized representative shall hear the petition and may adjourn the hearing from time to time. The state board may alter the boundaries set forth in the petition to include all territory which will be materially benefited by inclusion within the area education district. The state 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 will be materially 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 materially 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; 1961 c.602 §12]

341.750 Final determination of boundaries; location of center or college; election in proposed district. (1) If upon final hearing of a petition the state board approves the petition either as originally presented or as altered pursuant to the hearing, the state board shall make an order describing the exterior and zone boundaries, approving the formation of the proposed area education district and, if requested in the petition, designate the location of the education center or community college. If no appeal from this order is filed within 60 days of the date of the order, the determination of boundaries and location of the education center or community college 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 and designating the location of the education center or community college and the boundaries of the zones, if either or both were requested in the petition for formation of the 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. Notice of the election shall be given in the same manner as is provided for the notice of the hearing. The state board 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 shall use schoolhouses, which shall be furnished free of cost, for polling places. In making the arrangements for the election, the state board 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 331.330.

[1959 c.641 §10; 1961 c.602 §13]

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 341.610, 341.710 to 341.800, 341.810, 341.820 and 341.830 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 who shall in turn canvass the vote. If the vote is in favor of the area education district and, if on the ballot under ORS 341.750, the location and zone boundaries, the state board 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; 1961 c.602 §14]

341.790 District board; directors. (1) The area education district board of education shall be composed of seven qualified directors elected at large from the residents of the area education district or, if required in the petition for formation of the district, from the residents of zones established by the state board. The election shall be conducted 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 331.330. The directors shall be elected for terms of 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. If the area education district has been zoned the director shall reside in the zone from which he is elected or appointed. 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; 1961 c.602 §15]

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. If the area has been zoned, the petition shall be signed by 50 registered voters residing in the zone. The petition shall be presented to the state board 30 days prior to the election. Upon receipt of petitions which contain the requirements specified by law, the state board shall cause the names of such nominees to be placed upon the ballot.

(2) Seven qualified directors shall be elected at this election to serve terms of four, four, three, three, two, 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 the 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.

(3) If the area has been zoned, the state board may provide that a zone shall be represented by more than one member on the board of directors and shall specify the length of the

term to be served by each such member who is first elected in accordance with the number of votes received by each such member in the election. If a zone is represented by only one member, the state board shall specify the length of the term to be served by each member from each zone in the area.
[1959 c.641 §15; 1961 c.602 §16]

341.805 Expenses of board members. Members of area education district boards and budget committees shall receive no compensation for their services, but shall be allowed their actual and necessary expenses incurred by them in the performance of their duties.
[1963 c.483 §4]

341.810 Date of regular election. 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]

341.812 Notice of elections. The board of an area education district shall give notice of all regular and special elections by causing publications to be made in at least two issues of one or more newspapers published in and having a general circulation in the district. If no newspaper is published in and has general circulation in the district, the board shall cause the notice to be placed in any newspaper that does have general circulation in the district. The first publication of the notice shall be made not more than 25 days nor less than 15 days preceding the election and the last publication shall be not more than 14 days nor less than 8 days preceding the election.
[1963 c.483 §6]

341.815 Student loan fund. An area education district which operates a community college may establish a student loan fund and apply to and receive from the Federal Government such grants or loans as may be available for such loans.
[1963 c.483 §5]

341.820 Liability for preexisting 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]

341.825 Educational services to school district, county or municipality. Any school district, county or municipality may contract with an education center or community college to provide services of an educational nature subject to the approval of the State Board of Education.
[1963 c.483 §16]

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 terriotry 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 preexisting 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 341.610, 341.710 to 341.800, 341.810, 341.820 and 341.830 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 294.520) 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 Preexisting 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]

341.912 Abolition of zones. If a petition signed by at least 500 or 10 percent, whichever is the lesser, of the qualified voters of an area education district is presented to the board of such district requesting that existing zones be abolished, the board shall submit the question to the voters at the next annual election for their approval or rejection.
[1963 c.483 §1]

341.914 Establishment of zones. (1) If a petition signed by at least 500 or 10 percent, whichever is the lesser, of the qualified voters of an area education district is presented to the board of such district requesting that the district be zoned for the purpose of electing board members, the board shall submit the question to the voters at the next annual school election for their approval or rejection. The petition shall describe the boundaries of the zones.

(2) If the voters approve the establishment of zones, board members shall continue to serve until their terms of office expire. As vacancies occur, they shall be filled from zones which are not represented on the board.
[1963 c.483 §2]

341.916 Adjustment of zone boundaries. (1) The boundaries of zones established within an area education district shall be readjusted immediately upon any change of the territory comprising the area education district by the area education district board.

(2) Board members shall continue to serve until their terms of office expire. As vacancies occur, they shall be filled by members who reside within zones which are not represented on the board.
[1963 c.483 §3]

STATE AID FOR BUILDING PROJECTS FOR EDUCATION CENTERS AND COMMUNITY COLLEGES

341.920 Definitions for ORS 341.920 to 341.950. As used in ORS 341.920 to 341.950, unless the context requires otherwise:

(1) "District" means a school district which has been approved to establish an education center or community college under ORS 341.510 to 341.610 or an area education district established under ORS 341.710 to 341.800, 341.810, 341.820 and 341.830 to 341.910.

(2) "District board" means the district school board of a district under ORS 341.510 to 341.610 or the area education district board under ORS 341.710 to 341.800, 341.810, 341.820 and 341.830 to 341.910.

(3) "Project" means:

(a) Construction of new buildings.

(b) Purchase of suitable existing buildings with the necessary remodeling of such buildings.

(c) Remodeling of existing buildings owned by the district.

(4) "State board" means the State Board of Education.
[1961 c.601 §1]

341.925 Limitation on amounts and uses of project funds. (1) The amount of money for which a district is eligible under the provisions of ORS 341.920 to 341.950 shall not exceed 65 percent of the actual cost of the building project including fees, construction costs and equipment, exclusive of the cost of the site. Subject to the approval of the Emergency Board the state board shall establish criteria for allowable space and facilities.

(2) Funds payable to a district under subsection (1) of this section shall be used to provide school buildings for the administration, instruction and necessary student facilities for the program of the community college or education center but shall not include student or faculty housing or spectator facilities for athletics.

(3) Funds payable to a district under subsections (1) and (2) of this section may be used to match any federal funds which may become available for building construction.
[1961 c.601 §§2, 5; 1963 c.483 §15]

341.930 Application to state board for funds. The district board of a district applying for funds under the provisions of ORS 341.920 to 341.950 shall submit to the state board:

(1) A long-range plan for the development of the education center or community college.

(2) Evidence that the district will provide a suitable site.

(3) Evidence of the ability of the district to finance costs in excess of the amount of state funds for which the district is eligible.

(4) A general description of the proposed project, including the educational specifications and the estimated costs.

(5) An itemized estimate of the costs of preparing detailed plans for the proposed project.

(6) If the project includes purchase of existing buildings, a description of how the buildings fit the need of the educational program, a certified statement of the purchase price and an appraisal of the value of the buildings.

(7) Such other information as the state board shall require.

[1961 c.601 §3]

341.935 Application to be reviewed by state board and approved by Emergency Board; establishment of priorities in allocating funds. (1) The state board shall submit the application to the Emergency Board for its approval if the board is satisfied that the district board has provided adequate evidence of the following:

(a) A suitable building site.

(b) A plan for the long-range development of the community college or education center in relation to the potential student enrollment of the district.

(c) Availability of other funds to insure completion of the project.

(2) The state board shall upon approval of the application determine priorities in the allocation of funds.

[1961 c.601 §4]

341.940 Detailed project plans; approval by state board; awarding contracts; partial payment of funds. (1) If the plan is approved by the state board, the district board shall have prepared detailed plans of the project which shall be submitted to the state board along with pertinent construction contract documents, specifications and cost estimates. The state board may reimburse in whole or part the district board for the costs of preparing such detailed plans.

(2) Upon approval of the detailed plans by the state board, the district board shall secure bids on the project.

(3) The district board shall submit to the state board the bids and a recommendation for awarding the contract. The state board may approve the recommendation and, if approved, shall obligate the amount of the state's share of the recommended bid to the district.

(4) Upon award of the construction contract, the state board shall cause to be paid, as hereinafter stated, an amount equal to 90 percent of the difference between the amount for which the district is eligible and which is obligated for the district under subsection (3) of this section and any amount previously paid to the district under provisions of ORS 341.920 to 341.950. This amount shall be disbursed to the district in periodic payments related to the progress of construction as determined by the state board.

(5) If the plan includes the purchase of existing buildings, the state board shall, upon approval, cause to have paid to the district board an amount equal to the purchase price or as computed under subsection (1) of ORS 341.925, whichever is the lesser.

[1961 c.601 §6]

341.945 Approval of project modifications; final accounting. (1) If, prior to completion of the project, it is found necessary or desirable to modify or change the conditions of the contract covering the project or the specifications, such modifications or changes shall be submitted to the state board for approval.

(2) Upon completion of the project, the district board shall provide the state board with an account of the costs and expenditures of the project. The state board shall compute the amount to which the district board is eligible under subsection (1) of ORS 341.925, and shall cause to have paid to the district such amount less any amounts previously paid to the district.

[1961 c.601 §7]

341.950 Project records required by state board. The district board shall submit such records and reports during the period when the project is being completed and after completion as the state board may require.

[1961 c.601 §8]

341.960 to 341.980 [Reserved for expansion]

PENALTIES

341.990 Penalties. Violation of any of the provisions of ORS 341.010 to 341.080 is a misdemeanor.
[Part renumbered 332.990]

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