Chapter 341

1973 REPLACEMENT PART

Community Colleges

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GENERAL PROVISIONS

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

(1) "Board" means the board of education of a community college district.

(2) "Board member" means a member of the board of education of a community college district.

(3) "Community college" means a public institution operated by a community college 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.

(4) "Community college district" or "district" means a district formed under this chapter to operate one or more community colleges or to secure educational services available at a community college.

(5) "County fiscal officer" means the county treasurer or county fiscal officer of the county in which the chief administrative officer of the community college district maintains his office.

(6) "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.

(7) "Operating expenses" means the sum of the expenditures of a community college 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.

(8) "Petitioning territory" means a community college district petitioning to have an area outside the district included in the district or to have an area inside the district excluded from the district, or an area outside the district petitioning to be included within the district.

(9) "Principal county" means the county in which the chief administrative officer of the community college district maintains his office.

(10) "Qualified voter" means any person who has registered under the general election laws at least 30 days before the election.

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

(12) "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; 1971 c.513 §1]

341.009 Policy. The Legislative Assembly finds that:

(1) The community college is an educational institution which is intended to fill the institutional gap in education by offering broad, comprehensive programs in academic as well as vocational-technical subjects. It is designed to provide terminal two-year programs for some, serve a transitional purpose for others who will continue college work and serve to determine future educational needs for other students. For adults it can provide means for continuation of their academic education, vocational training or the attainment of entirely new skills as demands for old skills and old occupations are supplanted by new technologies.

(2) Each community college should be so located as to be within commuting time of a substantial majority of its students. As an economical method of providing education close to the student's home, the community college should remain a commuting institution.

(3) The community college should not follow the established organizational patterns of other secondary and higher education institutions in order to maintain a unique quality of flexibility, the ability to change to meet changing needs.

(4) The community college is a post-high school institution under the general supervision of the State Board of Education. It should not be a "starter" institution intended to evolve into a four-year baccalaureate institution. It should be concerned with programs terminating after two years or less, with exceptions made only for certain curricular offerings of a technical nature which may require more than two years for completion.

(5) The community college should continue to be prohibited by law from becoming a four-year institution.

(6) Admission to the community college should be open to high school graduates or to nonhigh school graduates who can profit from the instruction offered.

(7) There should be close cooperation between those directing the community college program and those responsible for higher

education, so that lower-division college transfer programs of the community college will provide adequate preparation for entering four-year institutions, and so that students will be able to transfer with a minimum of difficulty.

(8) The community college should offer as comprehensive a program as the needs and resources of the area which it serves dictate. Cost to student and quality of instruction in established private institutions should be among the factors in determining necessary duplication of effort.

(9) It should be the policy of the community college to open its facilities to the high schools of its area on a sound contractual basis, for appropriate secondary courses, either academic or vocational, when it is within its ability to provide facilities and it is determined that the high school cannot or does not offer them.

(10) To establish programs designed to meet the needs of the area served, surveys of the educational and service needs of the district should be made. Specific technical and vocational courses should be related not only to the employment opportunities of the area but of the state and nation as well. Such determination should be made in consultation with representatives of labor, business, industry, agriculture and other interested groups.

(11) The State Board of Education should be responsible for coordinating the community college program of the state and should have general supervisory responsibilities for that program. The State Board of Education should prepare estimates and make the requests for legislative appropriations for a reasonable and consistent basis of support and establish standards for the distribution of that support.

(12) The initiative for the establishment of new community colleges should come from the localities to be served, as a response to demonstrated educational needs of an area. However, these localities must not only be willing to assume the responsibility for the institutions but must be able to provide resources needed for an adequate educational and service program.

(13) The governing board of the community college should be charged with the policy-making function. With respect to educational programing, the governing board should in cooperation with the State Board of Education: (a) Identify educational needs of the district; and (b) bring together the resources necessary to meet the needs.

(14) The state should maintain a policy of substantial state participation in community college building costs and the maintenance of an adequate level of state support for operation. However, no state funds should be appropriated for buildings such as dormitories or athletic facilities for spectator sports. In the event that students from beyond commuting distance attend a community college, housing should be noncampus. The operating district should provide a substantial portion of the funds for capital improvement as well as for operation of a community college.

(15) State appropriations for community colleges should be made separately from those for other segments of education.

(16) The formula for the distribution of funds for operating costs should reflect the heavier operating costs and capital outlay for certain vocational-technical courses. Federal funds received for vocational-technical training should be used for that purpose only and be distributed separately from funds appropriated by the state and should be exempted from the computations of the present distribution formula for operating costs.

(17) The cost of education to the individual should be sufficiently low to permit students of low-income families to attend. This is particularly true of tuition costs. However, students should pay an amount sufficient to provide an incentive to profit from the instructional program offered.

(18) Any eligible Oregon resident should have the right to attend a community college even though not residing in a district operating one, subject to the right of the governing board to limit the size of classes and to give preference to students residing in the district. Local districts should have the authority to negotiate the terms and conditions with the governing boards for the enrollment of students residing in such local districts.
[1971 c.513 §97]

341.010 [Repealed by 1965 c.100 §456]

341.015 State board to adopt guidelines for community college districts; district board to file personnel policies with state board. (1) The State Board of Education shall adopt guidelines for the orderly development and management of community college districts, including guidelines for personnel policy formulation and accounting procedures.

(2) Each community college district board shall file with the Superintendent of Public Instruction a copy of the adopted personnel policies.
[1971 c.233 §§1, 2]

341.020 [Repealed by 1965 c.100 §456]

COMMUNITY COLLEGE DISTRICTS

(Formation)

341.025 Petition for formation of district. (1) Whenever the qualified voters of contiguous territory desire the formation of a community college district, they may sign a petition requesting the formation of such a 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 of 500, or 10 percent of the qualified voters, whichever is the lesser 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 a 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 341.327;

(f) May specify that the proposed community college limit its vocational education offerings or lower division college program to those provided pursuant to a contract entered into with another community college district, an independent college or university, the State Board of Higher Education, a private vocational school or a public school district; and

(g) 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; 1971 c.513 §73]

341.030 [Repealed by 1965 c.100 §456]

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

341.037 Limits on authority of district that provides program through contract; mode of terminating limitations. (1) Any community college district for which the petition of formation specified the material described in paragraph (f) of subsection (2) of ORS 341.025 is not authorized to issue bonds or purchase real property.

(2) At any regular district election held not sooner than three years after the formation of a community college district that provides its courses through contract, the district board may submit to the qualified voters of the district the question of whether the district shall continue to provide courses through contract or shall commence to provide courses directly. If the qualified voters of the district authorize the providing of courses directly by the district, the district may exercise all of the powers vested in a community college.
[1971 c.513 §74b]

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 and capital expenses.

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

(e) Boundaries of the proposed 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 341.357.

(3) The notice of hearing shall state:

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

(b) The boundaries of the proposed district.

(c) Whether the proposed community college district specifies providing its courses through contract with agencies authorized to enter into such contracts.

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

[Formerly 347.730; amended by 1967 c.465 §1; 1969 c.673 §2; 1971 c.513 §74]

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 community college 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 community college 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; 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 a community college 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 a community college 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 community college district, if any. 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); 1971 c.513 §75]

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 a district and establishing a tax base or authorizing a serial levy therefor, or both, and the boundaries of the zones, if the zones were recommended by the state board, shall be held to submit the question to the qualified voters of the proposed district 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 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 manner provided in ORS 341.357. The state board shall make all necessary arrangements for the election, including provisions for election chairmen, 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. In making the arrangements for the election, the state board shall use, as far as practical, the procedures established for elections in ORS chapter 259.

(2) Any person who is a qualified voter in a precinct or in the portion of a precinct which is located within the boundaries of the proposed district may vote on any matter arising at the election under subsection (1) of this section.

[Formerly 341.760; 1967 c.605 §18; 1969 c.673 §9; 1971 c.513 §76; 1973 c.796 §51a]

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 a district the question of a tax base therefor or the question of a serial levy for not to exceed five years, or both, to finance the district's share of operating and capital 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 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 board of the district 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; 1971 c.513 §77]

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. When, at the request of the state board, the county clerk of the principal county, in consultation with county clerks of the affected counties, prepares a list or lists of names and addresses of the qualified voters who reside in the proposed district, the state board is authorized to pay the charge as determined under ORS chapter 259.

[Formerly 341.770; 1969 c.673 §11; 1971 c.513 §78; 1973 c.796 §51b]

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 community college 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 a community college 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 a community college 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 a district shall be elected at the same election as the election at which votes are cast for the formation of the district. Nominations for the board of education positions to be filled by nomination and election at-large 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 district. If the district has been zoned and the position is to be filled by nomination or election by zone, the petition shall be signed by at least 25 qualified voters residing in the zone. The petition shall be presented to the state board at least 70 days prior to the

election. Upon receipt of petitions which comply with applicable law, the state board shall cause the names of such nominees to be placed upon the ballot.

(2) Seven 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 June 30 subsequent to the date of their election, but the members shall take office immediately following the election. If for any reason a district is not formed, the election of board members for that proposed district is void.

(3) If the district has been zoned, the state board shall designate the positions to be nominated or elected by zone and shall specify the length of the term to be served by each member of the first board elected by zone.

(4) The length of the term of office of members of the first board elected at-large shall be determined in accordance with the number of votes each receives in the election. Those receiving the highest number of votes may serve the four-year terms, subject to any term designations made by the state board under subsection (3) of this section.

[Formerly 341.800; 1971 c.513 §79; 1973 c.796 §52]

341.135 [Formerly 341.910; repealed by 1971 c.513 §100]

(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 a 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 state-wide primary election for their approval or rejection.

[Formerly 341.912; 1971 c.513 §80]

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 a district is presented to the board of such district requesting that the district be zoned for the purpose of nominating or electing one or more board members, the board shall submit the question to the qualified voters of the district at the next state-wide primary election for their approval or rejection. The petition shall describe the proposed boundaries of the zones and shall specify whether in filling each position on the board of education a qualified voter of the district shall be entitled to sign a petition of nomination or 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, positions to be filled by nomination or election by zone 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 board member shall be decided by lot.

[Formerly 341.914; 1969 c.220 §2; 1971 c.513 §81]

341.175 Adjustment of zone boundaries. (1) The boundaries of zones established within a district, whether established upon formation of the district or thereafter, from which board members are to be nominated or elected shall be as nearly equal in population as is feasible according to the latest federal census and shall be adjusted by the board to reflect boundary changes of the district.

(2) The method of nominating and electing board members established pursuant to ORS 341.025 or 341.165 may be changed to another method described in ORS 341.327 by submitting the question of such change to the qualified voters at the next state-wide primary election for their approval or rejection. The question shall be so submitted when a petition, requesting the change and signed by at least 500 or at least 10 percent of such voters, whichever is less, is presented to the board.

[Formerly 341.916; 1969 c. 220 §3; 1971 c.513 §28]

341.185 Review of zone boundaries. Any qualified voter of a district aggrieved by the adjustment of or failure to adjust boundaries of a zone pursuant to subsection (1) of ORS 341.175 on the basis that population is not as nearly equal as is feasible is entitled to appear before the board at a public hearing to present his case. If the board refuses to make the requested adjustment in the boundaries, he may appeal from the decision of the board to the circuit court. The appeal shall be by writ of review.

[1971 c.513 §29]

341.195 [Subsections (1) and (2) formerly 341.820; subsection (3) formerly 341.880; repealed by 1971 c.513 §100]

341.205 [1965 c.100 §321 (enacted in lieu of 341.830); repealed by 1971 c.513 §100]

341.210 [Repealed by 1959 c.121 §2]

341.215 [Formerly 341.840; repealed by 1971 c.513 §100]

341.220 [Repealed by 1959 c.121 §2]

341.225 [Formerly 341.850; repealed by 1971 c.513 §100]

341.230 [Repealed by 1959 c.121 §2]

341.235 [Formerly 341.860; repealed by 1971 c.513 §100]

341.240 [Repealed by 1959 c.121 §2]

341.245 [Formerly 341.870; repealed by 1971 c.513 §100]

341.250 [Repealed by 1959 c.121 §2]

341.255 [1965 c.100 §327; repealed by 1971 c.513 §100]

BOARD OF EDUCATION

(Composition)

341.275 Community college district board; qualifications. (1) The board shall be composed of seven members nominated and elected in a manner described in ORS 341.327, to be determined pursuant to ORS 341.025 or 341.165. The election shall be conducted in accordance with ORS 341.175, 341.185, 341.275, 341.325, 341.327, 341.333 to 341.341 and 341.355 to 341.379. To be elected a board member must be both a resident and a qualified voter of the district. If the district has been zoned and the board member is nominated, elected or appointed, depending on the method of nomination or election determined pursuant to ORS 341.025 or 341.165, from a zone, he must also reside in the zone from which he is nominated, elected or appointed.

(2) In any election in which a person receiving a sufficient number of votes for election does not meet the residence and voter qualification, the person receiving the next largest number of votes who does possess such qualifications shall be declared elected.

[Formerly 341.790; 1967 c.605 §19; 1969 c.220 §6; 1971 c.513 §26]

341.280 [1969 c.220 §5; 1971 c.513 §24; renumbered 341.327]

341.282 [1969 c.220 §7; renumbered 341.329]

(Organization)

341.283 Organization; meetings; quorum; journal; expenses. (1) After July 1 of each year, the board of a district shall meet and organize by electing a chairman and a vice chairman from its members.

(2) The board shall provide for the time and place of its regular meetings, at any of which it may adjourn to the next succeeding regular meeting or to some specified time prior thereto. Special meetings shall be convened by order of the chairman of the board or upon the request of four board members at least 24 hours before such meeting is to be held, or by common consent of the board members. Notice of any special meeting shall be given to the members pursuant to bylaws of the board.

(3) A majority of the board members shall constitute a quorum. The affirmative vote of the majority of members of the board is required to transact any business.

(4) The board shall adopt rules for the government of the conduct of its members and its proceedings. The board shall keep a journal and, on the call of any one of its members, shall cause the yeas and nays to be taken and entered upon its journal upon any question before it.

(5) Any duty imposed upon the board as a body shall be performed at a regular or special meeting and shall be made a matter of record. The consent to any particular measure obtained from individual board members when the board is not in session shall not be an act of the board and shall not be binding upon the district.

(6) Members of the board shall receive no compensation for their services, but they shall be allowed the actual and necessary expenses incurred by them in the performance of their duties.

[1971 c.513 §2; 1973 c.725 §2]

341.285 [Formerly 341.805; repealed by 1971 c.513 §100]

(Status)

341.287 Status; official title of board. (1) Districts are bodies corporate, and the board is authorized to sue and be sued in the corporate name.

(2) The members of the board of a district in their official capacity shall be known as the board of education of the community college district.

[1971 c.513 §3]

(Powers)

341.290 General powers. The board of education of a community college district shall be responsible for the general supervision and control of any and all community colleges operated by the district. Consistent with

any applicable rules and regulations of the State Board of Education, the board may:

(1) Subject to ORS chapter 237, employ administrative officers, professional personnel and other employes, define their duties, terms and conditions of employment and prescribe compensation therefor, pursuant to ORS 243.711 to 243.795.

(2) Enact rules for the government of the community college, including professional personnel and other employes thereof and students therein.

(3) Prescribe the educational program.

(4) Control use of and access to the grounds, buildings, books, equipment and other property of the district.

(5) Acquire, receive, hold control, convey, sell, manage, operate, lease, lease-purchase, lend, invest, improve and develop any and all property of whatever nature given to or appropriated for the use, support or benefit of any activity under the control of the board, according to the terms and conditions of such gift or appropriation.

(6) Purchase real property upon a contractual basis when the period of time allowed for payment under the contract does not exceed five years.

(7) Subject to ORS chapter 279, purchase relocatable classrooms and other relocatable structures in instalment transactions in which deferred instalments of the purchase price are payable over not more than 10 years from the date such property is delivered to the district for occupancy and are secured by a security interest in such property. Such transactions may take the form of, but are not limited to lease-purchase agreements.

(8) Establish, lease for not more than 10 years with or without an option to purchase, operate, equip and maintain food service facilities, bookstores and other revenue producing facilities connected with the operation of the community college.

(9) Fix standards of admission to the community college, prescribe and collect tuition for admission to the community college, including fixing different tuition rates for students who reside in the district, students who do not reside in the district but are residents of the state and students who do not reside in the state.

(10) Prescribe and collect fees and expend funds so raised for special programs and services for the students and for programs for the cultural and physical development of the students.

(11) Provide and disseminate to the public information relating to the program, operation and finances of the community college.

(12) Establish or contract for advisory and consultant services.

(13) Take, hold and dispose of mortgages on real and personal property acquired by way of gift or arising out of transactions entered into in accordance with the powers, duties and authority of the board and institute, maintain and participate in suits and actions and other judicial proceedings in the name of the district for the foreclosure of such mortgages.

(14) Maintain programs, services and facilities, and, in connection therewith, cooperate and enter into agreements with any person or public or private agency.

(15) Provide student services including health, guidance, counseling and placement services, and contract therefor.

(16) Join appropriate associations and pay any required dues therefor from resources of the district.

(17) Apply for federal funds and accept and enter into any contracts or agreements for the receipt of such funds from the Federal Government or its agencies for educational purposes.

(18) Exercise any other power, duty or responsibility necessary to carry out the functions under this section or required by law.

(19) Prescribe rules for the use and access to public records of the district that are consistent with ORS 192.030. However, the following records shall not be made available to public inspection for any purpose except with the consent of the person who is the subject of the record, student or faculty, or upon order of a court of competent jurisdiction:

(a) Student records relating to matters such as grades, conduct, personal and academic evaluations, results of psychometric testing, disciplinary actions, if any, and other personal matters.

(b) Faculty records relating to matters such as conduct, personal and academic evaluations, disciplinary actions, if any, and other personal matters.

[1971 c.513 §4; 1973 c.536 §34]

341.295 [Formerly 341.890; repealed by 1971 c.513 §100]

341.300 Traffic control. (1) The board may adopt such regulations as it considers necessary to provide for the policing, control

and regulations of traffic and parking of vehicles on property under the jurisdiction of the board. Such regulations may provide for the registration of vehicles, the designation and posting of parking areas, and the assessment and collection of reasonable fees and charges for parking and shall be filed in accordance with the provisions of ORS 183.010 to 183.040.

(2) The regulations adopted pursuant to subsection (1) of this section may be enforced administratively under procedures adopted by the board. Administrative and disciplinary sanctions may be imposed upon students, faculty, and staff for violation of the regulations. The board may establish hearing procedures for the determination of controversies in connection with imposition of fines or penalties.

(3) Upon agreement between the board and a city or county in which all or part of the community college campus is located, proceedings to enforce regulations adopted pursuant to subsection (1) of this section shall be brought in the name of the city or county enforcing the regulation in the district, justice or municipal court in the county in which the violation occurred. The fines, penalties and costs recovered shall be paid to the clerk of the court involved in accordance with the agreement between the board and the city or county with which the agreement is made.

(4) The regulations adopted pursuant to subsection (1) of this section may also be enforced by the impoundment of vehicles, and a reasonable fee may be enacted for the cost of impoundment and storage, if any, prior to the release of the vehicles to their owners.

(5) Every peace officer acting within the jurisdictional authority of a governmental unit of the place where the violation occurs shall enforce the regulations adopted by the board under subsection (1) of this section if an agreement has been entered into pursuant to subsection (3) of this section. The board, for the purpose of enforcing its regulations governing traffic control, may appoint peace officers who shall have the same authority as other peace officers as defined in ORS 133.005.

(6) Issuance of traffic citations to enforce the regulations adopted by the board under subsection (1) of this section shall conform to the requirements of ORS 484.150 to 484.220. However, in proceedings brought to enforce parking regulations, it shall be sufficient to charge the defendant by an unsworn written notice in accordance with the provisions of ORS 221.340.

(7) Violation of any regulation adopted by the board pursuant to subsection (1) of this section enforced pursuant to subsection (3) of this section is a misdemeanor.
[1971 c.513 §5; 1973 c.836 §346]

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 community college district shall prepare annually an estimate of the amount of funds necessary to carry out the purposes of the district and may levy a tax upon all assessable property in the district.
[Formerly 341.900]

341.308 Type of tax to be levied. A community college district, upon approval of a majority of the qualified voters voting upon the question at the election held to approve formation of a 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]

341.311 Eminent domain. A board may obtain by condemnation the title to any land it is authorized to acquire. Condemnation proceedings instituted by the board shall be conducted in accordance with and subject to the provisions of ORS chapter 35 except that the relator therein shall be the board.
[1971 c.513 §6]

341.315 Educational services to school district, county or municipality. Any school district, county or municipality may contract with a community college district to provide services of an educational nature subject to the approval of the state board.
[Formerly 341.825]

341.319 Intellectual property. (1) A board may acquire by gift or by purchase interests in intellectual property of any kind, whether patentable or copyrightable or not, including patents, copyrights, inventions, discoveries, processes and ideas. The board may also agree to aid in the development of property acquired pursuant to this section and to

pay an assignor of any interest in intellectual property a share of any moneys received on account of the board's ownership or management of the property.

(2) A board may manage, develop or dispose of by assignment, sale, lease, license or other action deemed advisable by the board, property acquired under subsection (1) of this section, and may contract with any person or agency, board, commission or department of this or any other state or with the Federal Government regarding the management, development or disposition thereof. The board may make gratuitous assignments of such property to any trust or fund, the sole beneficiary of which is the district or any of the institutions or activities under its control, subject to the share, if any, agreed to be paid to the assignor. The board may reassign such property to the inventor, author or discoverer.

(3) A board may determine the terms and conditions of any transaction authorized by this section and need not require competitive bids in connection therewith. No formal publicity or advertising is required regarding property for the development of which the board wishes to contract, but the board shall make reasonable efforts to disseminate such information in appropriate research and industrial circles.

(4) Moneys received by the board as a result of ownership or management of property acquired under this section or of transactions regarding such property shall be credited to a special fund which shall only be applied to payment of the agreed share, if any, to assignors, the remainder, if any, may be used for general expenses of the college.
[1971 c.513 §7]

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

(Nomination and Election)

341.325 Residence and voter qualification; nomination procedure. (1) A person is qualified to be a candidate for election to the board if he is a qualified voter who resides in the district and, if the district is zoned and the position sought is one elected or nominated by zone, in a zone from which nominating petitions are accepted.

(2) Unless an acceptance of a petition for nomination is filed with the petition, such nomination is void.
[1971 c.513 §23; 1973 c.796 §53]

341.327 Mode of election of board. (1) The board members 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 position number by the 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 by 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 341.165.
[Formerly 341.280]

341.329 Mode in districts existing prior to May 20, 1969. Where zones have been established in a community college 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.
[Formerly 341.282]

341.330 [Renumbered 332.830]

341.333 Term; election law applicable; plurality; oath. (1) At each regular annual election, board members shall be elected for a term of four years to succeed the board members whose terms of office expire on June 30 of that year. All such elections of board members shall be held as provided by ORS chapter 259.

(2) Notwithstanding subsection (1) of this section, the regular election for a district having a population of more than 300,000 shall be held biennially on the same date as the state-wide primary election.

(3) The candidate for the office of board member who receives the plurality of the votes shall be elected.

(4) The term of office of all board members shall begin on July 1 next following the date of election. Board members shall serve until their successors are elected and qualified.

(5) Board members must qualify by taking the oath of office.

[1971 c.513 §25; 1973 c.796 §54]

341.335 Vacancy; filling of vacancy; term of appointed member. (1) The board shall declare the office of a board member vacant if it finds any of the following:

(a) The incumbent has died or resigned.

(b) The incumbent has been removed or recalled from office or his election thereto has been declared void by the judgment or decree of a court of competent jurisdiction.

(c) The incumbent has ceased to be a resident of the district from which he was nominated or elected.

(d) The incumbent has ceased to discharge the duties of his office for two consecutive months unless prevented therefrom by sickness or other unavoidable cause or unless excused by the chairman of the board.

(2) A board member who is nominated or elected by zone and who changes his permanent residence from one zone of a district to another zone or who by a change in zone boundaries no longer resides in the zone from which he was nominated or elected is entitled to continue to serve as board member until the next state-wide primary election when a successor shall be elected by the qualified voters to serve for the remainder of the unexpired term.

(3) When a vacancy is declared under subsection (1) of this section, the remaining board members shall meet and elect a person to fill the vacancy from any of the qualified voters of the district if the position is one filled by both nomination and election at-large, and otherwise from any of the qualified voters of the zone from which the vacancy occurs.

(4) If the offices of a majority of the board members are vacant at the same time, the governing body of the principal county shall elect persons to fill the vacancies from any of the qualified voters of the district if the positions are filled by both nomination and election at-large, and otherwise from any of the qualified voters of the zone from which the vacancy occurs.

(5) The board member elected under subsection (3) or (4) of this section to fill a vacancy shall serve as board member until the next state-wide primary election when a successor shall be elected by the qualified voters to serve for the remainder of the unexpired term.

[1971 c.513 §27]

341.339 Position numbers required for at-large positions. (1) In all proceedings for the nomination or election of candidates for or to the office of a board member in a district that elects any board member to an at-large position, every petition for nomination, declaration of candidacy, ballot or other document used in connection with the nomination or election of an at-large position shall state the position number of the position to which the candidate aspires, and his name shall appear on the ballot only for the designated position. Each voter has the right to vote for only one candidate for each position, and the candidate for each position receiving the highest number of votes for the position is considered elected.

(2) The positions of board members elected at-large, and their respective successors in office, shall be designated by numbers as Position No. 1, Position No. 2, and so on.

[1971 c.513 §30]

341.340 [Renumbered 332.840 and then 341.215]

341.341 Assigning position numbers. Position numbers for board members elected at-large, and their respective successors in office in the event of vacancies before the expiration of their terms, in districts changing the method of election of any of the board members shall be determined by drawing by the affected board members under the supervision of the county clerk of the principal county. As soon as possible after the drawing, the county clerk of the principal county shall furnish a certified statement to each affected board member of the position number drawn by him. A copy of the statement shall be filed with the county clerk of the principal county and with the administrative office of the district.

[1971 c.513 §31]

(Recall and Removal)

341.345 Recall petition; content. (1) The petition for the recall of a board member shall be filed with the county clerk of the principal county.

(2) The petition shall contain the name of the board member whose recall is demanded

and a statement in 200 words or less of the reasons why the recall is demanded.

(3) The petition must be signed by a number of qualified voters of the district equal to 500 or 10 percent, whichever is the larger, of the total number of votes cast for the single position on the board that received the highest number of votes in the last preceding district election. However, no greater number of qualified voters shall be required to sign the petition than is required by the provisions of section 18, Article II of the Constitution of the State of Oregon.

(4) The petition shall be verified by the oath of a qualified voter of the district, showing that each signer of the petition is a qualified voter of the district and that the signatures on the petition are genuine.
[1971 c.513 §32]

341.347 Limitation on recall powers. (1) No petition for the recall of a board member shall be accepted for filing unless the board member against whom the petition is filed has served at least six months of the term of office for which he was elected.

(2) After one recall election has been held, no further recall petitions shall be accepted for filing against the same board member during the term of office for which he was elected unless the petitioners pay the district the amount of its expenses for the preceding recall election.
[1971 c.513 §33]

341.349 Procedure for recall election. (1) A board member against whom a recall petition has been filed is eligible to continue performance of his official duties.

(2) If the board member resigns his position within five days after the date on which the petition is filed, the resignation shall take effect on the day it is submitted. If the board member does not resign, a special election shall be called to be held in the district within 25 days of the date on which the petition is filed to determine whether the board member shall be recalled.

(3) As nearly as is practicable and in a manner consistent with section 18, Article II of the Constitution of the State of Oregon, the election procedure and the method of determining the result shall be the same as is provided by law for the election of board members in the district.

(4) The ballot used in the recall election shall contain a statement of not more than 200 words giving the reasons for demanding the recall and a statement of not more than 200 words giving the board member's justification of the conduct of his office.
[1971 c.513 §34]

341.351 Removal for misfeasance or malfeasance. In addition to recall, a board member guilty of misfeasance or malfeasance in office, may be removed from office by a court of competent jurisdiction in an appropriate proceeding.
[1971 c.513 §35]

ELECTIONS GENERALLY

341.355 Election laws applicable. Unless the context clearly indicates otherwise, the provisions of ORS chapter 259 pertaining to elections apply to all community college district elections.
[1971 c.513 §10; 1973 c.796 §55]

341.357 Certain election notices. (1) Except as provided by ORS chapter 259 and ORS 294.421 (Local Budget Law), notice of community college district organization and merger, community college district budgets and community college district purchasing shall be given only as provided in this section.

(2) Whenever notice is required, the board shall cause the notice to be published in one or more of the newspapers published in the district and having a general circulation in the district. If no newspaper is published in the district, the notice shall be published in some newspaper designated by the board and having circulation throughout the district. The notice shall be published in at least two issues of each designated newspaper.

(3) The board may also cause broadcasting of any notice required to be published in the manner provided in ORS 193.310 to 193.360.

(4) The board shall cause the time and place of publishing each of the notices required by subsection (1) of this section and the content of such notices to be recorded in the minutes of the board.
[1971 c.513 §11; 1973 c.796 §56]

341.359 [1971 c.513 §12; repealed by 1973 c.796 §79]

341.361 [1971 c.513 §13; repealed by 1973 c.796 §79]

341.363 [1971 c.513 §14; repealed by 1973 c.796 §79]

341.365 [1971 c.513 §15; repealed by 1973 c.796 §79]

341.367 Initiative, referendum and recall. (1) The powers of initiative, referendum and recall reserved to the people by section 1, Article IV and section 18, Article II of the Oregon Constitution may be exercised at any primary election, any general election or any special election called as provided in ORS 341.357.

(2) There may be submitted at any such election to the qualified voters of such districts the matter of recall of board members, questions as to the issuance of bonds, the levy of taxes for the support of community colleges which may not be levied without the affirmative vote of the people, and any other questions concerning community colleges which may be submitted to the qualified voters of such districts under the powers of initiative and referendum.
[1971 c.513 §16]

341.369 Special elections. The board may call a special election upon questions as to the issuance of bonds, the levy of taxes which may not be levied without the affirmative vote of the people, the recall of directors, and any other questions which may be submitted to the qualified voters of such districts. A special election may be called to be held in conjunction with any other special election held by the district in such year.
[1971 c.513 §17; 1973 c.796 §57]

341.371 Board resolution required to submit question to voters. Any of the questions to be submitted to the qualified voters of any district must be submitted in the form of a resolution of its board. The resolution shall specify the questions to be voted upon and the date for holding any special election. A certified copy of the resolution and the ballot title as prepared by the board shall be transmitted to the county clerk of the principal county not less than 20 days before the date of the election. The board may adopt any such resolution, and must adopt the resolution when petitioned by the requisite number of qualified voters of the district.
[1971 c.513 §18]

341.373 Certification of ballot number for measure or question. (1) The Secretary of State shall designate a ballot number for any measure or question to be submitted to the qualified voters of a district at an election to be held at the same time as a primary or general election if the district is located in more than one county.

(2) The district board shall give written notice of any measure or question to be submitted to the Secretary of State not later than 65 days before the date of the election.

(3) At the time referred to in ORS 254.090 the Secretary of State shall certify the ballot numbers to the county clerk of the principal county. He shall cause such numbers to be printed on the official ballot as certified by the Secretary of State.
[1971 c.513 §19]

341.375 County clerk to supervise election. The election and the canvass and return of votes shall be conducted under the general supervision of the county clerk of the principal county in the same manner and under the same penalties as prescribed by law relative to county elections.
[1971 c.513 §20]

341.377 [1971 c.513 §21; repealed by 1973 c.796 §79]

341.379 Eligibility of voters following certain events. During the period following an election or other action resulting in a boundary change in a district and prior to the date the change becomes effective, the district or districts from which an area will be separated as a result of the boundary change may hold elections for all legal purposes but the voters in the area to be separated as a result of the boundary change shall not be qualified to vote in any such election. The election on any measure in such district or districts shall not affect or encumber the area to be separated.
[1971 c.513 §22]

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 a community college district in which all the requirements for formation of the 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 shall include the words "community college."
[1965 c.19 §1; 1971 c.513 §88]

341.420 Procedure for name changes for district or college. (1) Subject to the requirements of subsection (2) of this section, the name of any community college district or community college may be changed by resolution of the district board of education after public hearing and with the approval of the State Board of Education. Notice of the hearing shall be given as provided in ORS 341.357. The proposed change shall take effect 21 days after the final adjournment of the public hearing unless a remonstrance is filed under subsection (2) of this section.

(2) If a remonstrance to the proposed name change is filed with the district board within 20 days after the final adjournment of the public hearing under subsection (1) of this section, the district board must submit the question of the proposed name change to the qualified voters of the district unless the board rescinds its resolution. The remonstrance must be signed by at least five percent or at least 50, whichever is less, of the qualified voters of the district. The proposed name change shall be submitted to the qualified voters at the regular school election next following adoption of the resolution.

(3) If the majority of votes cast at the election favor the change, it shall take effect upon the canvass and return of the vote. If the majority of votes cast oppose the change, it shall not take effect.

[1971 c.513 §94]

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 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; 1971 c.513 §89]

341.435 Locations of classes. The 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.

[Formerly 341.570; 1971 c.513 §90]

341.437 "Area education district" designation to be used in certain cases. Any district formed pursuant to this chapter that provides its courses through contract pursuant to ORS 341.440 and 341.445 shall be called an "area education district" but shall in all other respects be governed by laws applicable to community college districts except as the law specifically provides otherwise.

[1971 c.513 §74c]

341.440 Contracts with other districts, state department or private schools for educational services. (1) A community college district may contract with another community college 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. A community college 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 board may award tuition and fee-exempting scholarships in the college to students applying for enrollment or who are enrolled in the 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; 1971 c.513 §91]

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 nonoperating 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 [1965 c.262 §§4, 9; repealed by 1971 c.513 §100]

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

341.525 Contracts for reimbursement between 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 nonoperating district for purposes of this section.

(2) By agreement of the contracting districts, the contracts for reimbursement referred 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) Instructors of lower division collegiate courses at a community college shall not be required to have teaching certificates. However, all instructors shall be subject to the approval of the state board.

(2) 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.

(3) ORS 342.601 and 342.602 do not apply to employes of a community college.
[Formerly 341.600; 1971 c.513 §92]

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

341.545 [1967 c.433 §6; repealed by 1971 c.513 §100]

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

BOUNDARY CHANGES

341.565 State board as boundary board; petition, hearings; effective date of change. (1) The State Board of Education shall constitute the boundary board for making any changes in the boundaries of community college districts. The state board on its own motion or on petition from a petitioning territory

may propose changes in the boundaries of the community college district. The state board must find that the proposed change will have no substantially adverse effect upon the ability of the affected districts to provide and continue their program and is not made solely for tax advantages to property owners in the district or area affected by the proposed change.

(2) The petitions shall be in a form prescribed by the state board and must contain such information as the state board may require. The petition shall contain a minimum number of signatures as fixed by the state board.

(3) Before any order changing boundaries of an existing district is entered, the state board shall set dates for a public hearing in the area to be included in the district or excluded from the district by the proposed boundary change and shall give notice in the manner required in ORS 341.357. At the time set in the notice, the state board or its authorized representative shall conduct a public hearing on the motion or petition and may adjourn the hearing from time to time.

(4) If, upon final hearing, the state board approves the motion or petition, it shall make an order describing the revised boundaries of the district.

(5) Any division of assets required by a change in the boundaries of a district shall be made pursuant to ORS 341.573.

(6) When the boundaries of a district are changed, if the order of the state board or the election held under ORS 341.569:

(a) Occurs between July 1 and March 31, inclusive, the change shall take effect the June 30 following the order of election favoring the change.

(b) Occurs between April 1 and June 30, inclusive, the change shall take effect the June 30 of the following year.

[1971 c.513 §83]

341.569 When election on change required; election; effect. (1) The state board must submit the question of a proposed boundary change to a vote only if:

(a) The state board enters the order to revise the boundaries of a community college district;

(b) A remonstrance signed by at least five percent or at least 500, whichever is less, of the qualified voters either in an area to be included in the district or excluded from the district by the proposed boundary change or in the community college district is filed with the state board within 20 days after the date on which the hearing under subsection (3) of ORS 341.045 is adjourned finally; and

(c) Area to be included in the district is not surrounded by the territory of a single community college district.

(2) When necessary under subsection (1) of this section, the question shall be submitted to the qualified voters of the area or district filing a remonstrance or in both if remonstrances meeting the requirements of subsection (1) of this section are filed from both, not later than 60 days after the entry of the order. The state board shall give notice of the election in the manner provided in ORS 341.357.

(3) If the majority of votes cast in the area or in the district from which a remonstrance was filed oppose the change, the change is defeated and the same or a substantially similar change shall not be considered until at least 12 months have elapsed from the date of the election at which the change was defeated. If the vote is favorable in the area or district from which a remonstrance was filed, the state board shall declare the change effective on the date determined under ORS 341.565.

[1971 c.513 §84]

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

341.573 Division of assets and liabilities. (1) When changes in district boundaries are made by the detachment of territory or an annexation of territory and another community college district is affected, the boards of the districts shall make an equitable division of the then existing assets and liabilities between the districts affected by such change and provide the manner of consummating the division.

(2) In case of failure to agree within 20 days from the time of such change, the matter shall be decided by a board of arbitrators. The board of arbitrators shall consist of one member appointed by each of the boards of the affected districts and an additional member appointed by the other appointees.

(3) In the event any such board fails to appoint an arbitrator within 30 days, the State Board of Education shall appoint such arbitrator. In the event the arbitrators selected fail to appoint the additional arbitrator within 30 days after the appointment of the arbitrator last appointed, the State Board of Education shall notify the judge senior in service of the circuit court of the principal

county. Within 10 days after receiving such notice, the judge shall appoint one additional arbitrator.

(4) Each member of the board of arbitrators shall be entitled to the sum of $100 per day for each day's service, and necessary expenses, while serving in his official capacity. Expenses thus incurred shall be equally apportioned among the districts concerned.

(5) The decision of the arbitrators is final and may be reviewed only by a writ of review.

(6) Assets include all property and moneys belonging to the district at the time of division. Liabilities include all debts for which the respective districts in their corporate capacities are liable at the time of division. In determining the assets, property shall be estimated at its fair value. The assets and liabilities shall be divided between the districts in proportion to the last assessed value of the real and personal property. The district retaining the real property shall pay the other districts concerned such sums as are determined in accordance with the provisions of this section. All funds to be apportioned during the current fiscal year, after such division, shall be made in proportion to the number of persons in each district according to the latest federal census.
[1971 c.513 §85]

341.575 Liability of annexed or merged territory. When territory is annexed to or merged with a community college district, the new territory shall become liable for its share of the existing debt of the community college district.
[1971 c.513 §95]

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 [1965 c.100 §337; repealed by 1971 c.513 §100]

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 [1965 c.100 §338; repealed by 1971 c.513 §100]

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 (4) of this section to each community college district:

(a) During the first year of the biennium an amount equal to the sum of:

(A) $730 per equivalent full-time student, for the first 1,100 such students enrolled in the community college; and

(B) $595 per equivalent full-time student, for each such student over 1,100.

(b) During the second year of the biennium an amount equal to the sum of:

(A) $760 per equivalent full-time student, for the first 1,100 such students enrolled in the community college; and

(B) $620 per equivalent full-time student, for each such student over 1,100.

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) The Superintendent of Public Instruction shall make an advance payment on August 15 of each year of an amount equal to 25 percent of the annual state appropriation for the district. If adjustments are required in subsequent allocations because of the size of the advance, adjustments shall be made on the basis of as nearly one-third of the amount required for the adjustment in each subsequent quarterly instalment. However, this subsection does not operate to increase the amount appropriated to any district except as provided by law.

(4) 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 based on full-time equivalent

enrollment 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, 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 (4) 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; 1967 c.433 §1; 1969 c.544 §3; 1971 c.310 §4; 1973 c.27 §1]

341.630 Implementation of policy; redistribution of funds on basis of enrollment. (1) In a manner consistent with the policy expressed by the Legislative Assembly in ORS 341.625, the State Board of Education shall develop and implement such regulations as are necessary to fulfill the intent of the Legislative Assembly.

(2) Within the appropriations made to carry out ORS 341.625, the State Board of Education shall cause to be redistributed on a pro rata share basis subject to the provision of ORS 341.625 such funds as may be undistributed to community colleges under-realizing their projected full-time equivalent students during either year of the biennium to those community colleges over-realizing projected full-time equivalent students during either year of the biennium. Funds undistributed during the first year of the biennium shall be used for distribution during the second year of the biennium subject to the limitation stated in ORS 341.625.

[1971 c.310 §8; 1973 c.18 §1]

Note: Section 2, chapter 18, Oregon Laws 1973, provides:

Sec. 2. Notwithstanding the provisions of any other law, the procedures and authorities described in ORS 341.630, as amended by section 1 of this Act, are intended to apply to the appropriation made by section 1, chapter 310, Oregon Laws 1971, as reduced by section 5, chapter 6, Oregon Laws 1971 (special session).

341.635 Effect on state aid of scholarships and of certain admissions. (1) In determining the amount of apportionment to the 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; 1971 c.513 §66]

341.645 [1965 c.198 §1; repealed by 1971 c.513 §100]

341.655 Distribution of federal funds for vocational and technical education. (1) As used in this section "approved expenses" means the operating expenses of community college 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 community college 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; 1971 c.513 §67]

FINANCE
(Bonds)

341.675 Authority to incur bonded indebtedness; aggregate amount. (1) A community college district may contract a bonded indebtedness for any one or more of the following purposes in and for the district:

(a) To acquire, construct, reconstruct, improve, repair, equip or furnish a college building or buildings or additions thereto;

(b) To acquire or to improve all property, real and personal, appurtenant thereto or connected therewith, including self-financing facilities;

(c) To fund or refund outstanding indebtedness; and

(d) To provide for the payment of the debt.

(2) The community college district may use the proceeds received from the sale of bonds to pay for any costs incurred by the district in issuing and selling such bonds, including but not limited to, attorney fees and the cost of publishing notices of bond elections, printing such bonds and advertising such bonds for sale.

(3) The aggregate amount of such district bonded indebtedness shall not exceed one and one-half percent (.015) of the true cash value of all taxable property within the district, computed in accordance with ORS 308.207.
[1971 c.513 §§37, 43]

341.679 Election on bonds. (1) To provide funds for the purposes for which a community college district may contract a bonded indebtedness under subsections (1), (2) and (3) of ORS 341.675, the board of the district may, whenever a majority thereof so decide, or shall, upon the petition of at least 10 percent or at least 100, whichever is less, of the qualified voters of the district, call an election for the purpose of submitting to the voters the question of contracting a bonded indebtedness.

(2) The petition under subsection (1) of this section shall be in substantially the following form:

——————— Oregon, ———————, 19——

To the board of education of ———————— Community College District:

We, the undersigned qualified voters, respectfully request you to submit to the qualified voters the question of contracting a bonded indebtedness in the sum of $——— for the purpose of ———————— in and for such district, and that you call a community college district bond election for that purpose.

——————— ——————— ———————
——————— ——————— ———————

[1971 c.513 §§38, 39; 1973 c.796 §58]

341.681 Issuance of bonds; interest rate; form; payment. (1) If a majority of the ballots cast in a district bond election are marked "Bonds—Yes," the board of the district, without further vote of the qualified voters, is authorized to issue negotiable coupon bonds of the district.

(2) The bonds shall:

(a) Bear interest not to exceed a net effective rate of seven percent (.07), payable semiannually.

(b) Bear the original or facsimile signature of the chairman of the board and be attested by the district clerk.

(c) Have annexed interest coupons bearing the original or facsimile signatures of the chairman of the board and the district clerk.

(3) The principal and interest on district bonds are payable in lawful money of the United States of America at the office of the county fiscal officer or at the place the bonds are issued as provided in ORS 287.008.
[1971 c.513 §§40, 41, 42]

341.685 Registration of bonds; disposition of proceeds; effect of execution, registration and delivery. (1) The county fiscal officer shall register each community college district bond, including refunding bonds, in a record maintained for that purpose in his office, noting the community college district, amount, date, time and place of payment, rate of interest and such other facts as he may consider proper. He shall cause the bonds to be delivered promptly to the purchasers thereof upon payment therefor, and if the place of delivery is outside the city in which the county fiscal officer's office is situated, the cost of delivery of the bonds shall be paid by the issuing district.

(2) The county fiscal officer shall hold the proceeds of the sale of all bonds for the community college district subject to the order of the board of the district to be used solely for the purpose for which the bonds were issued. The county fiscal officer is authorized to deliver the proceeds of the sale of the bonds to the person designated as custodian of the community college district funds under ORS 341.703.

(3) When the bonds have been so executed, registered and delivered, their legality shall not be open to contest by the community college district, or by any person for or on its behalf, for any reason whatever.
[1971 c.513 §44]

341.690 Tax levy to meet annual bonded indebtedness; bond sinking fund. (1) The board of the district shall ascertain and levy annually, in addition to all other taxes, a direct ad valorem tax on all the taxable property in the district, sufficient to pay the maturing interest and principal of all community college district bonds outstanding promptly when and as such payments become due. The amount of the tax may be increased by an amount sufficient to retire any bonds which may be callable. The board shall annually file a copy of its budget and levies with the county fiscal officer. The board shall in each year include such taxes in the district budget for such year. Such taxes shall in each year be certified, extended upon the tax rolls and collected by the same officers in the same manner and at the same time as the taxes for general district purposes.

(2) The funds derived from such tax levies shall be retained by the county fiscal officer without being paid to the district or to any officer thereof, and shall be kept by him in a separate fund to be known as and designated "———— Community College District Bond Interest and Sinking Fund," which shall be irrevocably pledged to and used solely for the payment of the interest accruing on and the principal of the bonds when due, so long as any of the bonds or the coupons thereto appertaining remain outstanding and unpaid. The interest earnings of such fund shall be credited thereto and become a part thereof. For failure to retain and account for such funds, as provided in this section, the county fiscal officer shall be liable upon his official bond.

(3) The fund shall not be diverted or used for any other purpose; but if a surplus remains after all interest and principal have been paid on all community college district bonds then outstanding and unpaid, the surplus may be transferred to such other fund as the board of the district may direct.

(4) If the tax required by subsection (1) of this section is not levied by the board of the district, the county fiscal officer shall certify the county share, based on the proportion of the assessed valuation of the community college district located in the county, to the governing body of each county in which territory of the district is located which shall then levy a tax on all taxable property within the county that is in the district sufficient to raise the required amount.

(5) The county assessors shall extend the tax so levied upon the county tax rolls for such district. The county sheriffs shall collect this tax and pay the sums collected into the fund kept by the county fiscal officer pursuant to subsection (2) of this section.
[1971 c.513 §45]

341.693 Payment of bond principal and interest. (1) The county fiscal officer must cause to be paid out of any money in his hands belonging to the community college district, the interest on or principal of, as the case may be, any bond issued by the district promptly when and as the same becomes due at the place of payment designated in such coupons or bonds. All coupons or bonds so paid must be immediately reported to the board of the district.

(2) The county fiscal officer shall not be required to remit to the purchaser of any bonds or coupons the amount necessary to redeem them until the day such bonds or coupons are due.
[1971 c.513 §46]

341.695 Bond redemption procedure. (1) Whenever the sinking fund mentioned in ORS 341.690 equals the amount, principal and interest, of any bond then due or subject at the option of the district to be paid or redeemed when authorized by the board of the district, the county fiscal officer shall notify the holder of such bond and publish a notice in the newspaper published in the district in compliance with ORS 193.010 to 193.100. The notice shall state that the county fiscal officer will, within 30 days from the date of the notice, redeem and pay any such bond then redeemable and payable, giving priority according to the date of issuance numerically. Upon presentation of any such bond at the place of payment specified therein, the county fiscal officer shall cause the bond to be paid. If any holder of such bond fails to present it at the time mentioned in the notice, the interest thereon shall cease, and the county fiscal officer shall thereafter pay only the amount of such bond and the interest accrued thereon up to the last day of the time of redemption mentioned in the notice.

(2) When any bonds are so redeemed or paid, the county fiscal officer shall cause the same to be canceled and write across the face thereof "redeemed" and the date of redemption, and shall deliver it to the board of the district, taking its receipt therefor.
[1971 c.513 §47]

341.697 Refunding bonds. (1) Whenever any community college district has any outstanding bonded indebtedness, which is due or subject at the option of the district to be paid or redeemed, the district, by and through the board of the district, may:

(a) Issue and exchange, for any such indebtedness, its bonds bearing not to exceed seven percent (.07) per annum; or

(b) Issue and sell such bonds and apply the proceeds of such sale in payment of the indebtedness for the payment of which the refunding bonds are proposed to be issued.

(2) Refunding bonds issued under subsection (1) of this section shall in all respects conform to, and be governed, as to their issue, by ORS 287.008, subsection (3) of ORS 341.675, ORS 341.679 and 341.681 regardless of the exemption by ORS 287.008 of bonds issued to refund outstanding bonds.

(3) The refunding of indebtedness and issuing of bonds for such purpose shall not require an election, but may be done by resolution of the board of the district at any legally called board meeting. The debt limitations imposed by law shall not affect the right of any district to issue refunding bonds under authority of this section. The validity of any bonds so issued, or of the indebtedness thereby refunded, shall not thereafter be open to contest by the district, or by any person, for or on his behalf, for any reason whatever.
[1971 c.513 §48]

341.701 Advertisement of bond sale; bids; bonds to be sold at par. All bonds, including funding and refunding bonds, shall be advertised for sale in accordance with the provisions governing publication of notices in ORS 341.357. All bids shall be in writing and publicly opened at the time and place specified in the advertisement, and the bonds shall be sold by the board to the highest bidder. If the bids are not satisfactory the board may reject any or all of them and readvertise as provided in this section. Bonds shall be sold for no less than par and accrued interest.
[1971 c.513 §49]

(Custody and Expenditure of Funds)

341.703 Custodian of funds; depositories; signature on checks; warrants as checks. (1) The board of a community college district shall designate a custodian of funds of the district. Funds shall be disbursed only in the manner provided by subsection (3) of this section.

(2) For the purpose of receiving deposits of community college funds, the board of the district shall designate such bank or banks within the county or counties in which the district is located, as the board deems safe and proper depositories for district funds. The custodian designated under subsection (1) of this section shall not be liable personally or upon his official bond for moneys lost by reason of failure or insolvency of any bank which becomes a depository under this subsection.

(3) When funds are available for payment, district obligations shall be paid by check bearing the original signature of the custodian of the district funds; or if authorized by the board of the district, the custodian's facsimile signature.

(4) Where a statute specifies a warrant as the means by which district obligations shall be paid, warrant means "check" if funds are available for payment.
[1971 c.513 §50]

341.705 Warrant procedure. (1) As used in this section, "community college district obligation" includes salaries of district employes and other regularly contracted services.

(2) Warrants in payment of district obligations shall be issued only when there are insufficient funds to pay the warrant and shall be indorsed "not paid for want of funds." Warrants may be issued at the end of each month, if necessary. Warrants shall not be issued without a vote of the board of the district. They must be signed by the chairman of the board and countersigned by the district clerk. If the chairman is absent or unable to execute the warrants, the board may authorize any member of the board to act as chairman in executing the warrants.

(3) Unless the board of the district has designated a lower rate of interest, which rate must appear on the face of the warrants, warrants indorsed "not paid for want of funds" shall draw interest at a rate not to exceed seven percent (.07) from date of indorsement until called.

(4) Funds becoming available for payment of warrants indorsed "not paid for want of funds" shall be applied in payment in the order in which the warrants were so indorsed.

(5) At the last regular school board meeting of the district preceding July 1 in each year, the district clerk shall certify to the board a list of all district warrants which were called for payment more than seven years prior to July 1 next following the meeting, and which have not been paid. The certification shall state the amount of each of such warrants, to whom issued, and date of issuance. The board of the district shall cause notice to be published in some newspaper having a general circulation in the district. The notice shall contain a statement that if such warrants are not presented for payment within 60 days from July 1, they will be canceled, and payment thereof will be refused.

(6) At the first regular meeting of the board in each district after the expiration of 60 days from July 1 in each year, the board shall make an order that all such warrants which have not been so presented for payment, describing them, shall be canceled and the board shall so cancel.

(7) Nothing in this section prohibits a board from paying, upon any claim arising

from the canceling of any such warrant, the principal of the warrant when presented without interest if not indorsed for want of funds and, if indorsed for want of funds, with interest to the date such warrant was called.
[1971 c.513 §52]

(Audits)

341.709 Annual audit required. (1) The board of a community college district shall cause to have prepared an annual audit of the books and accounts of the district, including but not limited to student body funds, athletic funds, cafeteria funds, and other similar funds collected by the college. The audit statements must be filed with the administrative office for the district on or before November 1 of the year in which the audit is conducted.

(2) Accountants employed under this section must be selected from the roster of authorized municipal accountants maintained by the State Board of Accountancy under ORS 297.670.
[1971 c.513 §51]

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

(Notes)

341.715 Short-term promissory notes authorized. (1) The board of a community college district may contract indebtedness by the issuance of short-term promissory notes for the purpose of meeting current expenses, retiring outstanding bonds or warrants, or paying the interest thereon, whenever provision therefor has been made in its duly adopted budget. In the exercise of the authority given in this subsection, the board may contract or refund short-term loans which shall at no time exceed in the aggregate 80 percent of the ad valorem taxes upon real and personal property theretofore levied and remaining uncollected for such district for the tax year in which the notes are issued and 80 percent of other budgeted and unpledged revenues which the board estimates will be received from other sources during such tax year.

(2) The board of a district may, at its option, borrow moneys pursuant to this section or ORS 287.402 to 287.432.

(3) The board of the district in which indebtedness was incurred under this section shall levy an annual tax on all taxable property in the district sufficient to meet the interest payments and retire the indebtedness, but no tax shall be necessary where other provisions are made for payment of the indebtedness.
[1971 c.513 §53]

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]

Note: Section 8, chapter 821, Oregon Laws 1973, provides:

Sec. 8. (1) Notwithstanding the provisions of ORS 341.915, the State Board of Education shall withhold approval on all new applications for state participation in Capital Construction projects for the biennium beginning July 1, 1973.

(2) The State Board of Education is hereby directed to present a revised plan for future state participation in community college capital construction to the 1975 Legislative Assembly.

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; advances. (1) As used in this section:

(a) "Full-time equivalent students" means the total of Oregon resident full-time equivalent students, as computed under the provisions of ORS 341.005, enrolled in courses for which the state makes reimbursement under ORS 341.625.

(b) "State approved construction rate" means the following for the period of time indicated:

(A) July 1, 1965, through December 31, 1966, $2,000 per full-time equivalent student;

(B) January 1, 1967, through December 31, 1970, $2,400 per full-time equivalent student;

(C) January 1, 1971, through June 30, 1973, $3,200 per full-time equivalent student;

(D) On and after July 1, 1973, $3,584 per full-time equivalent student.

(c) "State reimbursement rate for construction" means the following for each period of time indicated:

(A) July 1, 1965, through December 31, 1966, $1,300 per full-time equivalent student;

(B) January 1, 1967, through December 31, 1970, $1,560 per full-time equivalent student;

(C) January 1, 1971, through June 30, 1973, $2,080 per full-time equivalent student;

(D) On and after July 1, 1973, $2,330 per full-time equivalent student.

(d) "Approved construction cost" means the dollar amount of the construction contract less any portion thereof reimbursed or otherwise funded by federal funds, or that portion of the remainder approved by the State Board of Education, whichever is the lesser, modified by change orders approved by the State Board of Education as provided in subsection (1) of ORS 341.945.

(e) "State payment" means the dollars paid to date by the state for construction purposes on the approved construction cost of a given project.

(f) "Full-time equivalent students housed" means the state dollars paid on a given project divided by the state reimbursement rate for construction applicable during the period in which the construction contract on that project was awarded.

(g) "Full-time equivalent students to be housed" for a community college means the difference between the maximum full-time equivalent students projected in the long-range plan of the community college and the total full-time equivalent students housed on all approved projects at that community college to date.

(h) The "unmet obligation of the state" means the dollar difference between 65 percent of approved construction costs on a project and the state payment to date on that project. A limitation is placed on the unmet obligation of the state at any given point in time to the extent that the full-time equivalent students housed plus the full-time equivalent students to be housed in all approved projects at the community college shall not exceed the maximum number of full-time equivalent students projected in the long-range plan submitted by the community college to and approved by the State Board of Education. The state does not assume an unmet financial obligation on projects for which the contract date preceded July 1, 1965; however, the full-time equivalent students housed in such approved projects shall be computed and shall be deducted from the maximum number of full-time equivalent students projected in the long-range plan of the community college. The determination of the number of students housed during this period of time shall be based on the following computation: The state payments on all approved projects for which the contract award date was between July 1, 1961, and June 30, 1963,

shall be divided by $1,500; the state payments on all approved projects for which the contract award date was between July 1, 1963, and June 30, 1965, shall be divided by $1,300. The resultant figure in each instance shall represent the number of full-time equivalent students housed during that period of time, and the combination of both shall represent the full-time equivalent students housed with state funds prior to July 1, 1965.

(2) The policy of the Legislative Assembly, as expressed in this section, is to assume a financial obligation in the name of the State of Oregon to the extent of 65 percent of approved construction costs on projects defined in ORS 341.915 and limited by subsections (4) and (5) of this section. Approval of such costs shall be determined by the State Board of Education subject to the requirement that the total obligation incurred by the state shall not exceed the dollar amount necessary to construct facilities for the number of full-time equivalent students designated in the long-range plan of the community college as submitted to and approved by the State Board of Education in compliance with ORS 341.930. In computing the maximum obligation to be incurred, the State Board of Education shall divide the dollar amount of construction finally approved on each project by the state approved construction rate applicable at the time of awarding the construction contract for that project. The resultant figure shall represent the number of full-time equivalent students to be provided for in that project. The total of full-time equivalent students to be provided for in all projects approved by the State Board of Education for any single community college shall not exceed the maximum number of full-time equivalent students estimated in the long-range plan of that community college submitted to and approved by the State Board of Education in compliance with ORS 341.930.

(3) In any biennium, such funds as are appropriated by the Legislative Assembly for construction at the community college shall be allocated on a line item basis recognizing the number of full-time equivalent students for which the state has provided facilities at the time the appropriation is made in relation to the number of full-time equivalent students projected by the institution and accepted by the Legislative Assembly for the second year of the biennium for which the appropriation is made. The line item allocation to each community college shall consider the unmet obligation of the state and, in so far as is possible, equalize the percent of full-time equivalent students housed at the various community colleges in relation to the projected full-time equivalent students of the community colleges during the second year of the biennium.

(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), (2) and (3) of this section only for costs not reimbursed or otherwise funded from federal funds.

(6) The Superintendent of Public Instruction shall keep a continuing record of the unmet obligation and, as soon as possible during the first year of the biennium for which an appropriation has been made, shall cause to be paid to each community college for which a line item appropriation was made that portion of the appropriation required to satisfy the unmet obligation. The board of directors of each community college receiving such funds shall deposit the funds in either the bond interest and redemption fund or the construction fund to be disbursed as the resolution creating either fund provides. Such funds shall not be used to support the operating functions of the community college.

(7) If the line item appropriation to a community college exceeds that required to pay the unmet obligation, the community college may apply to the State Board of Education for allocation of such funds to be applied in satisfaction of, or as a portion of, the state's contribution to a new construction project approved by the State Board of Education. If the community college does not make application for such excess by June 30 of the first year of the biennium for which such appropriation was made, the State Board of Education with the approval of the Emergency Board shall reallocate the funds to those community colleges wishing to make application for new construction funds.

[1961 c.601 §§2, 5; 1963 c.483 §15; 1965 c.100 §341; 1967 c.433 §10; 1969 c.633 §1; 1971 c.310 §5; 1973 c.27 §6]

341.930 Long-range plan; review. (1) 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. The state board shall reexamine the long-range plan of each community college at least once every five years from the date submitted and shall make such adjustments in the approval of any estimated items as it deems advisable. Any community college may request periodic review by the state board of the long-range plan submitted by that community college to the state board.

(2) By July 1, 1971, each community college shall submit to the state board for its approval a yearly projection covering a 10-year period of the number of Oregon resident full-time equivalent students, as computed under the provisions of ORS 341.005, to be enrolled in courses for which the state makes reimbursement under ORS 341.625. A revised 10-year projection shall be submitted to the state board by July 1, 1972, and by July 1 of each even-numbered year thereafter.

[1961 c.601 §3; 1965 c.100 §342; 1967 c.433 §11; 1971 c.310 §6]

341.935 Content of application; priorities in allocation of funds. (1) The board of a community college district 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; 1971 c.513 §70]

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 community college 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 community college 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; 1971 c.513 §71]

341.950 Project records required by state board. The board of the community college 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; 1971 c.513 §72]

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

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on November 1, 1973.

Thomas G. Clifford
Legislative Counsel