Chapter 334

1974 REPLACEMENT PART

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GENERAL

334.005 Purpose. It is the purpose of chapter 544, Oregon Laws 1963, to provide maximum excellence in education and as nearly equal educational opportunities for all the children of this state as is feasible under optimum local control. In order to accomplish this purpose the Legislative Assembly intends that the intermediate education districts established under the provisions of ORS 334.010 shall succeed the rural school district and provide professional services and facilities in education and shall furnish such services and facilities, on a cooperative basis with local districts, as may further the intent and purposes of chapter 544, Oregon Laws 1963.
[1963 c.544 §1]

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

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

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

(4) The provisions of ORS 334.025, 334.035, 334.045 and 334.090 shall not apply to school boards established by subsection (2) of this section.
[Amended by 1961 c.153 §1; subsections (3) and (4) enacted as 1961 c.153 §2; 1963 c.544 §29; 1965 c.100 §170]

334.020 Composition of intermediate education district. (1) Except as the boundaries of an intermediate education district may be changed by consolidation under ORS 334.710 to 334.770 or other provision of law, the intermediate education district consists of the common or union high school districts within or part of the intermediate education district on September 2, 1963.

(2) Where a boundary change or formation of a common school or union high school district results in a joint school district, the joint school district shall be included in the intermediate education district in which the joint district's administrative office is located.
[Amended by 1957 c.678 §2; 1963 c.544 §30; 1965 c.100 §171]

INTERMEDIATE EDUCATION DISTRICT BOARD

334.025 Number of board members; when elected from zones. (1) The board of directors of an intermediate education district shall consist of seven members.

(2) In intermediate education districts having a population of less than 300,000, according to the latest federal census, not more than five and not less than two of the seven directors shall be elected, one from each of the zones established under ORS 334.032, and at least two shall be elected from the district at large. In any intermediate education district having a population of 300,000 or more, according to the latest federal census, all of the directors shall be elected from the district at large.

(3) In an intermediate education district which has fewer than five common school districts, one director shall be elected from each of the common school districts and the additional directors shall be elected from the district at large.
[1957 c.678 §4; 1961 c.323 §1; 1965 c.100 §172]

334.030 [Repealed by 1957 c.678 §1]

334.032 Zones. The district boundary board shall divide each intermediate education district having a population of 300,000 or less, according to the latest federal census, into not more than five zones as nearly equal in census population, as shown by the latest school census, as may be practicable, measured along common school district boundary lines. The district boundary board may readjust the boundaries of such zones once each year and shall readjust the boundaries of the zones immediately upon any change of the boundaries of the intermediate education district.
[1965 c.100 §173]

334.035 Nomination of candidates. (1) In intermediate education districts which are zoned, the nomination of a candidate to serve as a member of the board from a zone, when

made by a petition, shall be signed by qualified voters residing in the zone in which the candidate is a resident who are qualified to vote in their respective common school districts. The nomination of a candidate to serve as a member of the intermediate education district board from the district at large, when made by a petition, shall be signed by qualified voters residing in the district. Each nominee shall file an acceptance of nomination with the election officer of the intermediate education district board not less than 35 days prior to the date of the election or the nomination is void. A candidate for intermediate education district board member must be qualified to vote in the election in which he is a candidate.

(2) In intermediate education districts which are not zoned, the name of any person qualified under ORS 332.015 and nominated as provided by ORS 259.070 shall be placed on the ballot as a candidate for the office of director of the intermediate education district. Unless a candidate nominated by petition files with the registrar of elections an acceptance of his nomination at least 70 days prior to the election, the nomination is void.

[1957 c.678 §5; 1963 c.544 §32; 1965 c.100 §174; 1973 c.796 §47; 1974 s.s. c.45 §5]

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

334.045 Election procedure. (1) In intermediate education districts which are zoned, members of the board shall be elected at the time of the regular annual school election for the term provided in ORS 334.090. For this purpose a district election shall be held in such districts each year in those zones from which a member or members of the board are to be elected, and in the district as a whole when a member or members at large are to be elected.

(2) In any intermediate education district which is not zoned, members of the board shall be elected at the general primary election for the term provided in ORS 334.090. The registrar of elections of the county in which such district is located shall be the election officer for such elections.

(3) The intermediate education district shall pay the actual cost of printing ballots and tally sheets for each election under subsection (2) of this section, and the cost of checking signatures on certificates of nomination, together with such proportionate part of the general expenses of such election as may be agreed upon by the board and the governing body of the county.

[1957 c.678 §8; 1963 c.544 §33; 1965 c.100 §175; 1973 c.796 §48]

334.050 [Repealed by 1957 c.678 §1]

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

334.070 [Amended by 1957 c.678 §6; repealed by 1965 c.100 §456]

334.080 [Repealed by 1957 c.678 §1]

334.090 Term of office; election of successors; vacancies. (1) The term of office of members of intermediate education district boards shall be four years. At the expiration of the term of office of any member of the intermediate education district board who was elected from a zone established under ORS 334.032, a successor from the same zone shall be elected by the qualified voters. At the expiration of the term of office of any member of such board who was elected at large a successor shall be elected at large by the qualified voters of the district.

(2) Any vacancy on the board from any zone shall be filled by the remaining members of the board from among the qualified persons in that zone. Any such vacancy from the district at large shall be filled by the remaining members of the board from among the qualified persons in the district. The person appointed under this subsection shall serve until his successor is elected and qualified except that the person appointed in an intermediate education district which is not zoned shall serve until the next regular biennial election, when a successor shall be elected and qualified to serve for the remainder of the unexpired term.

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

(4) Members may be recalled in the manner provided for recall of directors of other school districts.

[Amended by 1957 c.678 §9; 1965 c.100 §176; 1971 c.47 §4; 1973 c.796 §49]

334.100 Organization of board; meetings; compensation. (1) Each intermediate education district board shall meet within 30 days after each annual election and organize or reorganize by electing one of its members chairman and one vice chairman, each of whom shall serve for one year or until a successor is elected and qualified.

(2) Regular meetings of the intermediate education district board of each intermediate education district shall be held on meeting dates to be determined for the year at the meeting of the board next following each annual election in rooms provided by the governing body of the county. Special meetings may be held on dates to be determined by the board.

(3) Members of the intermediate education district board shall receive no compensation for their services, but shall be reimbursed for all traveling and other expenses necessarily incurred in performing their duties as members of the board.
[Amended by 1963 c.544 §34; 1965 c.100 §177]

334.110 [Repealed by 1965 c.100 §456]

334.120 [Amended by 1957 c.678 §10; 1963 c.544 §35; 1965 c.100 §183; renumbered 334.225]

STATUS AND POWERS

334.125 Status and power of board. (1) The intermediate education district is a body corporate.

(2) The intermediate education district board is authorized to transact all business coming within the jurisdiction of the intermediate education district and may sue and be sued.

(3) The intermediate education district board shall perform all duties required by law, including but not limited to:

(a) Distribution of such school funds as it is empowered to apportion;

(b) Conduct of audits;

(c) Duties as district boundary board;

(d) Budget and tax levying duties;

(e) Curriculum improvement;

(f) Registration of contracts and teaching and health certificates; and

(g) Special education programs.

(4) The intermediate education district board may employ and fix the compensation of such personnel as it considers necessary for carrying out duties of the board.

(5) The intermediate education district board may make such rules as it considers necessary to carry out the duties of the board.
[1965 c.100 §179]

334.130 [Repealed by 1957 c.678 §1]

334.135 [1963 c.544 §50k; 1965 c.100 §184; renumbered 334.235]

334.140 [Repealed by 1957 c.678 §1]

334.145 Office space provided by county; payment of rent; additional space. (1) At the discretion of the county court or board of county commissioners, the county may provide additional office space for the intermediate education district or the county school district and may charge the district a reasonable sum as rent for this office space.

(2) The board of an intermediate education district or of a county school district may rent such office space as may be required when the space offered by the county governing body is considered to be inadequate.
[1967 c.379 §§2, 3]

334.150 [Repealed by 1957 c.678 §1]

334.160 [Amended by 1963 c.544 §36; repealed by 1965 c.100 §456]

334.170 [Repealed by 1957 c.678 §1]

334.175 Special services and facilities within district. (1) The intermediate education district or a combination of intermediate education districts or a school district under contract with an intermediate education district or districts may provide services and facilities, including but not limited to, central purchasing, library, curriculum material, special teachers and special programs under ORS chapter 343 to all school districts which are a part of the intermediate education district or districts.

(2) The extent and nature of such facilities and services must be:

(a) Agreed upon on or before March 1 by resolution of two-thirds of the common and union high school districts which are a part of the intermediate education district or districts and which have at least a majority of the pupils included in the average daily membership of the intermediate education district or districts, as determined by the reports of such school districts for the preceding year, enrolled in the schools of the districts;

(b) Within the authority of the interested districts; and

(c) Approved by the Superintendent of Public Instruction.

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

(4) Proposals for services and facilities to be provided under subsection (1) of this section must be approved or disapproved by the Superintendent of Public Instruction within 30 days after receipt of the proposal. However, this subsection does not limit the authority of the superintendent to require information supplemental to the proposal.

(5) Subject to subsections (1) and (2) of this section and ORS 334.185, the intermediate education district may establish or participate in all programs under ORS chapter 343.

[1963 c.544 §§10, 12; 1965 c.100 §180; 1967 c.542 §16]

334.180 [Repealed by 1957 c.678 §1]

334.185 Special services and facilities outside district. (1) Facilities and services authorized under subsection (1) of ORS 334.175 may be provided to common and union high school districts which are not a part of the intermediate education district or districts by agreement on a reimbursable basis. The pupils residing in such districts shall not be included in the computation of the percentage required by paragraph (a) of subsection (2) of ORS 334.175.

(2) Expenditures by the intermediate education district board for special services and facilities provided on a reimbursable basis under this section are limited to the moneys received from the participating common or union high school districts for the purpose specified and are not subject to the Local Budget Law (ORS 294.305 to 294.520).

(3) Budget estimates of expenditures for special services and facilities provided on a reimbursable basis under this section must show the estimates of moneys receivable from participating common and union high school districts and must be shown as offsetting revenue items.

[1965 c.100 §181]

334.190 [Repealed by 1957 c.678 §1]

334.200 [Repealed by 1957 c.678 §1]

334.205 [1953 c.390 §2; renumbered 334.510 and then 334.310]

334.210 [Amended by 1957 c.678 §18; renumbered 334.520 and then 334.320]

334.215 Gifts for guidance clinics. An intermediate education district board may accept gifts and bequests of money for the establishment and conduct of child guidance clinics. The board shall deposit any such money received in a special fund with the county treasurer and the money shall be expended under the direction of the board for the purposes for which it was donated.

[Formerly 343.925]

334.220 [Renumbered 334.530 and then 334.330]

SUPERINTENDENT

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

[Formerly 334.120]

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

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

(2) If a majority of the votes cast at the election are in favor of abolishing the office of superintendent, the office shall be abolished at the end of the next fiscal year and the duties of the superintendent shall be performed by the superintendent of the common school district within the intermediate education district in which the administrative office of the intermediate education district is located. The intermediate education district board shall enter into an agreement

with such common school district to reimburse the district for the services of its superintendent and shall reimburse the district as provided in the agreement.
[Formerly 334.135]

BUDGET AND TAX LEVIES

334.240 District budget. (1) The intermediate education district board shall be subject in all respects to the Local Budget Law (ORS 294.305 to 294.520), except that in addition to other qualifications, members of the budget committee who are not members of the intermediate education district board shall be members of common school and union high school district boards within the intermediate education district.

(2) The board of the intermediate education district is authorized, not later than March 15 each year, to prepare and adopt a budget for its own expenses, including expenses for travel, for providing the board with professional and clerical assistance, and for such services, equipment and supplies as the board may require. The board's expenses may include amounts necessary to provide special services and facilities authorized by subsections (1) and (2) of ORS 334.175.
[1957 c.678 §12; 1963 c.544 §37; 1965 c.100 §185]

334.250 Tax equalization procedure where taxes collected are offset against levy by districts. The provisions of ORS 334.250 to 334.290 shall apply to:

(1) Every intermediate education district to which the territory of one or more school districts was annexed;

(2) Any intermediate education district created after August 20, 1957; and

(3) Any other intermediate education district voting after August 20, 1957, as provided in ORS 334.450, to adopt the procedure provided for in ORS 334.250 to 334.290.
[1957 c.678 §13(1); 1957(s.s.) c.4 §1(1); 1965 c.100 §186]

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

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

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

(3) The quotient so obtained shall be multiplied by the estimated average daily membership for all districts within the intermediate education district for the school year commencing on the following July 1; such estimate to be made by deducting from the current year's average daily membership the number of 12th grade children included therein, and by adding thereto such portion of the five-year-old children within the intermediate education district, as shown by the current school census, as the intermediate education district board anticipates will attend the schools of the school districts within the intermediate education district.

(4) Fifty percent of the estimated local tax levies for operating purposes as determined under this section shall be certified to the intermediate education district board under ORS 334.270.
[1957 c.678 §13(2); 1957(s.s.) c.4 §1(2); 1965 c.100 §187]

334.270 Levy of tax. Subject to section 11, Article XI, of the Oregon Constitution, for the school year commencing on July 1 of each year, each intermediate education district to which ORS 334.250 to 334.290 apply shall levy a tax in an amount which, together with any other funds available to it for the purposes set forth in ORS 334.270 to 334.290, shall equal the amount of the intermediate education district board's own budget, prepared and adopted pursuant to ORS 334.240, plus the amount certified under ORS 334.260.
[1957 c.678 §13(3); 1957(s.s.) c.4 §1(3); 1965 c.100 §188]

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

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

(3) Notwithstanding subsection (2) of this section, the intermediate education district board shall split its total levy into separate levies for elementary and high school purposes where necessary in order to avoid double taxation. The levy for elementary purposes shall amount to two-thirds of the total levy and the levy for high school purposes shall amount to one-third of the total levy. Before July 15 of such year, the board shall certify to the county assessor the amount of its levy for elementary purposes and the amount of its levy for high school purposes. The county assessor shall extend the levies for elementary and high school purposes on the assessment and tax rolls as levies of the intermediate education district board, applicable at a uniform rate or rates to all taxable property within the intermediate education district, including joint districts in adjacent counties that are included in the intermediate education district. The levy for elementary purposes shall apply to all taxable property in the district for which elementary education is provided by a school district within the intermediate education district. The levy for high school purposes shall apply to all taxable property in the district for which high school education is provided by a school district within the intermediate education district.

[1957 c.678 §13(4); 1957(s.s.) c.4 §1(4); 1965 c.100 §189]

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

(2) For the purposes of subsection (1) of this section, a school district is a distressed district if the intermediate education district board finds, by resolution recorded in its minutes, either (a) that such district maintains an elementary school with less than 6,000 total days membership or a high school with less than 13,500 total days membership, and that the continued operation of such school is necessary because of the isolation thereof and the difficulty and expense of transporting the pupils in such school to other school facilities; or (b) that the true cash value of the taxable property

in the district per pupil in average daily membership is less than 50 percent of the average of the true cash value per pupil in the intermediate education district. The sum to be set aside in the distressed district fund provided for in subsection (1) of this section shall be such sum as the intermediate education district board considers reasonable as supplemental assistance for such distressed districts. However, the supplemental assistance allowed to any distressed district shall not exceed the amount which such district will receive pursuant to subsection (1) of this section for such an isolated school, or for the entire distressed district if its true cash value per pupil is less than 50 percent of the average within the intermediate education district. All or any part of the amounts so allowed as supplemental assistance shall be distributed to each distressed district from the special distressed district fund at such times as the intermediate education district board considers proper.
[1957 c.678 §13(5), (6); 1957(s.s.) c.4 §1(5), (6); 1961 c.356 §1; 1965 c.100 §190]

334.295 Time of apportionment. (1) All moneys received by the county treasurer as proceeds of the property tax levy or levies of the intermediate education district board, extended for any fiscal year as required by ORS 334.280, shall be apportioned, in accordance with the provisions of ORS 334.290, by the intermediate education district board on the first Monday in December of each year and at such other times as it considers advisable.

(2) The county treasurer upon request shall report to the intermediate education district board the moneys so received. Upon issuance of warrants to the county treasurer in favor of the school board of each common or union high school district for the amount of its apportionment, the treasurer shall pay such amount to the proper district school board.
[Formerly 334.230 and then 334.540; amended by 1965 c.100 §191]

334.300 Levy by district school boards; offset against levy under ORS 334.250 to 334.290; extension on assessment roll. (1) The school board of each school district within an intermediate education district to which ORS 334.250 to 334.290 apply shall prepare the district's budget, levy its taxes, and, if the board considers it proper, submit to the voters of the district the proposal to establish a new tax base, as provided in the Local Budget Law (ORS 294.305 to 294.520) and in ORS chapter 328.

(2) The amount which each such school board certifies to the county assessor before July 15 of each year as the levy of the district shall be determined by the district school board without including in the anticipated receipts of the district the sum or sums to be apportioned to the district by the intermediate education district board pursuant to ORS 334.250 to 334.290.

(3) The county assessor shall subtract from the tax levy of each such school district the sum or sums apportioned to the district by the intermediate education district board pursuant to ORS 334.250 to 334.290, as certified to such assessor by the intermediate education district board. The assessor shall extend on the assessment roll no more than the remainder of the levy of such district.
[1957 c.678 §14; 1963 c.576 §41; 1965 c.100 §192]

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

334.320 Special tax elections. The intermediate education district board shall call a special school election in the intermediate education district whenever the sum of the levies as determined in ORS 334.250 to 334.290 or 334.350 to 334.400 exceeds the limitations imposed by section 11, Article XI, Oregon Constitution, and may call a second election.
[Formerly 334.210 and then 334.520; 1973 c.796 §50]

334.330 Certification, extension and apportionment of tax levy. (1) On or before July 15 of each year, the intermediate education district board shall certify to the county

assessor and to the county treasurer the total amount of the tax levy made by it and also shall certify to the county treasurer the amount in which the budget of each school district within the intermediate education district is included in the tax levy.

(2) The county assessor shall extend the tax levy or levies on the assessment and tax roll as the property tax levy or levies of the intermediate education district board, applicable at uniform rates to all taxable property within the intermediate education district of the county, including joint districts in adjacent counties that are included in the intermediate education district.

[Formerly 334.220 and then 334.530]

BUDGET AND TAX LEVIES IN CERTAIN COUNTIES

334.350 Tax equalization procedure in Grant, Harney, Wallowa and Wheeler Counties. ORS 334.350 to 334.400 apply to:

(1) Every intermediate education district which immediately prior to August 20, 1957, included the territory of every first class school district as defined in ORS 330.020 (1963 Replacement Part) and of every union high school district and any county high school district located within the boundaries of the intermediate education district; and

(2) Any other intermediate education district voting after August 20, 1957, as provided in ORS 334.450, to adopt the procedure provided for in ORS 334.350 to 334.400.

[1957 c.678 §15(1); 1965 c.100 §196]

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

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

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

[1957 c.678 §15(2); 1965 c.100 §197]

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

[1957 c.678 §15(2); 1965 c.100 §198]

334.380 Intermediate education district board powers and duties as to budgets of local districts; levy of tax. (1) The board of each intermediate education district to which ORS 334.350 to 334.400 apply shall examine and audit or cause to have examined and audited the budgets of the school districts within such intermediate education district. The intermediate education district board may approve or reject, increase or reduce any item or amount in any such budget, but shall not reduce the total budgeted expenditures of a district below the maximum program established in ORS 327.075. Where necessary, the intermediate education district board shall determine from the budgets submitted the amounts to be levied for elementary and high school purposes and make separate levies for the same. On or before April 10 the board of every school district within the intermediate education district shall be notified in writing of any contemplated changes in the district school board's budget. On request of the district school board, it shall be entitled to a hearing by the intermediate education district board on the budget submitted by the district school board. The intermediate education district board shall set times and places for such hearings which shall be open to the public.

(2) After the budget hearing required by subsection (1) of this section and after careful consideration of all the budgets, the board of each intermediate education district to which ORS 334.350 to 334.400 apply shall determine the final amount of the budget of each school district which shall be included in the tax levies to be made by it and shall

notify each school district of its action on or before April 20 of the then current year.

(3) The board of each intermediate education district to which ORS 334.350 to 334.400 apply shall levy for each fiscal year a tax in the amount equal to the total of the levies, so determined and approved, of the several school districts within such intermediate education district. There shall be added to each levy the budget for the expenditures of the intermediate education district board and of the superintendent for the intermediate education district as prepared and adopted pursuant to ORS 334.240, including therein any amounts provided for emergency aid to districts as authorized in ORS 334.370. This tax levy shall apply at uniform rate or rates for elementary and high school purposes to all property within such intermediate education district taxable for such purposes.

[1957 c.678 §15(3), (4); 1965 c.100 §199]

334.390 Certification and extension of district tax levy. On or before July 15 of each year, the board of each intermediate education district to which ORS 334.350 to 334.400 apply shall certify to the county assessor and to the county treasurer the total amount of the tax levy made by it and also shall certify to the county treasurer the amount in which the budget of each school district within the intermediate education district is included in the tax levy. The county assessor shall extend the tax levy or levies on the assessment and tax roll as the property tax levy or levies of the intermediate education district board, applicable at uniform rates to all taxable property within the district, including joint districts in adjacent counties that are included in the intermediate education district.

[1957 c.678 §15(5); 1965 c.100 §200]

334.400 Apportionment of levy proceeds. After deducting the estimated expenses provided in the budget of the intermediate education district board pursuant to ORS 334.240, the board of each intermediate education district to which ORS 334.350 to 334.400 apply shall apportion the remainder of the levy extended in the proportion that the original levy, as determined and included by the intermediate education district board for each district, is of the total of all such levies in the district.

[1957 c.678 §15(6); 1963 c.544 §38; 1965 c.100 §201]

334.410 District tax powers; tax powers retained by districts. All power to levy taxes otherwise by law vested in any school district within an intermediate education district to which ORS 334.350 to 334.400 apply, or otherwise vested in the board of any such school district, are transferred to the intermediate education district. However, each such school district shall retain the power to levy a tax each year for:

(1) Payment of principal and interest of its bonded or negotiable interest-bearing warrant indebtedness;

(2) Payment of capital expenditures and current expenditures not provided for in the budget of the district by the intermediate education district board; and

(3) Any supplementary budget items which have been specifically authorized by the qualified voters of the district as outside the limitation of section 11, Article XI, Oregon Constitution.

[1957 c.678 §16; 1965 c.100 §202]

METHOD OF CHANGING EQUALIZATION PROCEDURE

334.450 Method of discontinuing one tax equalization procedure and adopting alternative procedure. (1) The board of an intermediate education district to which ORS 334.250 to 334.290 apply may, and shall upon petition signed by a number of qualified voters equal to at least eight percent of the number of votes cast in the district for Justice of the Supreme Court at the last preceding regular election, submit to the qualified voters of the district the question whether such district shall discontinue the tax equalization procedure provided for in ORS 334.250 to 334.290 and 334.300, and adopt in lieu thereof the alternative procedure provided for in ORS 334.350 to 334.410. Similarly, the board of an intermediate education district to which ORS 334.350 to 334.400 apply may, and shall upon the petition signed by a number of qualified voters equal to at least eight percent of the number of votes cast in the district for Justice of the Supreme Court at the last preceding regular election, submit to the qualified voters of the district the question whether such district shall discontinue the tax equalization procedure provided for in ORS 334.350 to 334.410, and adopt in lieu thereof the alternative procedure provided for in ORS 334.250 to 334.290 and 334.300. However,

that there may also be submitted, at the same time and place, the question whether the intermediate education district shall have such a tax base as will enable it to make a levy in the next succeeding year in the amount required by ORS 334.250 to 334.290.

(2) In intermediate education districts having a population of less than 300,000, according to the latest federal census, any question authorized by subsection (1) of this section shall be submitted to the qualified voters of the district at the annual school election. The intermediate education district board shall arrange for such election and designate a polling place for the purpose in each common school district within each zone. The election shall be conducted in the manner provided in subsections (1) and (2) of ORS 334.045.

(3) In an intermediate education district having a population of 300,000 or more, according to the latest federal census, any question authorized by subsection (1) of this section shall be submitted to the qualified voters of the district at a general primary election. The election shall be conducted in the manner provided in subsections (3) and (4) of ORS 334.045.

(4) If a majority of the votes cast at any election under subsection (2) or (3) of this section, is in favor of the question, the discontinuation of the former tax equalization procedure and the adoption of the alternative procedure, and the establishment of an adequate tax base, if this is included in the question voted upon, shall be effective as of July 1 of the next calendar year. The budgets of the intermediate education district board and of the school districts within its boundaries for the year commencing on that July 1 shall be prepared pursuant to the newly adopted procedure.
[1957 c.678 §17; 1965 c.100 §203]

334.510 [Formerly 334.205; 1965 c.100 §193; renumbered 334.310]

334.520 [Formerly 334.210; 1965 c.100 §194; renumbered 334.320]

334.530 [Formerly 334.220; 1965 c.100 §195; renumbered 334.330]

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

MERGER

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

(2) The State Board of Education shall review the petition and within 15 days after the board meeting at which the petition is reviewed, shall notify the intermediate education district boards of each district designated by the petition, fix the date of and be responsible for supervising the giving of notices as provided in ORS 331.010 and conducting the public hearings in each proposing district to discuss the proposal contained in the petition.
[1963 c.544 §50b; 1965 c.100 §204]

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

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

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

(4) When two or more intermediate education districts join together in the manner provided in this section, the new district shall come into existence effective May 31 of the year following the election.
[1963 c.544 §§50c, 50d; 1965 c.100 §205]

334.725 Consolidation in intermediate education districts over 300,000. (1) When one intermediate education district proposing consolidation has a population of 300,000

or more, according to the latest federal census, the election under ORS 334.720 shall be held on the date of the primary election and the election held in all proposing intermediate education districts shall be held pursuant to ORS 331.120 to 331.170 but the votes in each intermediate education district shall be counted separately.

(2) The new district formed under this section shall come into existence effective May 31 of the year following the election.

(3) The laws applicable to an intermediate education district with a population of 300,000 or more, according to the latest federal census, shall apply to new districts formed under this section.
[1965 c.100 §207]

334.730 Joint meeting; zoning; election of new directors. (1) Immediately after the election to join two or more intermediate education districts together, if the election supported such action, the boards of directors of all intermediate education districts within the boundaries of the new district shall meet together upon the call of the chairman of the board of the most populous district. Except as provided in ORS 334.725, the joint board of directors shall divide the new district into as many zones as the board considers necessary, but not less than seven nor more than 11. The zones shall be as nearly equal in population as may be practicable.

(2) Within 90 days after the zones required in subsection (1) of this section are established, the joint board of directors shall call a special election in the new district for the purpose of electing directors, one of whom shall be elected from each zone established under subsection (1) of this section by the qualified voters of the zone.
[1963 c.544 §50e; 1965 c.100 §208; 1967 c.145 §1]

334.740 Nomination. Except as provided in ORS 334.725, the nomination of a candidate to serve as a member of the board of directors of the new intermediate education district from a zone, when made by a petition, shall be signed by voters residing in the zone in which the candidate is a resident and who are qualified to vote for district officers in the intermediate education district. The nomination of a candidate to serve as a member of the board of directors of the new intermediate district at large, when made by a petition, shall be signed by qualified voters residing in the district who are qualified to vote in the intermediate education district elections. Each nominee shall file an acceptance of nomination with the election officer not less than 30 days prior to the date of the election or the nomination is void. A candidate must be qualified to vote in the election in which he is a candidate and must be qualified to hold office as a director of an intermediate education district.
[1963 c.544 §50f; 1965 c.100 §209; 1973 c.796 §51]

334.750 Term of office. (1) The board of directors of the new intermediate education district shall take office on July 1 of the year following its election. One director shall serve for a term expiring 12:01 a.m. on July 1 of the year following his taking of office; three directors shall serve for terms expiring 12:01 a.m. on July 1 two years following their taking of office; three directors shall serve for terms expiring 12:01 a.m. on July 1 three years following their taking of office; four directors shall serve for terms expiring 12:01 a.m. on July 1 four years following their taking of office. If fewer than 11 directors are elected, all terms shall be determined by lot, none to exceed four years.

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

(3) Notwithstanding any other provisions of law, the term of office of boards of directors of preexisting intermediate education districts shall terminate on the date in which the new intermediate education district comes into existence and its new board of directors qualifies to hold office.
[1963 c.544 §§50h, 50j; 1965 c.100 §210; 1967 c.145 §2; 1971 c.47 §5]

334.760 Power of new board prior to existence of new district. During the period following their election and prior to the date the new intermediate education district comes into existence, the board of directors of the new intermediate education district may take such action as is essential in order that the new district may carry out its required functions when it comes into existence, including the preparation and adoption of a budget for the new district. Expenditures of the board under this section shall be paid from the budgets of the component intermediate education districts on a prorated basis.
[1963 c.544 §50i; 1965 c.100 §211]

334.770 Power of new board generally. The board of directors of the new intermediate education district shall have the same duties and exercise the same authority over the district as does the board of directors of every intermediate education district.
[1963 c.544 §50g]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, 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 June 1, 1974.

Thomas G. Clifford
Legislative Counsel