

# Chapter 341

## 1969 REPLACEMENT PART

### Community Colleges

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**DEFINITIONS**

**341.005 Definitions.** As used in this chapter and in ORS 328.245 and 352.370, unless the context otherwise requires:

(1) "Area education district" means a district which includes the area of more than one common school district and is formed under this chapter to operate a community college.

(2) "Community college" means a public secondary school established by a school district or by an area education district 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 educational services, including but not limited to vocational or technical education programs or lower division collegiate programs.

(3) "Full-time student" means a student who carries for three terms, each of which provides for not less than 10 weeks or its equivalent of instructional time:

(a) Fifteen term hours per week in lower division collegiate courses; or

(b) Twenty clock hours per week of other instruction.

(4) "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 rules of the State Board of Education.

(5) "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.

(6) "Qualified voter" means any person who has registered under the general election laws at least 30 days before the election or whose name is on the registration list for the last preceding general election.

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

(8) "Term hour" means a 50-minute period of course work a week per student for approximately one-third of a school year. [Formerly 341.510]

**341.010** [Repealed by 1965 c.100 §456]

**341.020** [Repealed by 1965 c.100 §456]

**AREA EDUCATION DISTRICTS**

**(Formation)**

**341.025 Petition for formation of area education district.** (1) Whenever the qualified voters of contiguous territory 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.

(2) The petition must be substantially in the form established by the state board which shall furnish the petition form and:

(a) Must contain the minimum number of signatures fixed by the state board from each county or part of a county within the designated territory;

(b) Must designate the boundaries of the territory to be included in the proposed district which may include all or part of the

territory lying within the boundaries of a school district that maintains a community college and may be located in more than one county;

(c) Must request that the territory be organized into an area education district;

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

(e) Must specify the method of election of the board of education of the proposed district from among the methods described in ORS 341.280; and

(f) Must contain any other information required by rules of the state board.

[Formerly 341.710; 1967 c.465 §5; 1969 c.220 §1; 1969 c.673 §1]

**341.030** [Repealed by 1965 c.100 §456]

**341.035** [Formerly 341.720; repealed by 1969 c.673 §14]

**341.040** [Repealed by 1965 c.100 §456]

**341.045 Feasibility study; hearing.** (1) The state board shall examine the petition to determine whether it is complete. If the petition is complete and if formation of the district is consistent with the overall plan for all education in the state, the state board shall undertake a study of the feasibility of a community college in the geographical area proposed by the petition, including but not limited to:

(a) Educational needs of the area.

(b) Potential enrollment levels.

(c) Size and duration of a serial levy or size of a tax base required to meet the local share of operating expenses.

(d) Relationship of proposed district to the overall plan for all education in the state.

(e) Boundaries of the proposed area education district.

(2) Upon completion of its study, the state board shall set a date for a public hearing on the petition and study and shall give notice of the hearing in the manner provided in ORS 331.010.

(3) The notice of hearing shall state:

(a) A study has been conducted on a proposed area education district.

(b) The boundaries of the proposed area education district and the location of the proposed community college, if the location is specified in the petition filed under ORS 341.025.

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

[Formerly 347.730; amended by 1967 c.465 §1; 1969 c.673 §2]

**341.050** [Repealed by 1965 c.100 §456]

**341.055 Hearing; alteration of proposed boundaries.** (1) At the time designated in the notice, the state board or its authorized representative shall conduct a public hearing on the study and may adjourn the hearing from time to time. The state board may alter the boundaries set forth in the petition submitted under ORS 341.025 to include all territory the residents of which will be materially benefited by formation of the area education district as determined by its study. 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 the residents of which will be materially benefited by formation of the district, nor may there be included in the proposed district any territory the residents of which will not be materially benefited.

(2) If the board concludes that any territory has been improperly included or omitted from the proposed area education district and that qualified voters within the included or omitted territory have not appeared at the hearing, the board shall continue further hearing on the study and shall order notice given to the nonappearing qualified voters requiring them to appear and show cause why their territory should not be excluded or included in the proposed district. The notice shall be given either in the same manner as notice of the original hearing was given or by personal service on each nonappearing qualified 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.

[Formerly 341.740; amended by 1967 c.465 §2; 1969 c.673 §3]

**341.060** [Repealed by 1965 c.100 §456]

**341.065 Dismissal of petition.** If, in the opinion of the state board, the study and the testimony presented at the hearing or hearings held under ORS 341.055 indicate that the formation of an area education district as petitioned is not warranted under the policies set forth by Senate Joint Resolution 5 (Fifty-third Legislative Assembly, Regular Session), the state board shall order dismissal of the petition. An appeal from this order may be taken within 60 days in the manner provided in ORS 183.480.

[1965 c.238 §2; 1967 c.465 §3; 1969 c.673 §4]

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

**341.075** [Formerly 341.750; repealed by 1969 c.673 §5 (341.076 enacted in lieu of 341.075)]

**341.076 State board recommendation to legislature or Emergency Board; appeal; revision of recommendation; hearing.** (1) If, upon final hearing of the study, the state board approves formation of an area education district, with boundaries either as originally presented or as altered pursuant to the hearing, the state board shall make its recommendation to the Legislative Assembly, or if it is not in session, to the Emergency Board, describing the exterior boundaries and the zone boundaries for the election of members of the board of education of the area education district, if any, and if requested in the petition, designating the location of the community college. If no appeal from this recommendation is filed within 60 days after the date of the recommendation, the recommendation becomes final.

(2) If an appeal is filed, the recommendation becomes final on the date the recommendation is affirmed by the court. However, if the recommendation is not affirmed, the state board shall not submit its recommendation to the Legislative Assembly or to the Emergency Board but may reconsider the conclusions of its study and if it revises those conclusions, it may set a date for a new hearing.

(3) Appeals shall be governed by ORS 183.480.

[1969 c.673 §6 (enacted in lieu of 341.075)]

341.080 [Repealed by 1965 c.100 §456]

**341.085 Election to establish district.**

(1) An election for the purpose of presenting the question of formation of an area education district and establishing a tax base or authorizing a serial levy therefor and designating the location of the community college and the boundaries of the zones, if the location or the zones were recommended by the state board, shall be held to submit the question to the qualified voters of the area designated in the recommendation of the state board. The election shall be held not less than 30 nor more than 90 days after the effective date of the appropriation required by ORS 341.102. The election date shall be uniform throughout the proposed area education district, and shall be set by the state board. However, if the question of establishing a new tax base is to be submitted, the election must be held on the same date as the next regular primary state-wide election or the next regular biennial state-wide general election, as determined by the state board. Notice of the election shall be given in the man-

ner provided in ORS 331.010. 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 and shall pay all expenses therefor from funds appropriated therefor under ORS 341.102. 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 school district of less than 300,000 persons under ORS 331.080 and 331.090.

(2) Any person who is a qualified 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 may vote on any matter arising at the election under subsection (1) of this section. [Formerly 341.760; amended by 1967 c.605 §18; 1969 c.673 §9]

**341.095 Election shall include question of tax base or serial levy and may include question of organizational expense.** (1) The state board shall include as a part of the election called for formation of an area education district the question of a tax base therefor or the question of a serial levy for not to exceed five years to finance the district's share of operating expenses. The amount of the tax base or serial levy shall be specified by the state board as a result of its study and the hearing held under ORS 341.055. The state board may also include the question of incurring indebtedness of not more than \$5,000 to pay organizational expenses of the district between the time the district is approved and the first budget is adopted. If the question of incurring indebtedness is approved, the district may borrow money on its negotiable, short-term, promissory notes in an aggregate amount not to exceed the limit approved at the election and may, notwithstanding ORS 294.326, expend such money without the preparation and adoption of a budget.

(2) In preparing its first budget, the area education district board shall provide for the repayment of the indebtedness incurred for organizational expenses under subsection (1) of this section.

[1965 c.129 §2; 1969 c.673 §10]

**341.102 Payment of formation election expenses.** If the Legislative Assembly, or if it is not in session, the Emergency Board, approves the recommendation submitted under ORS 341.076, it shall appropriate to the Department of Education money necessary to pay the expenses of the election under ORS 341.085.

[1969 c.673 §8]

**341.105 List of voters; poll books.** (1)

At the request of the state board, a county clerk shall prepare a list or lists of names and addresses of the qualified voters of his county who reside in the proposed area education district. The county clerk may make a reasonable charge for preparing such lists, and the state board is authorized to pay the charge.

(2) Poll books are required to be used at area education district elections. Persons voting in area education district elections shall be required to sign the poll book.

[Formerly 341.770; amended by 1969 c.673 §11]

**341.115 Election results; proclamation.**

When the polls are closed each election board shall certify and report the results to the state board which shall canvass the vote. If the vote is in favor of the formation of the area education district and establishes a tax base for the district or authorizes a serial levy, whichever question was submitted to the voters under ORS 341.095, 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. If the location of the community college or zone boundaries are specified on the ballot, and the vote favors formation, the state board shall include such location and boundaries in its proclamation. If the vote is in favor of the formation of an area education district but opposed to establishment of a tax base or the authorization of a serial levy in the amount submitted, the district shall not be formed.

[Formerly 341.780; amended by 1969 c.673 §13]

**341.125 First board.** (1) The first board of education of an area education district 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 education 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 qualified voters residing in the proposed area education district. If the district has been zoned, the petition shall be signed by at least 50 qualified voters residing in the zone. The petition shall be presented to the state board at least 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 members shall be elected to the first board 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 members receiving the largest number of votes serving the four-year terms. The terms of office of the members 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 members shall take office immediately following the election. If for any reason an area education district is not formed, the election of members for that proposed district is 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 education 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 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 district.

[Formerly 341.800]

**341.135 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.

[Formerly 341.910]

**(Zones)**

**341.155 Abolition of zones.** If a petition signed by at least 500 or at least 10 percent, whichever is less, 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 qualified voters of the district at the next annual election for their approval or rejection.

[Formerly 341.912]

**341.165 Establishment of zones.** (1) If a petition signed by at least 500 or at least 10 percent, whichever is less, 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 qualified voters of the district at the next annual school election for their approval or rejection. The petition shall describe the boundaries of the zones and shall specify whether in electing the board of education a qualified voter of the district shall be entitled to vote for a candidate from any zone or only for a candidate from the zone in which the voter resides.

(2) If the qualified voters of the district approve the establishment of zones, board members shall continue to serve until their terms of office expire. As vacancies occur, they shall be filled by persons who reside within zones which are not represented on the board. If more than one zone is not represented on the board when a vacancy occurs, the zone entitled to elect a director shall be decided by lot.

[Formerly 341.914; amended by 1969 c.220 §2]

**341.175 Adjustment of zone boundaries.**

(1) The boundaries of zones established within an area education district, whether established upon formation of the district or thereafter, from which directors are to be nominated or elected shall be as nearly equal in population as is feasible and shall be adjusted according to the federal census.

(2) The method of nominating and electing directors established pursuant to ORS 341.025 or 341.165 may be changed to another method described in ORS 341.280 by submitting the question of such change to the qualified voters at the annual school election for their approval or rejection. The question shall be so submitted when a petition, signed by at least 500 or at least 10 percent of such voters, whichever is less, is presented to the district board requesting the change.

[Formerly 341.916, amended by 1969 c.220 §3]

**(Boundary Changes)**

**341.195 Preexisting assets and liabilities.** (1) Except as otherwise provided by law or by the qualified voters 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.

(2) If territory within the boundaries of a school district that maintains a community college is included within the boundaries of an area education district, the assets and property of the community college shall remain the property of the school district unless the area education district makes other arrangements with the school district.

(3) 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.

[Subsections (1) and (2) formerly 341.820; subsection (3) formerly 341.880]

**341.205 Withdrawal of territory from district.**

(1) Whenever qualified voters of territory included in an area education district desire to have their territory withdrawn from the district, the qualified voters may petition the area education district board for withdrawal. The petition must be signed by at least 10 percent or at least 500, whichever is less, of the qualified voters of the designated territory. The petition must specify the territory proposed to be withdrawn and must request that the territory be withdrawn from the area education district.

(2) If no remonstrance is filed within the prescribed time, the area education district board shall permit the requested withdrawal.

(3) If within 30 days after filing the petition, a remonstrance, signed by at least five percent or at least 50, whichever is less, of the qualified voters of the district, is filed with the area education district board, the area education district board shall call elections as provided in subsection (4) of this section, giving notice in the manner provided in ORS 331.010. The election procedure shall conform as far as practical, to the procedure for a school district with a school census of 1,000 or more children of school age.

(4) If a majority of the qualified voters in the petitioning territory favor withdrawal of the territory from the area education district, the area education district board shall call an election in the remaining territory in the district. If a majority of the qualified voters in the district favor the withdrawal, the area education district board shall permit the requested withdrawal.

[1965 c.100 §321 (enacted in lieu of 341.830)]

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

**341.215 Petition for including territory in district.** (1) When qualified voters of territory contiguous to an area education district desire to have their territory included in the area education district, the qualified voters of that contiguous territory may petition the area education district board for the inclusion. The petition must contain the signatures of at least 10 percent or at least 500 of the qualified voters of the designated territory, whichever is less. The petition must specify the territory proposed to be included and must request that the territory be included in the area education district.

(2) The area education district board 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.

[Formerly 341.840]

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

**341.225 Deposit by petitioners.** Before the state board may set a date for a hearing under ORS 341.235, the petitioning territory must deposit a sum of money in the amount determined by the state board 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 shall return any money remaining in the deposit after all costs have been paid.

[Formerly 341.850]

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

**341.235 Hearing and determination on petition.** After receiving the petition submitted under ORS 341.215, the state board, if the required deposit has been made, shall set a date for one or more public hearings and shall give notice of each hearing in the manner prescribed in ORS 331.010. After the hearing, the state board shall determine whether all territory concerned will be benefited by inclusion of the petitioning territory in the area education district. The state board shall not include in the area education district any part of the petitioning territory which will not, in the judgment of the state

board, be benefited by inclusion in such district. The state board shall announce its decision in the same manner as the notice of hearing was given.

[Formerly 341.860]

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

**341.245 Effective date of change.** (1) If the state board 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 from 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, the state board shall proclaim the area education district's boundaries enlarged to include the petitioning territory.

[Formerly 341.870]

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

**341.255 Filing of remonstrance; elections.** (1) If within 30 days after the date of the second publication of the decision of the state board, a remonstrance signed by at least five percent or at least 50, whichever is less, of the qualified voters of either the area education district or the petitioning territory is filed with the state board, the state board shall call an election in the petitioning territory. If a majority of the qualified voters in the petitioning territory favor including the petitioning territory in the area education district, the state board shall call an election in the area education district. If a majority of the qualified voters in the area education district also favor including the petitioning territory in the area education district, the state board shall proclaim that the boundaries of the area education district are enlarged to include the petitioning territory.

(2) The elections required under subsection (1) of this section shall be conducted by the area education district board which shall give notice of the election in the manner prescribed in ORS 331.010 and shall handle all details of the election, so far as practical, in the manner prescribed for holding elections in a school district with a school census of 1,000 or more children of school age. When the polls are closed, each election board shall certify and report the results to the state board which shall canvass the vote.

[1965 c.100 §327]

**BOARD OF EDUCATION**

**341.275 Area education district board; qualifications; vacancy.** (1) The area education district board of education shall be composed of seven qualified members nominated and elected in a manner described in ORS 341.280, to be determined pursuant to ORS 341.025 or 341.175. The election shall be conducted in accordance with the provisions for elections in a school district with a population of less than 300,000, according to the latest federal census, under ORS 331.080 and 331.090. A qualified member is a person who is both a resident and a qualified voter of that area education district. If the area education district has been zoned, the member shall reside in the zone from which he is nominated, elected or appointed, depending on the method of nomination or election determined pursuant to ORS 341.025 or 341.175. Except as provided in subsection (2) of this section, members shall take office on July 1 following their election.

(2) If a vacancy occurs on the area education district board, a majority of the members remaining on the board shall elect a member 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 member shall be declared elected.

[Formerly 341.790; amended by 1967 c.605 §19; 1969 c.220 §6]

**341.280 Election of board.** (1) The board of education of an area education district may be elected in one of the following methods or a combination thereof:

(a) Elected by qualified voters of zones as nearly equal in population as possible according to the latest federal census.

(b) Elected at large by qualified voters of the district.

(2) Candidates for election from zones shall be nominated by qualified voters of the zones. Candidates for election at large may be nominated by qualified voters of zones or qualified voters of the district, as determined under subsection (3) of this section.

(3) Where the method selected under subsection (2) of this section includes a combination of nomination of candidates from and by zones and of nomination of candidates at large, the number of candidates to be nominated in each manner shall be specified in the

petition submitted under ORS 341.025 or under ORS 341.175.

[1969 c.220 §5]

**341.282 Election method in districts existing prior to May 20, 1969.** Where zones have been established in an area education district formed prior to May 20, 1969, the method of nominating and electing directors that was used in the election of directors in 1968 shall be considered to be the method of nomination and election adopted pursuant to the provisions of this chapter. Directors shall continue to be nominated and elected in the same method used in 1968 in all such districts until a different method is adopted in the manner prescribed in ORS 341.175.

[1969 c.220 §7]

**341.285 Expenses of board members.** Members of area education district boards and of budget committees appointed pursuant to the Local Budget Law (ORS 294.305 to 294.520) 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.

[Formerly 341.805]

**341.295 Application of statutes to area education district and board.** Except when the provisions of this chapter are inconsistent with the laws governing school districts with a school census of 1,000 or more children of school age, all laws governing such school districts shall apply to area education districts. An area education district shall have all the applicable powers of a school district with a school census of 1,000 or more children of school age.

[Formerly 341.890]

**341.305 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.

[Formerly 341.900]

**341.308 Type of tax to be levied.** An area education district, upon approval of a majority of the qualified voters voting upon the question at the election held to approve formation of an area education district, may levy taxes on the tax base established under ORS 341.095 or may levy taxes serially for

its general fund over such period of time not to exceed five years and in such stated amounts each year as are authorized by the qualified voters under ORS 341.095.

[1969 c.673 §12]

Note: ORS 341.308 was not added to and made a part of ORS chapter 341 by legislative action.

**341.310** [Renumbered 332.810]

**341.315 Educational services to school district, county or municipality.** Any school district, county or municipality may contract with an area education district to provide services of an educational nature subject to the approval of the state board.

[Formerly 341.825]

**341.320** [Renumbered 332.820 and then 341.195 (1), (2)]

**341.330** [Renumbered 332.830]

**341.340** [Renumbered 332.840 and then 341.215]

## ESTABLISHMENT AND OPERATION OF COMMUNITY COLLEGES

**341.405 Establishment of community college; requirements.** Upon approval of the state board, a community college may be established by an area education district in which all the requirements for formation of the area education district are met and for which adequate building space, library and suitable laboratory or shop space for the courses to be offered are available or will be available before classes begin.

[Formerly 341.520; amended by 1967 c.465 §4]

**341.415 Official name of college.** The official name of every community college or education center shall include the words "community college."

[1965 c.19 §1]

**341.425 Approval required to commence or change program and for transfer credits.**

(1) Before an educational program is commenced at any community college, the area education district board or the district school board shall apply to the state board for permission to commence the 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 becomes accredited by the Northwest Association of Secondary and Higher Schools or its successor, the state board shall prepare a list of courses which, when approved by the State Board of Higher Education, will be recognized for transfer credit by all state institutions of higher education. Upon request of the state board, the State Board of Higher Education may approve additional courses for transfer credit at any time. However, the requirement of approval of courses for transfer credit does not limit the authority of the community college to make application for, or the state board to approve applications for, other courses which may be recognized for transfer credit at any public or private institution of higher education under the applicable rules of such institutions.

(3) After receiving the approval of courses for transfer credits from 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.

[Formerly 341.560]

**341.435 Locations of classes.** The area education district board or the district school board shall determine the locations of classes to be held in each 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.

[Formerly 341.570]

**341.440 Contracts with other districts, state department or private schools for educational services.** (1) An area education district may contract with another area education district, common or union high school district, intermediate education district, the Department of Higher Education or with a private educational institution accredited by the Northwest Association of Secondary and Higher Schools or its successor to obtain educational services for students enrolled in the community college of the district. However, the educational services so obtained must meet the standards for educational services provided by the college and the contract price to the college for such services must not exceed the costs which would otherwise be incurred by the college to provide its students the same or similar services.

(2) For purposes of ORS 341.625, costs incurred under subsection (1) of this section shall be considered operating expenses of the district if the contract is approved by the Superintendent of Public Instruction.  
[1969 c.673 §17]

**341.445 Contracts with private vocational schools for educational services.** (1) A district operating a community college may contract with a vocational school, as defined in ORS 345.010, to provide educational services to students enrolled in the community college when, in the judgment of the administration of the college, the educational services which are the subject of the contract meet the standards of educational services provided by the college and the contract price to the college for such services does not exceed the costs which otherwise would be incurred by the college to provide similar services. However, educational services for which a district operating a community college may contract do not include services offered by correspondence.

(2) For purposes of ORS 341.625, costs incurred under subsection (1) of this section shall be considered operating expenses of the community college if the contract is approved by the Superintendent of Public Instruction.

[1965 c.236 §1; 1967 c.67 §11]

**341.455 Credit for private vocational school courses.** A community college may give credit for courses taken in a vocational school. The courses for which credit may be given must meet the standards adopted by the state board under ORS 345.350.

[1965 c.529 §9]

**341.460 Credit for driver training course not permitted.** A community college offering a driver training course under ORS 343.710 to 343.750 shall give no credit for completion thereof and time spent by students on such courses shall not be considered as term hours or clock hours of instruction in determining full-time equivalency for purposes of ORS 341.625 or 341.925.

[1969 c.623 §4]

**341.465 Certificates and associate degrees.** The board of a district operating a community college, upon approval of the state board, may award certificates and associate degrees indicating satisfactory completion of a course of study offered by the community college.

[Formerly 341.580]

**341.475 Student loan fund.** An area education district 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.

[Formerly 341.815]

**341.485 Scholarships.** (1) In addition to any other scholarships provided by law, the district board of a school district which operates an education center or community college and the board of education of an area education district may award tuition and fee-exempting scholarships in the center or college to students applying for enrollment or who are enrolled in the center or college.

(2) Scholarships shall be awarded on the basis of the student's:

(a) Demonstrated ability to profit from either vocational, technical or college transfer courses; and

(b) Need for financial assistance.

(3) In addition to the qualifications specified in subsection (2) of this section, the board awarding the scholarship may prescribe qualifications that are of such nature that scholarships awarded under this section will benefit both the student and the people of this state.

[1965 c.148 §1]

**341.495 Definition for ORS 341.495 to 341.525, 341.625 and 341.635.** For the purposes of ORS 341.495 to 341.525, 341.625 and 341.635, unless the context requires otherwise, "operating district" means a district which operates a community college.

[1965 c.262 §2]

**341.505 Admission of students.** (1) An operating district shall admit high school graduates who are residents of Oregon and other residents who, in the judgment of the administration of the operating district, are capable of profiting from the instruction offered. Operating districts may also admit persons who are not residents of the district or of the state, including persons who are not citizens of the United States, if such admission is considered suitable.

(2) Upon application of a qualified high school student residing in this state and upon agreement between the operating district and the school district in which he resides, the student may be admitted to the community college.

(3) Any school district which does not operate a community college may contract

with an operating district to admit students from the non-operating district.

(4) Any operating district may contract with another operating district to admit students of either college to the college of the other.

[1965 c.262 §3]

**341.510** [1959 c.641 §1; 1961 c.602 §1; 1963 c.483 §9; 1965 c.100 §301; renumbered 341.005]

**341.515 Tuition and fees.** (1) An operating district shall establish tuition rates and fees schedules, subject to the approval of the state board or its authorized representative. Different tuition rates and fees schedules may be established for students who reside in the operating district, students who do not reside in the operating district and students who do not reside in the state. The tuition rates and fees schedules for high school students residing in the operating district shall be the same as for other resident students.

(2) Nothing in ORS 341.495 to 341.525, 341.625 and 341.635 is intended to express any legislative intent that a district did not already possess the authority expressly described in subsection (1) of this section.

[1965 c.262 §§4, 9]

**341.520** [1959 c.641 §2; 1961 c.602 §2; 1965 c.100 §328; renumbered 341.405]

**341.525 Contracts for reimbursement between operating and nonoperating districts; effect on Basic School Support Fund.**

(1) If the student seeking admission to the community college resides within the operating district, no additional reimbursement shall be required from any school district. However, if the student does not reside within the operating district, a contract of reimbursement may be entered into between the operating district and any other district, including another operating district. The contract shall provide for reimbursement to the operating district for each student in an amount not to exceed the difference between the per student operating expense of the operating district and the amounts obtained from the student for tuition and fees and obtained from state and federal aid. If only a part of a school district is included in the operating district, that part of the district which is not included is considered a non-operating district for purposes of this section.

(2) By agreement of the contracting districts, the contracts for reimbursement re-

ferred to in subsection (1) of this section may provide that payments to the operating district be based on expenses of the operating district other than operating expenses. Such payments shall be in addition to the reimbursable amounts referred to in subsection (1) of this section.

(3) When attendance of a high school student is involved, the school district in which he resides shall make the proper adjustment in its Basic School Support Fund reports under ORS 327.133 to show the high school student's attendance in the operating district.

[1965 c.262 §§5, 6]

**341.530** [1959 c.641 §3; 1961 c.602 §3; 1963 c.483 §10; repealed by 1965 c.100 §456]

**341.535 Administrators, instructors and other personnel.** (1) The area education district board or district school board is authorized to employ administrators, instructors and other personnel to staff the district program.

(2) Instructors of lower division collegiate courses shall not be required to have teaching certificates. However, all instructors shall be subject to the approval of the state board.

(3) Until the community college operated by the district becomes accredited by the Northwest Association of Secondary and Higher Schools or its successor, the board shall obtain the approval of the State Board of Higher Education before employing any person to teach transfer courses required to be approved by the State Board of Higher Education.

(4) ORS 342.601 and 342.602 shall not apply to employes of a community college.

[Formerly 341.600]

**341.540** [1959 c.641 §4; 1961 c.602 §4; 1965 c.100 §329; repealed by 1965 c.198 §2]

**341.545 Accounting procedure for common school district operating community college.** Each common school district operating a community college shall account separately for its expenditures for community college purposes, and shall maintain the separate identity for all funds received by it for such purposes.

[1967 c.433 §6]

**341.550** [1959 c.641 §5; 1965 c.100 §330; repealed by 1965 c.198 §2]

**341.555 Division of assets when community college transferred to area education district.** When jurisdiction over a community

college operated by a common school district is transferred to an area education district, capital assets of the community college shall be divided between the common school district which had operated the community college and the area education district which is assuming jurisdiction. Such division of assets shall be negotiated between the school district board and the area education district board. The area education district may pay the common school district for capital assets that are transferred to the area education district that were financed by property taxes. However, no payment shall be made for that portion of the capital assets transferred to an area education district that were financed with sources other than property taxes. The common school district shall pay the area education district for that portion of any capital assets of the community college to be retained by the school district that were financed from sources other than property taxes.

[1969 c.633 §3]

**341.560** [1959 c.641 §24; 1961 c.602 §5; 1963 c.483 §11; 1965 c.100 §331; renumbered 341.425]

**341.570** [1959 c.641 §25; 1961 c.602 §6; 1965 c.100 §332; renumbered 341.435]

**341.580** [1959 c.641 §29; 1963 c.483 §12; 1965 c.100 §333; renumbered 341.465]

**341.590** [1959 c.641 §30; 1961 c.602 §7; repealed by 1965 c.100 §456]

**341.600** [1959 c.641 §§26, 27; 1961 c.602 §8; 1963 c.483 §13; 1965 c.100 §336; renumbered 341.535]

### AID FOR OPERATION

**341.605 School district eligibility for state aid.** The district school board of any district which meets the requirements of ORS 341.405, 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 of the district's community college program shall apply for approval of its community college program under this chapter.

[1965 c.100 §337]

**341.610** [1959 c.641 §33; 1961 c.602 §9; 1963 c.483 §14; 1965 c.100 §340; 1965 c.262 §8; 1965 c.487 §3; renumbered 341.625]

**341.615 Eligibility of certain community colleges for state aid.** A community college established under other law than this chapter is not affected by changes in requirements of ORS 341.405 after the community college was established and shall be eligible

for all reimbursements allowed under ORS 341.625.

[1965 c.100 §338]

**341.625 Apportionment of state aid.** (1) Subject to ORS 291.232 to 291.260, the Superintendent of Public Instruction shall distribute in the manner prescribed in subsection (3) of this section to each area education district or school district operating an approved community college an amount equal to the sum of:

(a) \$661 per equivalent full-time student, for the first 400 such students enrolled in the community college;

(b) \$546 per equivalent full-time student, for the next 300 such students; and

(c) \$498 per equivalent full-time student, for each such student over 700.

However, no district shall be entitled to receive more than the difference between (a) the operating expenses and (b) the sum of the amounts received from student tuition and fees, not including the tuition and fees received from nonresident students that are in excess of the tuition rate and fee schedule applicable to resident students, and from federal moneys reimbursing districts for vocational and technical programs.

(2) Funds available under this section for vocational and technical education, lower division collegiate and other education courses approved by the state board shall be limited to self-improvement classes as defined by the state board and shall not include hobby and recreation classes.

(3) Each district receiving funds under this section shall report to the Superintendent of Public Instruction, at such times as he may require, the total number of equivalent full-time students who are residents of Oregon enrolled in courses in the community college which are approved by the state board or its authorized representative. 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.

(4) The Superintendent of Public Instruction shall, as soon as practicable following the receipt of the reports from the several districts, prepare, certify and transmit to the Executive Department the names and the amounts due each district operating a

community college with any necessary adjustments required by subsection (3) of this section. The Executive Department shall audit the amounts certified by the Superintendent of Public Instruction and draw its warrants on the State Treasurer payable out of the General Fund to the districts.

[Formerly 341.610; amended by 1967 c.433 §1; 1969 c.544 §3]

**341.635 Effect on state aid of scholarships and of certain admissions.** (1) In determining the amount of apportionment to the education center or community college from the General Fund under ORS 341.625, tuition and fees allowed for scholarships authorized by ORS 341.485 shall be considered as paid by the student.

(2) The operating district shall include the high school student attending the community college in determining the number of equivalent full-time students in classes for purposes of ORS 341.625 and other laws governing the distribution of state and federal funds to such colleges.

[Subsection (1) enacted as 1965 c.148 §2; subsection (2) enacted as 1965 c.262 §7]

**341.645 State aid to common school district operating community college; when terminated.** A community college established by a school district prior to August 13, 1965, may continue to operate its program and receive state aid under ORS 341.135, 341.625 and 341.915 to 341.950. However, when an area education district is formed which includes within its boundaries a school district operating a community college, the school district may continue to operate the college and to receive state aid therefor only until the area education district has established a community college.

[1965 c.198 §1]

**341.655 Distribution of federal funds for vocational and technical education.** (1) As used in this section "approved expenses" means the operating expenses of area education districts or school districts for vocational and technical education programs which have been approved by the Superintendent of Public Instruction.

(2) Federal moneys received for purposes of reimbursing area education districts and school districts for vocational and technical education programs may be used by the districts to pay approved expenses.

[1965 c.487 §2; 1967 c.433 §7]

**341.710** [1959 c.641 §6; 1961 c.602 §10; 1965 c.100 §302; renumbered 341.025]

**341.720** [1959 c.641 §7; 1965 c.100 §303; renumbered 341.035]

**341.730** [1959 c.641 §8; 1961 c.602 §11; 1965 c.100 §304; renumbered 341.045]

**341.740** [1959 c.641 §9; 1961 c.602 §12; 1965 c.100 §305; renumbered 341.055]

**341.750** [1959 c.641 §10; 1961 c.602 §13; 1965 c.100 §306; renumbered 341.075]

**341.760** [1959 c.641 §11; 1965 c.100 §307; renumbered 341.085]

**341.770** [1959 c.641 §12; 1965 c.100 §308; 1965 c.192 §1; renumbered 341.105]

**341.780** [1959 c.641 §13; 1961 c.602 §14; 1965 c.100 §309; renumbered 341.115]

**341.790** [1959 c.641 §14; 1961 c.602 §15; 1965 c.100 §310; renumbered 341.275]

**341.800** [1959 c.641 §15; 1961 c.602 §16; 1965 c.100 §311; renumbered 341.125]

**341.805** [1963 c.483 §4; 1965 c.100 §312; renumbered 341.285]

**341.810** [1959 c.641 §16; repealed by 1965 c.100 §456]

**341.812** [1963 c.483 §6; repealed by 1965 c.100 §456]

**341.815** [1963 c.483 §5; 1965 c.100 §315; renumbered 341.475]

**341.820** [1959 c.641 §17; 1965 c.100 §319; renumbered 341.195 (1), (2)]

**341.825** [1963 c.483 §16; 1965 c.100 §314; renumbered 341.315]

**341.830** [1959 c.641 §18; repealed by 1965 c.100 §320 (341.205 enacted in lieu of 341.830)]

**341.840** [1959 c.641 §19; 1965 c.100 §322; renumbered 341.215]

**341.850** [1959 c.641 §22; 1965 c.100 §323; renumbered 341.225]

**341.860** [1959 c.641 §20; 1965 c.100 §324; renumbered 341.235]

**341.870** [1959 c.641 §21; 1965 c.100 §325; renumbered 341.245]

**341.880** [1959 c.641 §23; renumbered 341.195(3)]

**341.890** [1959 c.641 §28; 1965 c.100 §313; renumbered 341.295]

**341.900** [1959 c.641 §31; renumbered 341.305]

**341.910** [1959 c.641 §32; renumbered 341.135]

**341.912** [1963 c.483 §1; 1965 c.100 §316; renumbered 341.155]

**341.914** [1963 c.483 §2; 1965 c.100 §317; renumbered 341.165]

## AID FOR CONSTRUCTION

**341.915 "Construction" defined.** As used in ORS 341.915 to 341.950, "construction" means the construction of new facilities, purchase, expansion, modernization, remodeling or alteration of existing facilities, initial or

additional equipment, including planning, engineers', architects' and legal counsels' fees, and all other expenses incidental to construction, but excluding the cost of acquisition of land and site development.

[1967 c.433 §9]

**341.916** [1963 c.483 §3; 1965 c.100 §318; renumbered 341.175]

**341.920** [1961 c.601 §1; repealed by 1965 c.100 §456]

**341.925 Amount to which district eligible; credits; advances.** (1) The amount of money for which a district operating a community college is eligible under the provisions of ORS 341.915 to 341.950 is the product of (a) the number of projected equivalent full-time students, less the number of such students for whom facilities have been provided by state funds at rates of reimbursement applicable at the time of awarding the construction contract, multiplied by (b) \$1,560. However, if the cost of construction is less than \$2,400 per projected equivalent full-time student, reimbursement shall equal 65 percent of the actual cost. In no event shall state funds be made available to a community college for construction purposes until the college has demonstrated its ability to provide 35 percent of the costs per equivalent full-time student up to \$2,400 per such student and all amounts in excess of \$2,400. For purposes of the computation under this subsection, "projected equivalent full-time students" means the number of such students whose enrollment is projected for the second year of the biennium.

(2) In any fiscal year beginning on or after July 1, 1965, in which a district operating a community college enters into a contract for construction for which the state provides no funds or less than the amount for which the district is eligible at the rate of reimbursement applicable at the time of awarding the construction contract, the district may claim in the following or subsequent fiscal years credit for its contribution to construction costs in excess of the amount required. However, credit may be claimed for construction contracts awarded by the district after January 1, 1967, at the rate of \$1,560 per equivalent full-time student, or 65 percent of the actual construction costs if the costs are less than \$2,400 per equivalent full-time student. The State Board of Education shall give priority to the claimed credit in allocating funds for construction in the fiscal year following or subsequent to the year in

which the claimed credit accrued if it finds that the construction complies with the provisions of ORS 341.915 to 341.950 and if the claimed credit is approved by the Emergency Board. If granted, the credit may be in the form of state payment to assist in retiring bonded principal indebtedness incurred by the district for construction, if any, or to increase state funds for future construction costs but shall not be used for operating expenses of the community college.

(3) On the basis of projected enrollment over a two-year period, a district operating a community college may apply for and receive funds in addition to those for which it is eligible under subsection (1) of this section if funds are available therefor and if the Emergency Board approves of the district's application. However, any funds received under this subsection shall be deducted from the district's future eligibility for funds as facilities previously provided under subsection (1) of this section.

(4) Subject to the conditions for receipt of funds in ORS 341.625, funds payable under this section shall be used to provide buildings for the administration, instruction and necessary student facilities of the community college but shall not be used for student or faculty housing or spectator facilities for athletics.

(5) State funds shall be made available pursuant to subsections (1) and (2) of this section only for costs not reimbursed or otherwise funded from federal funds.

[1961 c.601 §§2, 5; 1963 c.483 §15; 1965 c.100 §341; 1967 c.433 §10; 1969 c.633 §1]

**341.930 Application to state board for funds.** The board of a district operating a community college shall submit to the state board a long-range plan for the development of the community college, including the availability of a suitable site and such other information as the state board may require.

[1961 c.601 §3; 1965 c.100 §342; 1967 c.433 §11]

**341.935 Content of application; priorities in allocation of funds.** (1) The board of a district operating a community college applying for funds under ORS 341.915 to 341.950 shall submit to the state board:

(a) A general description of construction proposed for the community college, including such information as the state board may require.

(b) Evidence of the ability to finance costs in excess of state funds available.

(c) Itemized estimate of the cost of the proposed construction.

(d) If the construction includes purchase of existing buildings, a certified statement of the purchase price and an appraisal of the value of the buildings.

(2) The state board shall determine priorities in the allocation of funds.  
[1961 c.601 §4; 1965 c.100 §343; 1967 c.433 §12]

**341.940 Detailed plans; approval; partial payment.** (1) If the proposed construction is approved by the state board, the board of the district shall have prepared detailed plans of the proposed construction which shall be submitted to the state board along with pertinent construction contract documents, specifications and cost estimates. If the state board approves the detailed plans, the board of the district may proceed to obtain bids and award construction contracts.

(2) Upon award of the construction contract, the state board shall cause to be set aside an amount equal to 90 percent of (a) the state share of construction costs, or (b) the amount appropriated for construction costs, or (c) an amount equal to the district eligibility, whichever is the lesser. This amount shall be disbursed to the district in periodic payments related to the progress of construction as determined by the state board.

(3) If the construction includes the purchase of existing buildings, the state board, upon approval, shall cause to have paid to

the district an amount equal to (a) the state share of the purchase price, or (b) the amount appropriated for the purchase, or (c) an amount equal to the district eligibility, whichever is the lesser.

[1961 c.601 §6; 1965 c.100 §344; 1967 c.433 §13]

**341.945 Modification of construction; when approval required; payment of remaining costs.** (1) If, prior to completion of construction, it is found desirable or necessary to modify the conditions of the contract covering the construction or the specifications, the board of the district must submit such modifications to the state board for approval if the modifications would result in an increase in state funds required to complete the construction.

(2) Upon completion of construction, the board of the district shall provide the state board with an account of the costs and expenditures of the project. Subject to the availability of funds, the state board shall cause to have paid to the district the remaining amount due the district after allowing for any modification in the original plans.

[1961 c.601 §7; 1965 c.100 §345; 1967 c.433 §14]

**341.950 Project records required by state board.** The board of the district shall submit such records and reports during the construction period and after completion thereof as the state board may require.

[1961 c.601 §8; 1965 c.100 §346; 1967 c.433 §15]

**341.990** [Part renumbered 332.990; repealed by 1965 c.100 §456]

#### CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Robert W. Lundy, 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, 1969.

Robert W. Lundy  
Legislative Counsel

