

# Chapter 341

1989 EDITION

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**COMMUNITY COLLEGES**

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## EDUCATION AND CULTURAL FACILITIES

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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 the administrative 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 the administrative office.

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

(11) "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; 1981 c.173 §52]

**Note:** The amendments to 341.005 by section 4, chapter 474, Oregon Laws 1987, are repealed June 30, 1991. See section 14, chapter 474, Oregon Laws 1987. The text is set forth for the user's convenience.

**341.005** 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) "Commissioner" means the Commissioner for Community College Services appointed under section 3, chapter 474, Oregon Laws 1987.

(4) "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.

(5) "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

(6) "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 the administrative office

(7) "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.

(8) "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.

(9) "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.

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

(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.

**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 programming, 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 appro-

priated 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 Guidelines for community college districts; filing personnel policies.** (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]

**Note:** The amendments to 341.015 by section 5, chapter 474, Oregon Laws 1987, are repealed June 30, 1991. See section 14, chapter 474, Oregon Laws 1987. The text is set forth for the user's convenience.

**341.015.** (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 commissioner a copy of the adopted personnel policies

**341.018 State board to cooperate in development of state-wide comprehensive education plan.** The State Board of Education shall cooperate with the Oregon Office of Educational Policy and Planning in the development of a state comprehensive education plan including community college education and in review of the board's programs and budget as provided in ORS 348.705 to 348.825. The board shall submit in timely fashion to the office such data as is appropriate in a form prescribed by the office. The board shall comply with the decisions of the office regarding proposed new post-secondary programs and proposed new post-secondary locations determined by the office to have a significantly adverse impact on one or more segments of education other than community college education. [1975 c.553 §10]

## DIRECT AND CONTRACT SERVICES

**341.019 All areas in state to be served by community college district; procedure; responsibility; local advisory committees; duties.** (1) All areas within this state shall be served by a community college district. Such services may be provided either:

(a) Directly by formation of a community college district; or

(b) Indirectly by contract with an existing community college district.

(2) The Department of Education shall fix responsibility for serving each area that is not within a community college district. Where feasible, each area shall be a whole county or a group of counties or that part of a county not already in a community college district.

(3) In order to obtain the services described in paragraph (b) of subsection (1) of this section, residents of a nondistrict area must indicate their interest in receiving services by requesting formation of a local advisory committee and seeking the advice and counsel of the Community College Division of the Department of Education.

(4) The State Board of Education by rule shall establish standards for determining when there is sufficient interest among the residents of a nondistrict area to warrant appointment of a local advisory committee.

(5) When the Department of Education has made the determination under subsection (4) of this section, the department and the interested residents of the nondistrict area shall apply jointly to the governing body of the county for the appointment of a local advisory committee.

(6) Upon application, the governing body of the county shall appoint a local advisory committee and shall insure that the committee is broadly representative of the nondistrict area.

(7) If the nondistrict area involves two or more counties, the governing body of each county shall appoint members to the local advisory committee in proportion to the number of county residents within the nondistrict area.

(8) The governing body of a county making appointments under subsection (6) or (7) of this section shall not be obligated to fund any part of the budget described in ORS 341.021 (3).

(9) The duties of the local advisory committee shall include, but need not be limited to, advising the officials of the community college district serving the nondistrict area on the educational needs of the area.

(10) As used in ORS 341.019 to 341.023, "community college district" includes a community college service district. [1987 c.191 §2]

341.020 [Repealed by 1965 c.100 §456]

**341.021 Provision of service outside districts; proposals; costs.** (1) The Department of Education shall invite existing community college districts to submit proposals for the provision of service to an area that has officially indicated its interest in receiving service.

(2) The responsibilities of the serving community college district shall include:

(a) Preparing a written agreement for services to be provided to nondistrict areas; and

(b) Acting as the fiscal agent for agreements including establishing tuition and fees for services offered under terms of an agreement.

(3) Agreements between the community college district and nondistrict entities as listed in ORS 341.315 shall include an annual budget setting forth both revenue and expenditures. The budget shall be based upon the following conditions:

(a) Subject to ORS 341.022, eligible full-time equivalent student enrollment produced under the agreement may be claimed for state reimbursement purposes by the community college district. Such reimbursement shall come from those funds designated for contracted out-of-district services and shall be at a rate specified by the Department of Education.

(b) A share of the budget shall be provided by those individuals or agencies receiving service under this agreement as specified by rule of the State Board of Education adopted under ORS 341.024 (3).

(4) Agreements developed under this section shall be wholly supported by contracted out-of-district reimbursement, nondistrict student tuition and nondistrict resources. [1987 c.191 §3]

**341.022 Maximum reimbursable enrollments in nondistrict areas.** Annual state reimbursable enrollments under an agreement with a nondistrict area shall not exceed 300 full-time equivalent students. [1987 c.191 §4]

**341.023 Evaluations of agreements and services.** The Department of Education shall make biennial evaluations of all agreements executed under ORS 341.019 to 341.024. Local advisory committees shall submit evaluations of services within their areas to the department for the department's use in making its evaluations. The department's evaluations shall be reported to the State Board of Edu-

cation by May of even-numbered years. [1987 c.191 §5]

**341.024 Rulemaking.** The State Board of Education shall adopt rules to implement ORS 341.019 to 341.024. The rules shall provide:

(1) Standards for accepting proposals for service;

(2) Procedures providing the form of agreements and for recording them;

(3) Standards for cash and in-kind contributions by nondistrict areas;

(4) Standards as required by ORS 341.019 (4); and

(5) Other rules necessary to implement ORS 341.019 to 341.024. [1987 c.191 §6]

### COMMUNITY COLLEGE DISTRICTS (Formation)

**341.025 Petition for formation of district.** (1) Whenever the electors registered in 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 electors registered in each county or part of a county within the designated territory, whichever is the lesser;

(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 nomination and election of the board of education of the proposed district from among the methods described in ORS 341.327; and

(f) Must contain any other information required by rules of the state board. [Formerly 341.710; 1967 c.465 §5; 1969 c.220 §1; 1969 c.673 §1; 1971 c.513 §73; 1983 c.83 §71; 1983 c.350 §194; 1989 c.261 §1]

341.030 [Repealed by 1965 c.100 §456]

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

341.037 [1971 c.513 §74b, 1987 c.192 §1; repealed by 1989 c.261 §4]

**341.039 Community college service district; petition; exception to general authority of districts; question for electors; method of change.** (1) A petition submitted pursuant to ORS 341.025 may specify that the proposed district be organized as a community college service district.

(2) If formed, a community college service district shall in all respects be governed by the laws applicable to community college districts with the following exceptions:

(a) A community college service district may not incur bonded indebtedness for any purpose. This limitation shall not be construed to prohibit serial levy indebtedness, lease-purchase arrangements, or other lawful forms of capital financing. Service districts may hold and own buildings and grounds acquired through gift or financing methods authorized by this section.

(b) The board of education for a community college service district shall annually review the programs and services of the district. This review shall have as its purpose a determination of which district services can most effectively and economically be delivered directly and which services can best be delivered through contracting arrangements. The direct hiring of faculty and staff is expressly permitted.

(3) The formation of a community college service district shall comply with the provisions of ORS 341.025 to 341.125. A petition affecting a territory that, in the judgment of the Commissioner of Community College Services, will not generate an annual enrollment in excess of 1,000 full-time equivalent students after three years of operation shall be considered to be a petition for the formation of a community college service district.

(4) A community college service district may submit to the electors of the district the question of whether the district shall operate as a community college district not subject to the limitations of subsection (2) of this section.

(5) Prior to submitting the question to the electors, the community college service district must have been in operation for three years, and must have secured the approval of the State Board of Education to hold the election. Before granting approval, the state board must find:

(a) The service district has acquired stability as demonstrated by a continuity of management, regularly adopted policies and procedures and adequate financial resources; and

(b) The service district has adopted a sound comprehensive plan that sets out the district's instructional and capital plans for five years. [1989 c.261 §3]

Note: 341.039 was added to and made a part of ORS chapter 341 by legislative action but was not added to any series therein. See Preface to Oregon Revised Statutes for further explanation.

**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 pro-

posed 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 electors 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 electors 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 elector. 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; effect of legislative action.** (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.

(4) Upon receipt of the final recommendation, the Legislative Assembly during session thereof or the Emergency Board if the Legislative Assembly is not in session shall approve or disapprove the recommendation. If the recommendation is approved, an election under ORS 341.085 may be held. If the recommendation is disapproved, the state board may revise its recommendation and resubmit a final recommendation to the Legislative Assembly or the Emergency Board but not sooner than 60 days after the action of disapproval was taken. [1969 c.673 §6 (enacted in lieu of 341.075); 1971 c.513 §75; 1977 c.827 §1]

**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 electors registered in the proposed district designated in the recommendation of the state board. The election shall be held not sooner than the 90th day 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 on a date specified in ORS 255.345. 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.

(2) ORS chapter 255 and ORS 310.330 to 310.395 govern the notice and conduct of an election under this section. The state board shall be the district election authority for an election conducted under this section. Notwithstanding ORS 255.305, the state board shall pay the expenses incurred for the election.

(3) An elector registered 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; 1983 c 83 §72; 1983 c 350 §195]

**Note:** The amendments to 341.085 by section 77, chapter 267, Oregon Laws 1987, are repealed January 1, 1994. See section 82, chapter 267, Oregon Laws 1987. The text is set forth for the user's convenience.

**341.085** (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 electors registered in the proposed district designated in the recommendation of the state board. The election shall be held not sooner than the 90th day 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 on a date specified in ORS 255.345. 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 biennial primary election or the next state-wide general election, as determined by the state board.

(2) ORS chapter 255 and ORS 310.330 to 310.395 govern the notice and conduct of an election under this section. The state board shall be the district election authority for an election conducted under this section. Notwithstanding ORS 255.305, the state board shall pay the expenses incurred for the election.

(3) An elector registered in a precinct or in the portion of a precinct that is located within the boundaries of the proposed district may vote on any matter arising at the election under subsection (1) of this section.

**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 electors.** When at the request of the state board the county clerk of the principal county, in consultation with county clerks of the affected counties, pre-

pare a list or lists of names and addresses of the electors registered in the proposed district, the state board is authorized to pay the charge as determined under ORS 255.305. [Formerly 341.770; 1969 c.673 §11; 1971 c.513 §78, 1973 c.796 §51b; 1983 c.83 §73; 1983 c.350 §196]

**341.115 Effect of election results.** (1) 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 electors under ORS 341.095, the state board:

(a) Shall proclaim not later than the second regular meeting of the state board following the board's determination from the election results that a community college district has been formed; and

(b) Shall furnish any affected county assessor with a copy of the proclamation.

(2) 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.

(3) 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; 1969 c.673 §13; 1983 c.350 §197]

**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 electors registered 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 electors registered 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; 1983 c 83 §74]

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

#### (Zones)

341.155 [Formerly 341 912, 1971 c 513 §80, repealed by 1983 c.350 §331a]

341.165 [Formerly 341 914; 1969 c 220 §2, 1971 c.513 §81, 1983 c.350 §198, renumbered 341.331]

**341.175 Adjustment of zone boundaries.** The board shall adjust the boundaries of zones established within a district as necessary to make them as nearly equal in population as is feasible according to the latest federal census. The board also shall adjust boundaries of zones as necessary to reflect boundary changes of the district. [Formerly 341 916, 1969 c 220 §3; 1971 c.513 §28; 1983 c.350 §199]

**341.185 Review of zone boundaries.** Any elector of a district aggrieved by the adjustment of or failure to adjust boundaries of a zone pursuant to 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 the case. If the board refuses to make the requested adjustment in the boundaries, the aggrieved elector may appeal from the decision of the board to the circuit court. The appeal shall be by writ of review. [1971 c.513 §29; 1983 c.350 §200]

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.

(2) No person who is an employee of the community college district shall be eligible to serve as a member of the board for the district by which the employee is employed. [Formerly 341.790, 1967 c 605 §19, 1969 c.220 §6, 1971 c 513 §26, 1981 c.114 §1, 1983 c.350 §201]

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 of the State Board of Education, the board may:

(1) Subject to ORS chapter 237, employ administrative officers, professional personnel and other employees, define their duties, terms and conditions of employment and prescribe compensation therefor, pursuant to ORS 243.650 to 243.782.

(2) Enact rules for the government of the community college, including professional personnel and other employees 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 30 years.

(7) 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.

(8) 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.

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

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

(11) 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.

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

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

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

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

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

(17) Prescribe rules for the use and access to public records of the district that are consistent with ORS 192.420. 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.

(18) Enter into contracts for the receipt of cash or property, or both, and establish annuities pursuant to ORS 731.704 to 731.724; and, commit, appropriate, authorize and budget for the payment of or other disposition of general funds to pay, in whole or in part, sums due under an annuity agreement,

and to provide the necessary funding for reserves or other trust funds pursuant to ORS 731.716.

(19) Encourage gifts to the district by faithfully devoting the proceeds of such gifts to the district purposes for which intended.

(20) Build, furnish, equip, repair, lease, purchase and raze facilities; and locate, buy and acquire lands for all district purposes. Financing may be by any prudent method including but not limited to loans, contract purchase or lease. Leases authorized by this section include lease-purchase agreements whereunder the district may acquire ownership of the leased property at a nominal price. Such financing agreements may be for a term of up to 30 years except for lease arrangements which may be for a term of up to 50 years.

(21) Participate in an educational consortium with public and private institutions that offer upper division and graduate instruction. Community colleges engaged in such consortiums may expend money, provide facilities and assign staff to assist those institutions offering upper division and graduate instruction. [1971 c.513 §4; 1973 c.536 §34; 1981 c.137 §1; 1983 c.182 §1; 1985 c.455 §1; 1989 c.191 §1, 1989 c.341 §1]

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 the board business office on the campus and shall be available for public inspection.

(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 153.510 to 153.550. 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; 1981 c.35 §1]

**341.305 Tax levy.** Subject to the Local Budget Law (ORS 294.305 to 294.520, 294.555 and 294.565) 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 electors 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 electors under ORS 341.095. [1969 c.673 §12]

**Note:** 341.308 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 341 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

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, education service district, county, municipality or private organization.** Any school district, education service district, county, municipality or private organization may contract with a community college district to provide services of an educational nature that are subject to the approval of the state board. [Formerly 341.825, 1987 c.204 §1]

**341.317 Educational services to inmates at state correctional institutions.** (1) Contracted out-of-district reimbursement may be made available to community colleges that deliver educational services to inmates confined to the state-operated correctional facilities.

(2) The State Board of Education shall require proposals to be submitted for the provision of these services and shall adopt rules for such proposals.

(3) The enrollment limitation, as provided by ORS 341.022, does not apply to persons receiving services under this section. [1987 c.204 §3; 1989 c.256 §1]

**Note:** 341.317 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 341 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**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)]

**341.321 Insurance reserve fund; establishment and termination procedures.** Any board of education of a community college district by resolution may establish an insurance reserve fund by making transfers from the district's general fund. Transfers to the insurance reserve fund shall be included in the district budget prepared and published in accordance with ORS 294.305 to 294.520, 294.555 and 294.565. If at any time conditions arise which dispense with the necessity for further transfers to or expenditures from a fund established pursuant to this section, the district board shall so declare by resolution. The resolution shall order the balance remaining in such fund to be transferred to the general fund of the district and shall declare the insurance reserve fund closed. [1975 c.770 §25]

**341.325** [1971 c.513 §23; 1973 c.796 §53, repealed by 1983 c.83 §114]

#### (Nomination and Election)

**341.326 Qualification.** (1) At each regular district 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.

(2) A person shall be qualified to be a candidate for election to the board if the person is an elector who resides in the district. If the district is zoned and the position sought is one elected or nominated by zone, the person also must reside in the zone from which the person is nominated.

(3) Members of a board shall be nominated and elected at large or by zones ac-

ording to a method described in ORS 341.327 and determined under ORS 341.025 or 341.331.

(4) A board member must qualify for office by taking an oath of office. [Formerly 341.333]

**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 electors of zones as nearly equal in population as possible according to the latest federal census.

(b) Elected at large by position number by the electors of the district.

(2) Candidates for election from zones shall be nominated by electors of the zones. Candidates for election at large may be nominated by electors of zones or by electors 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 341.331. [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 341.331. [Formerly 341.282, 1985 c.565 §60]

341.330 [Renumbered 332.830]

**341.331 Change in method of nominating and electing board.** (1) This section establishes the procedure for determining whether the method adopted in a district for nominating and electing board members should be changed to another method described in ORS 341.327. The question shall be decided by election. The district board shall order an election on the question when a petition is filed as provided in this section.

(2) Except as otherwise provided in this section, the requirements for preparing, circulating and filing a petition under this section shall be as provided for an initiative petition in ORS 255.135 to 255.205.

(3) If the question proposes creation of zones or a change in the number of existing

zones, the following requirements shall apply:

(a) The petition shall contain a map indicating the proposed zone boundaries. The map shall be attached to the cover sheet of the petition and shall not exceed 14 inches by 17 inches in size.

(b) Notwithstanding ORS 250.035, the statement of chief purpose in the ballot title shall not exceed 150 words. The statement:

(A) Shall specify the method of nomination and election of board members from among the methods described in ORS 341.327. The statement also shall specify whether, in filling each position on the board, an elector of the district may sign a petition of nomination or vote for a candidate from any zone or only for a candidate from the zone in which the elector resides.

(B) Shall include a general description of the proposed boundaries of the zones, using streets and other generally recognized features.

(c) The order calling the election shall contain a map and a metes and bounds or legal description of the proposed zone boundaries. The map and description shall be prepared by the county surveyor or county assessor and shall reflect any adjustment made in the boundaries under subsection (6) of this section.

(4) The map to be contained in the petition under subsection (3) of this section shall be prepared by the county surveyor or county assessor. The chief petitioners shall pay the county for the cost of preparing the map, as determined by the county surveyor or county assessor. The county clerk shall not accept the prospective petition for filing until the chief petitioners have paid the amount due.

(5) Subsection (3) of this section does not apply if the question proposes abolition of all zones.

(6) Before submitting to election a question to which subsection (3) of this section applies, the district board shall adjust the proposed boundaries of the zones to make them as nearly equal in population as feasible according to the latest federal census. The district board shall amend the ballot title as necessary to reflect its adjustment of the boundaries.

(7) If the electors of the district approve the establishment of zones or a change in the number of existing 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 341.165]

341.333 [1971 c.513 §25; 1973 c.796 §54; 1977 c.149 §4; 1983 c.350 §202; renumbered 341.326]

**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 the election of the incumbent 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 the incumbent was nominated or elected.

(d) The incumbent has ceased to discharge the duties of 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 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 of nomination or election is entitled to continue to serve as board member until June 30 following the next regular district election at which a successor shall be elected by the electors to serve for the remainder of the unexpired term, if any. The successor shall take office July 1 next following the election.

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

(5) The period of service of a board member appointed under subsection (3) or (4) of this section commences upon appointment and expires June 30 next following the next regular district election at which a successor is elected. The successor shall be elected to serve the remainder, if any, of the term for which the appointment was made. If the term

for which the appointment was made expires June 30 after the election of the successor, the successor shall be elected to a full term. In either case, the successor shall take office on July 1. [1971 c.513 §27; 1975 c.647 §31; 1977 c.149 §5; 1983 c.350 §203]

**341.339 Position numbers required for at-large positions.** (1) 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.

(2) This section applies to any district that elects any board member to an at-large position. [1971 c.513 §30, 1983 c.350 §204]

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 the board member. 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]

341.345 [1971 c.513 §32; repealed by 1983 c.350 §331a]

341.347 [1971 c.513 §33; repealed by 1983 c.350 §331a]

341.349 [1971 c.513 §34; repealed by 1983 c.350 §331a]

### (Removal)

**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]

341.355 [1971 c.513 §10; 1973 c.796 §55; repealed by 1983 c.350 §331a]

### ELECTIONS GENERALLY

**341.356 Election laws applicable.** (1) ORS chapter 255 governs the following:

(a) The nomination and election of board members.

(b) The conduct of district elections.

(2) The electors of a community college district may exercise the powers of the initiative and referendum regarding a district measure, in accordance with ORS 255.135 to 255.205.

(3) ORS 249.865 to 249.877 govern the recall of board members. [1983 c.350 §206]

**341.357 Publication of notices.** (1) Except as provided by ORS chapter 255 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; 1983 c.350 §207]

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 [1971 c.513 §16, repealed by 1983 c.350 §331a]

**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 and any other questions which may be submitted to the electors of such districts. [1971 c.513 §17; 1973 c.796 §57, 1983 c.350 §208]

**341.371 Board resolution required to submit question to electors.** Any of the questions to be submitted to the electors 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. The board may adopt any such resolution on its own motion, and must adopt the resolution when petitioned by the requisite number of electors of the district. [1971 c.513 §18; 1974 s.s. c.45 §7; 1983 c.350 §209]

341.373 [1971 c.513 §19; repealed by 1979 c.190 §431]

341.375 [1971 c.513 §20; repealed by 1983 c.350 §331a]

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

**341.379 Eligibility of electors 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 electors registered 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; 1983 c.83 §77]

## ESTABLISHMENT AND OPERATION OF COMMUNITY COLLEGES

**341.405 Establishment of community college.** 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; 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 electors 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 electors of the district. The proposed name change shall be submitted to the electors 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** [1971 c.513 §74c; 1983 c 121 §1; repealed by 1989 c.261 §4]

**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, education service 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 col-

lege 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 341.626, 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]

**Note:** The amendments to 341.440 by section 6, chapter 474, Oregon Laws 1987, are repealed June 30, 1991. See section 14, chapter 474, Oregon Laws 1987. The text is set forth for the user's convenience.

**341.440** (1) A community college district may contract with another community college district, common or union high school district, education service 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 341.626, costs incurred under subsection (1) of this section shall be considered operating expenses of the district if the contract is approved by the commissioner.

**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 341.626, 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]

**Note:** The amendments to 341.445 by section 7, chapter 474, Oregon Laws 1987, are repealed June 30, 1991. See section 14, chapter 474, Oregon Laws 1987. The text is set forth for the user's convenience.

**341.445** (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 341.626, costs incurred under subsection (1) of this section shall be considered operating expenses of the community college if the contract is approved by the commissioner.

**341.455 Credit for private vocational school courses.** A community college may give credit for courses or programs taken in a vocational school. The courses or programs for which credit may be given must meet the standards adopted by the state board under ORS 345.325 must be taken at a vocational school domiciled in this state and must be approved for credit by the Superintendent of Public Instruction. [1965 c.529 §9, 1975 c.478 §27]

**Note:** The amendments to 341.455 by section 8, chapter 474, Oregon Laws 1987, are repealed June 30, 1991. See section 14, chapter 474, Oregon Laws 1987. The text is set forth for the user's convenience

**341.455** A community college may give credit for courses or programs taken in a vocational school. The courses or programs for which credit may be given must meet the standards adopted by the state board under ORS 345.325, must be taken at a vocational school domiciled in this state and must be approved for credit by the commissioner.

**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 341.626. [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, 341.626 and 341.635.** For the purposes of ORS 341.495 to 341.525, 341.626 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 resident 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 the student 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 the high school student 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]

**341.527 Admission of nonresident students at resident tuition rate under certain conditions; exchange procedures.** (1) Community colleges in Oregon shall admit students from other states at the same tuition rate assessed against Oregon residents who are residents of the community college district if:

(a) The state in which the student resides agrees to pay and pays its per capita state aid for comparable students in the state to the community college; or

(b) The state in which the students reside agrees to permit and permits one-for-one full-time enrollment exchange arrangements that allow an equal number of Oregon residents to be admitted to community colleges or comparable institutions in the state at the same tuition rate assessed against residents of the state and community colleges or comparable institutions in the state in which the students reside agree to admit and admit approved Oregon residents without assessing nonresident tuition.

(2) The Department of Education shall enter into agreements with such other states as are willing to agree to the provisions of this section to establish reimbursement procedures or one-for-one exchange procedures.

(3) In cases described in paragraph (a) of subsection (1) of this section, the Department of Education shall pay from funds available therefor to the state that agrees to pay and does pay its per capita state aid to eligible Oregon community colleges to the credit of the community college or comparable insti-

tution educating the Oregon resident an amount equal to the amount that would be available under ORS 341.626 if the Oregon resident were enrolled in a community college in this state. From these same funds, the Department of Education shall pay to the Oregon community colleges admitting approved one-for-one exchange students as provided by paragraph (b) of subsection (1) of this section, from other states, an amount equal to the amount that would be available under ORS 341.626 as if the enrolled one-for-one students were Oregon residents.

(4) If a state that has entered into the agreement to pay the per capita state aid to eligible Oregon community colleges as described in subsections (1) and (2) of this section does not make any payment agreed to, the agreement terminates after the affected community college notifies the State Board of Education of the lack of payment. The termination is effective 30 days after the state board notifies the appropriate agency of the other state that the agreement is terminated if no payment is received by the end of the academic period for which tuition is assessed and no payment is received at that time. The agreement may be reinstated by mutual consent of the parties.

(5) The State Board of Education shall adopt rules governing attendance in community colleges or comparable institutions in other states for purposes of the reimbursement authorized under subsections (1) and (2) of this section to assure that Oregon residents shall not be the object of such reimbursement if they can obtain the same education within the state without undue hardship. [1977 c.643 §§2, 3, 4, 5]

**341.528 Nonresident tuition for residents of Washington and Idaho.** (1) The provisions of ORS 341.527 shall not apply to admissions arranged under ORS 351.073.

(2) For purposes of ORS 341.626 (4), and notwithstanding ORS 341.527, students who are residents of Idaho and students admitted pursuant to ORS 351.073 shall be considered as residents of Oregon. [1985 c.698 §§2, 4]

Note: 341.528 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 341 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**341.529 Admission of members of Armed Forces, spouses and dependent children; tuition rate.** Community colleges in Oregon shall admit members of the Armed Forces of the United States and their spouses and dependent children who are described in ORS 174.103 at the same tuition rate assessed against Oregon residents who are residents of the community college district. [1987 c.162 §5; 1989 c.264 §2]

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

**341.535 Instructors subject to approval of state board.** (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. [Formerly 341.600, 1971 c.513 §92; 1983 c.187 §2]

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

**341.541 Affirmative action plans, goals when faculty, staff reductions required.** Each community college shall consider and maintain affirmative action plans and goals when reductions in faculty and staff are required as a result of:

(1) Reductions in revenue that necessitate discontinuance of its educational program at its anticipated level;

(2) Elimination of classes due to decreased student enrollment; or

(3) Reduction in courses due to administrative decisions. [1981 c.814 §3]

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

**341.547 Notice of reasonable assurance of continued employment; effect of failure to give notice.** (1) Each community college board shall give an individual, written notice of reasonable assurance of continued employment to all employees who are to perform services in the same or a similar capacity during a subsequent academic year or term or in the period immediately following a recess period. Such notice shall be given by May 30 of each year for employees employed as of that date and as of the date of hire for employees employed subsequent to May 30.

(2) No liability shall accrue from failure to give the notice required by subsection (1) of this section or from the timing or contents thereof on the part of the community college board. However, the State Board of Education shall enforce the provisions of subsection (1) of this section.

(3) Academic faculty members on annual or indefinite tenure, classified staff members on regular status and management service employees are considered to have been given notice for the purposes of this section. [1985 c.585 §4]

**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; legislative approval required; 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 au-

thorized 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. The order becomes final when it is approved by the Legislative Assembly during sessions thereof or by the Emergency Board if the Legislative Assembly is not in session. If the order is not approved, the state board may revise it and re-submit its order to the Legislative Assembly or the Emergency Board but not sooner than 60 days after the action of disapproval was taken.

(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 final 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 final order or 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; 1977 c 827 §2]

**341.569 When election on change required.** (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 electors 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 ORS 341.565 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 electors 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.

(3) If the proposed boundary change is defeated, 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; 1983 c.350 §210; 1983 c.740 §107]

**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 the official capacity of the member. Expenses thus incurred shall be equally apportioned among the districts concerned.

(5) The decision of the arbitrators is final and may be reviewed in the manner provided in ORS 36.355 to 36.365.

(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 propor-

tion to the number of persons in each district according to the latest federal census. [1971 c.513 §85; 1979 c.772 §22]

**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** [Formerly 341.610, 1967 c.433 §1; 1969 c.544 §3; 1971 c.310 §4; 1973 c.27 §1, 1975 c.128 §1; 1977 c.702 §1, 1979 c.417 §1; repealed by 1987 c.152 §1 and 1987 c.474 §9 (341.626 enacted in lieu of 341.625)]

**341.626 Distribution of state aid; rules.**

(1) Subject to rules adopted by the State Board of Education and to ORS 291.232 to 291.260, the commissioner shall distribute state aid to each community college district and community college service district.

(2) The rules adopted by the State Board of Education shall provide:

(a) No state aid for hobby and recreation classes;

(b) Procedures for proper and accurate record keeping;

(c) Procedures that will insure reasonable year to year stability in the delivery of appropriated moneys to the colleges; and

(d) Procedures to insure that the full state appropriation is delivered to the colleges.

(3) Upon compliance with the rules adopted by the State Board of Education, the commissioner shall, as soon as practicable following the receipt of required reports from the districts, prepare, certify and transmit to the Executive Department the names and the amounts due each district. The Executive Department shall audit the amounts certified by the commissioner and draw its warrants on the State Treasury payable out of the General Fund to the districts. [1987 c.474 §10 (enacted in lieu of 341.625)]

**341.630** [1971 c.310 §8; 1973 c.18 §1; 1977 c.702 §3; 1985 c.381 §4, repealed by 1987 c.152 §4 and c.474 §13]

**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 341.626, 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 341.626 and other laws governing the distribution of state and federal funds to such colleges.

(3) If a high school student enrolls in a planned program agreed upon by the school district and the community college during regular school hours, the community college may include the high school student in determining the number of full-time equivalent students for the purposes of ORS 341.626 and other laws governing the distribution of state and federal funds to such colleges. However, the school district in which the high school student resides is not obligated to make any adjustment in its Basic School Support Fund report under ORS 327.133. [Subsection (1) enacted as 1965 c.148 §2, subsection (2) enacted as 1965 c.262 §7, 1971 c.513 §66; 1989 c.258 §1]

**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]

**Note:** The amendments to 341.655 by section 12, chapter 474, Oregon Laws 1987, are repealed June 30, 1991. See section 14, chapter 474, Oregon Laws 1987. The text is set forth for the user's convenience.

**341.655** (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 commissioner

(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.

**341.660 Treatment of public library costs in computing state aid.** A community college district that operates a free public library pursuant to ORS 357.410 shall not include or reflect the operating or construction costs attributable to such library that are in addition to the costs otherwise incurred for library facilities or services for the community college in any computation of eligibility for state aid for operation or construction at

the community college. However, a community college district that operates a free public library is eligible for any federal funds to which it would otherwise be entitled for public library purposes. [1975 c.112 §11]

**341.665 Receipt of funds for transferred apprenticeship programs; approval; notice.** (1) The receiving community college shall be awarded funds from the contracted out-of-district funds appropriated to the Department of Education if:

(a) An approved apprenticeship program is transferred to a community college other than the college which included the estimated enrollment for purposes of computing its entitlement to state aid after the estimate was made; and

(b) The receiving community college is unable to accommodate the program within its allocated full-time equivalent students.

(2) The transfer shall be made subject to the approval of the Department of Education.

(3) Notice of the transfer of the approved program must be provided to the community college from which it is transferred not less than nine months prior to the opening of fall term. [1979 c.311 §1]

**Note:** 341.665 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 341 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

## 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]

**341.678 Election on bonded indebtedness.** (1) This section establishes the procedure for determining whether a community college district should contract a bonded indebtedness for any one or more purposes described in ORS 341.675. The question shall be decided by election. The district board:

(a) May order the election on its own motion; or

(b) Shall order the election when a petition is filed as provided in this section.

(2) The requirements for preparing, circulating and filing a petition under this section shall be as provided for an initiative petition in ORS 255.135 to 255.205. The petition shall state the amount of the proposed bonded indebtedness and the purposes for which the indebtedness shall be contracted. [1983 c.350 §212 (enacted in lieu of 341.679)]

**341.679** [1971 c.513 §§38, 39; 1973 c.796 §58; repealed by 1983 c.350 §211 (341.678 enacted in lieu of 341.679)]

**341.681 Issuance of bonds.** (1) If the electors of the district voting on the question of contracting bonded indebtedness approve the question, the board of the district may issue negotiable coupon bonds of the district.

(2) The bonds shall:

(a) Bear interest at a rate of interest determined by the board pursuant to ORS 288.520, 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. [1971 c.513 §§40, 41, 42; 1981 c.94 §29; 1983 c.347 §25; 1983 c.350 §213]

**341.685 Registration of bonds; disposition of proceeds.** (1) The county fiscal officer shall register each community college district bond, including refunding bonds, in a record maintained for that purpose in the office of the county fiscal officer, noting the community college district, amount, date, time and place of payment, rate of interest and such other facts as the county fiscal officer may consider proper. The county fiscal officer 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 the county fiscal officer 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 the official bond of the county fiscal officer.

(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 the hands of the county fiscal officer 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 the rate of interest determined by the board pursuant to ORS 288.520; 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, 341.675 (3), 341.678 and 341.681.

(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 any reason whatever. [1971 c 513 §48, 1981 c 94 §30; 1983 c 347 §26]

**341.701** [1971 c 513 §49; repealed by 1975 c.642 §22 (341.702 enacted in lieu of 341.701)]

**341.702 Advertisement and sale of bonds.** All legally authorized and issued general obligation bonds or revenue bonds shall be advertised and sold in the manner prescribed in ORS 287.014 to 287.026. [1975 c.642 §23 (enacted in lieu of 341.701)]

#### (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 the official bond of the custodian 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 employees 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 December 31 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; 1987 c.159 §1]

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

#### (Notes)

**341.715 Short-term promissory notes.** (1) As provided by ORS 287.442, 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.

(2) 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, 1983 c.124 §10; 1985 c.356 §5]

**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]

### SMALL BUSINESS DEVELOPMENT CENTER

**341.785 Purpose of ORS 341.785 to 341.807.** (1) The purpose of ORS 341.785 to 341.807 is to establish a state-wide network of community college-based small business development centers.

(2) The Legislative Assembly finds that it is in the state's interest to help small businesses develop and improve skills in such areas as marketing, management and capital formation through a network of small business development centers because:

(a) Small business employers create most of the new jobs in Oregon and are vital to Oregon's long term economic recovery;

(b) Community colleges present the possibility of a state-wide network able to link small business with college resources, expert resource people in the business community and with other training resources throughout the state; and

(c) While many factors affect the vitality of small business, training assistance in a form, location and time directly related to the problem to be solved is chief among them. [1983 c.825 §2; 1989 c.171 §45]

**Note:** 341.785 to 341.807 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 341 or any series therein by legislative action. However, they were added to the Small Business Development Act of 1983. See 280.905. See Preface to Oregon Revised Statutes for further explanation.

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

**341.795 Grants; application; prohibited uses; eligibility.** (1) The Economic Development Department may make available to community college and community college service districts on a justified need basis grants to assist in the formation and improvement of small business development centers. The grant application shall include:

(a) Evidence of the potential demand for assistance;

(b) Plans for involving other training resources and expert resource people from the business community in the program;

(c) An outline of training options to be available, including, but not limited to, time of day, length of training, training location and other considerations important to the small business community;

(d) A budget for the year for which a grant is requested, including college, client and Economic Development Department grant shares; and

(e) A plan for evaluating the effect of the program on small business clients served.

(2) The grants made under subsection (1) of this section are to be used by the community college or community college service district to:

(a) Provide funds for small business development center staff and support staff;

(b) Provide funds to retain expert resource persons from the business community;

(c) Provide funds to retain other training resources as necessary to enhance the training capability of the centers in certain skill areas or areas of the state in instances where the college or district can demonstrate it does not have the capacity or expertise to provide such resources; and

(d) Provide funds for other costs related to operation of the centers and provision of training to small business clients.

(3) In no case shall the grants made under subsection (1) of this section be used for the establishment, maintenance or expansion of other public or private institutions providing similar education services or to establish, maintain or expand satellite centers or business assistance programs operated by other public or private educational institutions.

(4) In order to be eligible for grants under subsection (1) of this section, existing programs shall be required to provide funds or in-kind contributions or some combination of funds and contributions in accordance with rules adopted by the Economic Development Department. [1983 c.825 §3; 1985 c.542 §1; 1987 c.168 §3]

Note: See note under 341.785

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

**341.803 Small Business Development Center Advisory Council.** (1) There is established within the Economic Development Department a Small Business Development Center Advisory Council, appointed by the Director of the Economic Development Department. The council shall include representatives of the small business community, community colleges, community college service districts and other providers of training assistance to small business.

(2) The Small Business Development Center Advisory Council shall advise the Director of the Economic Development Department on administration of the grants program, including establishment of the cri-

teria by which grants shall be awarded. [1983 c.825 §4; 1987 c.168 §4]

Note: See note under 341.785.

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

**341.807 Short title.** ORS 341.785 to 341.807 shall be known and may be cited as the "Small Business Training Assistance Act." [1983 c.825 §1]

Note: See note under 341.785.

**341.809 Programs to assist businesses procure contracts and grants.** In cooperation with other state and public agencies, community colleges may develop programs to assist Oregon businesses with the procurement of government contracts and grants. The small business development centers established under ORS 341.785 to 341.807 may assist with these programs. [1987 c.697 §1]

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

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

**341.813 Legislative finding.** The Legislative Assembly finds:

(1) Child care is a growing business in this state and the United States.

(2) Child care is important for enabling women to participate fully in the economy and for equality of opportunity.

(3) Child care is an important source of opportunity for entrepreneurial advancement for women and members of minority groups who have traditionally been denied the opportunity to participate fully in the economy. [1989 c.538 §1]

Note: 341.813 and 341.818 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 341 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation

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

**341.818 Management training for family child care providers and owner operators of child care businesses.** (1) The small business development centers shall develop and offer special courses in management training for family child care providers and owner operators of child care businesses.

(2) As part of promotional efforts, the centers shall concentrate on encouraging women, family child care providers and members of minority groups to participate in programs developed under this section and ORS 341.813. [1989 c.538 §2]

Note: See note under 341.813.

**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]

341.915 [1967 c.433 §9; 1975 c.128 §7, repealed by 1977 c.711 §6; repeal rescinded by 1979 c.754 §5; 1979 c.754 §6; repealed by 1987 c.474 §13]

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

341.917 [1975 c.128 §8, 1977 c.711 §4; repealed by 1977 c.711 §6]

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

341.925 [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; 1975 c.128 §6; repealed by 1977 c.711 §6]

341.930 [1961 c.601 §3; 1965 c.100 §342; 1967 c.433 §11; 1971 c.310 §6; 1975 c.128 §9; repealed by 1977 c.711 §6]

### AID FOR CONSTRUCTION

**341.933 Distribution of state funds for capital construction; standards; limitations.** The State Board of Education shall

adopt by rule standards governing the distribution of state funds to community college districts for capital construction projects. The standards shall include, but need not be limited to, the following provisions:

(1) No state funds shall be used for the construction of student or faculty housing, facilities for spectators at athletic events, recreational facilities, student health facilities or noninstructional portions of student centers; and

(2) State funds shall be matched by substantial contributions from nonstate sources which may include tuition, property taxes, bond issues, serial levies, gifts and grants. [1987 c.474 §11]

**Note:** 341.933 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 341 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

341.935 [1961 c.601 §4; 1965 c.100 §343; 1967 c.433 §12; 1971 c.513 §70; repealed by 1977 c.711 §6; repeal rescinded by 1979 c.754 §5; 1979 c.754 §6; repealed by 1987 c.474 §13]

341.940 [1961 c.601 §6, 1965 c.100 §344; 1967 c.433 §13, repealed by 1977 c.711 §6; repeal rescinded by 1979 c.754 §6; repealed by 1987 c.474 §13]

341.945 [1961 c.601 §7, 1965 c.100 §345, 1967 c.433 §14; 1971 c.513 §71; repealed by 1977 c.711 §6; repeal rescinded by 1979 c.754 §6; repealed by 1987 c.474 §13]

341.950 [1961 c.601 §8; 1965 c.100 §346, 1967 c.433 §15; 1971 c.513 §72; repealed by 1977 c.711 §6; repeal rescinded by 1979 c.754 §6; repealed by 1987 c.474 §13]

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