

Chapter 334

1999 EDITION

Education Service Districts

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GENERAL PROVISIONS

334.003 Definitions. For purposes of this chapter:

(1) “Component school district” means a common school district or a union high school district located within the territory of an education service district.

(2) “Joint school district” means a common school district or a union high school district located within the territory of more than one education service district. [1995 c.611 s.20]

334.005 Purpose. (1) An equitable and excellent education must be provided to all children in the state. Assuring

an opportunity for such an education has been and will continue to be a major purpose of education service districts.

(2) Education service districts are needed to assist the State Board of Education in providing state level services, to deliver essential support services to school districts so that the districts meet state standards and comply with state laws and to respond to district needs. Education service districts offer expertise and specialized resources that few school districts can provide on their own.

(3) All child- and youth-serving organizations must work closely together for the mutual benefit of those they serve. Education service districts shall play an important role in achieving such interorganizational cooperation and coordination in their regions with school districts and working with county governments, among health care agencies, social service agencies and employment training agencies. Private agencies should be enabled to participate in the regional service delivery system through contractual agreements.

(4) As client-centered organizations, education service districts must respect the differences in needs of school districts by using varied and flexible service delivery modes and by giving school districts the opportunity to participate in decisions about what services will be offered. [1963 c.544 s.1; 1975 c.477 s.1; 1983 c.610 s.2; 1993 c.784 s.1]

334.010 Education service districts. There is created in each region a district to be known as the education service district to consist of the counties and the area of the common school districts as listed in ORS 334.020, with a governing body thereof to be known as the education service district board. [Amended by 1961 c.153 s.1; subsections (3) and (4) enacted as 1961 c.153 s.2; 1963 c.544 s.29; 1965 c.100 s.170; 1977 c.481 s.1; 1993 c.784 s.2]

334.020 Composition of education service districts. (1) On and after the effective date of the order entered under section 25, chapter 784, Oregon Laws 1993, except as the boundaries of an education service district may be changed by merger under ORS 334.710 to 334.770 or other provision of law, the education service districts are as follows:

- (a) Region 1. Clatsop, Columbia, Tillamook and Washington Counties.
- (b) Region 2. Multnomah County.
- (c) Region 3. Marion and Polk Counties.
- (d) Region 4. Lincoln, Linn and Benton Counties.
- (e) Region 5. Lane County.
- (f) Region 6. Douglas County.
- (g) Region 7. Coos and Curry Counties and the area lying within the Reedsport School District.
- (h) Region 8. Jackson, Josephine and Klamath Counties.
- (i) Region 9. Hood River and Wasco Counties.
- (j) Region 10. Crook and Deschutes Counties.
- (k) Region 11. Lake County.
- (L) Region 12. Umatilla and Morrow Counties.
- (m) Region 13. Union and Baker Counties.
- (n) Region 14. Malheur County and the area comprising the Huntington School District.
- (o) Region 15. Clackamas County.
- (p) Region 16. Yamhill County.
- (q) Region 17. Harney County.
- (r) Region 18. Wallowa County.
- (s) Region 19. Sherman, Gilliam and Wheeler Counties.
- (t) Region 20. Grant County.
- (u) Region 21. Jefferson County and the area comprising the Warm Springs Reservation.

(2) Where a boundary change or formation of a component school district results in a joint school district, the joint school district shall be included in the education service district in which the joint district's administrative office is located. [Amended by 1957 c.678 s.2; 1963 c.544 s.30; 1965 c.100 s.171; 1975 c.770 s.39; 1993 c.784 s.3; 1995 c.611 s.6]

334.022 No distinction in state funding between multicounty and single county districts. In adopting any rule relating to the distribution of state funds to education service districts, the State Board of Education shall not make any distinction based on the administrative structure of multicounty education service districts and the administrative structure of single county education service districts. [1993 c.784 s.38]

Note: 334.022 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 334 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

EDUCATION SERVICE DISTRICT BOARD

334.025 Number of board members; election; nonvoting advisory members; local advisory committees. (1) The board of directors of an education service district shall consist of seven, nine or 11 members.

(2) In education service districts, not less than five of the directors shall be elected, one from each of the zones established under ORS 334.032. At the discretion of the board of directors, one or two board members may be elected from the district at large.

(3) The board shall appoint two additional members as nonvoting advisory members, one to represent employment training agencies and the other to represent social service agencies in the area served by the district. The advisory members shall be appointed to two-year terms and may be reappointed.

(4) On the petition of two component school districts, the board shall establish local advisory committees to represent the interests of areas within the petitioning districts. The local advisory committees shall advise the board on matters of concern within the advisory committee's area. Local advisory committees shall represent two or more component school districts.

(5) The board of directors may by resolution increase or decrease the number of members of the board. The board's resolution shall be entered with sufficient time for the board to give the required information to the elections officer under ORS 255.069, and the board's resolution shall have no effect on the terms of any current board members. [1957 c.678 s.4; 1961 c.323 s.1; 1965 c.100 s.172; 1981 c.131 s.1; 1993 c.784 s.4; 1995 c.611 s.7]

334.030 [Repealed by 1957 c.678 s.1]

334.032 Zones. (1) The board of directors of the education service district shall divide each education service district into not more than 11 zones as nearly equal in census population as may be practicable, measured along common school district boundary lines except that zones may be established using voting precinct boundaries in order to achieve greater equality of population.

(2) The board may readjust the boundaries of such zones once each year and shall readjust the boundaries of the zones immediately upon any change of the boundaries of the education service district. [1965 c.100 s.173; 1975 c.206 s.1; 1981 c.131 s.2; 1993 c.784 s.6; 1995 c.611 s.8]

334.035 Nomination of candidates. (1) In education service districts having a population of less than 550,000 according to the latest federal census, a candidate for the district board shall be nominated in accordance with ORS 255.235 except as provided in this section. When a candidate is nominated from a zone by a nominating petition, the nominating petition must be signed by electors registered in the zone in which the candidate is a resident and who are qualified to vote in their respective component school districts. When a candidate is nominated at large by a nominating petition, the nominating petition must be signed by electors of the district. A candidate for education service district board member must be qualified to vote in the election in which the individual is a candidate.

(2) In education service districts having a population of 550,000 or more according to the latest federal census, the name of any qualified person nominated as provided by ORS 255.235 shall be placed on the ballot as a candidate for the office of director of the education service district. [1957 c.678 s.5; 1963 c.544 s.32; 1965 c.100 s.174; 1973 c.796 s.47; 1974 s.s. c.45 s.5; 1981 c.131 s.3; 1983 c.83 s.66; 1983 c.350 s.180; 1993 c.784 s.7; 1995 c.611 s.9]

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

334.045 Election procedure. (1) In education service districts, members of the board shall be elected at the time of the regular district election described in ORS 255.335 for the term commencing July 1 as provided in ORS 334.090. For this purpose, a district election shall be held in such districts in those zones from which a member or members of the board are to be elected, and in the district as a whole if a member or members at large are to be elected. The registrar of elections of the county in which such district is located shall be the elections officer for such elections.

(2) The education service district shall pay the actual cost of printing ballots and tally sheets for each election under this section, and the cost of checking signatures on certificates of nomination, together with such proportionate

part of the general expenses of such election as provided in ORS 255.305.

(3) All elections of members of the board shall be held as provided in ORS chapter 255. [1957 c.678 s.8; 1963 c.544 s.33; 1965 c.100 s.175; 1973 c.796 s.48; 1975 c.647 s.29b; 1977 c.149 s.3; 1981 c.131 s.4; 1983 c.350 s.181; 1993 c.784 s.8; 1995 c.258 s.5; 1995 c.611 s.10a]

334.050 [Repealed by 1957 c.678 s.1]

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

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

334.080 [Repealed by 1957 c.678 s.1]

334.090 Term; eligibility; election of successors; vacancies. (1) The term of office of director of an education service district shall be four years.

(2) The term of office of each director of an education service district shall begin on July 1 next following the date of election. A director shall serve until June 30 next following the election of a successor.

(3) A director of an education service district must qualify by taking an oath of office before assuming the duties of office.

(4) A newly appointed director of an education service district shall take office at the meeting of the education service district board next following the appointment.

(5) A person is not eligible to serve as a director of an education service district unless the person is an elector of the district and has resided therein for a period of one year immediately preceding the election or appointment.

(6) No employee of an education service district is eligible to serve as a director of the education service district by which the employee is employed.

(7) A regular district election shall be held in a district to fill any vacancy and to elect a successor for any director whose term expires June 30 next following the election. A successor shall be elected as follows:

(a) If the director was elected from a zone established under ORS 334.032, a successor from the same zone shall be elected by the electors of the zone.

(b) If the director was elected at large a successor shall be elected at large by the electors of the district.

(8) Notwithstanding subsection (7) of this section, in any district having a population of 550,000 or more according to the latest federal census that becomes zoned according to ORS 334.032, the board shall determine prior to the nomination of school directors which positions shall be from zones and which positions shall be at large.

(9) Any vacancy on the board from any zone shall be filled by the remaining directors from among the qualified persons in that zone. Any such vacancy from the district at large shall be filled by the remaining directors from among the qualified persons in the district. However, if vacancies occur in a majority of the positions on the board, the State Board of Education shall fill the vacancies from among the qualified persons of the zones, if any, or from among other persons who are qualified to serve. The period of service of an appointee under this subsection 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 July 1 next following the election. [Amended by 1957 c.678 s.9; 1965 c.100 s.176; 1971 c.47 s.4; 1973 c.796 s.49; 1975 c.770 s.40; 1981 c.131 s.5; 1983 c.350 s.182; 1983 c.379 s.8; 1993 c.784 s.9; 1995 c.611 s.11]

334.095 Declaration of vacancy in office of director; removal; recall. (1) The education service district board shall declare the office of director vacant upon the happening of any of the following:

(a) When an incumbent dies or resigns;

(b) When an incumbent is removed from office or the election thereto has been declared void by the judgment or decree of any competent court;

(c) When an incumbent ceases to be a resident of the education service district;

(d) Subject to the provision of subsection (2) of this section, when an incumbent ceases to be a resident of the zone from which nominated;

(e) When an incumbent ceases to discharge the duties of office for two consecutive months unless prevented

therefrom by sickness or other unavoidable cause; or

(f) When an incumbent is recalled.

(2) A director nominated from a zone who changes permanent residence from one zone to another zone in which another director resides shall continue to serve as director until the next regular election when a successor shall be elected to serve for the remainder of the unexpired term.

(3) A director guilty of misfeasance or malfeasance in office, by the appropriate proceeding, may be removed from office by a court of competent jurisdiction.

(4) Members may be recalled in the manner provided in ORS 249.865 to 249.877. If the member was elected by a zone, the recall petition shall be signed by electors from that zone and electors from the zone are the only electors eligible to vote in the recall election. If the member was elected at large, the recall petition shall be signed by electors from the district and electors from the district are eligible to vote in the recall election. [1981 c.131 ss.7, 8; 1993 c.784 s.10]

334.100 Organization of board; meetings; quorum; compensation. (1) Each education service district board shall meet during July and organize by electing one of its members chairperson and one vice chairperson, each of whom shall serve until a successor is elected and qualified. No member shall serve as chairperson for more than two years in succession.

(2) Regular meetings of an education service district board shall be held on meeting dates determined by the board. Special meetings may be held on dates to be determined by the board.

(3) Members of the education service district board shall receive no compensation for their services, but shall be reimbursed for all traveling and other expenses necessarily incurred in performing their duties as members of the board.

(4) A majority of the members of the education service district board shall constitute a quorum. A lesser number may meet and adjourn from time to time and compel the presence of absent members. The affirmative vote of a majority of members of the board is required to transact any business.

(5) Any duty imposed upon the education service district board as a body must be performed at a regular or special meeting and must be made a matter of record. The consent to any particular measure obtained of individual members when the board is not in session is not an act of the board and is not binding upon the district. [Amended by 1963 c.544 s.34; 1965 c.100 s.177; 1975 c.477 s.8; 1975 c.647 s.29c; 1975 c.770 s.41a; 1981 c.131 s.5]

334.110 [Repealed by 1965 c.100 s.456]

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

POWERS AND DUTIES

334.125 Status of board; powers and duties. (1) The education service district is a body corporate.

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

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

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

(b) Conduct of audits;

(c) Duties as district boundary board;

(d) Budget and tax levying duties, including the levying of taxes under ORS 280.060;

(e) Curriculum improvement;

(f) Special education programs;

(g) Contracting a bonded indebtedness and levying direct ad valorem taxes on all taxable property within the education service district in the manner that component school districts are authorized to issue bonds and levy taxes under ORS 328.205 to 328.304 and other laws applicable to the issuance of bonds and levying of taxes by school districts; and

(h) Creating a county education bond district under ORS 328.304 from a county within the district.

(4) In addition to its duties under subsection (3) of this section and duties arising under ORS 334.175, in cooperation with the school districts the board may:

(a) Plan for the provision and delivery of education;

- (b) Provide staff development;
- (c) Conduct assessment, evaluation and research;
- (d) Plan and provide for new learning environments;
- (e) Plan and provide for educational communication and distribution services, including telecommunications systems; and
- (f) Collaborate in jointly planning for the delivery of health care, employment training and social services in the region.

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

(6) In carrying out its duties, the education service district board:

(a) May locate, buy, accept by gift or lease such land, buildings and facilities as may be required for district purposes. Leases authorized by this section may be for a term of up to 30 years and include lease-purchase agreements whereunder the district may acquire ownership of the leased property.

(b) May acquire personal property by a lease-purchase agreement or contract of purchase for a term exceeding one year. A lease-purchase agreement is one in which the rent payable by the district is expressly agreed to have been established to reflect the savings resulting from the exemption from taxation, and the district is entitled to ownership of the property at a nominal or other price which is stated or determinable by the terms of the agreement and was not intended to reflect the true value of the property.

(c) May lease property or sell and convey property of the district as the board considers unnecessary to its purposes.

(d) May purchase relocatable structures in installment transactions in which deferred installments of the purchase price are payable over not more than 10 years from the date of delivery of the property to the district and are secured by a security interest in the property. The transactions may take the form of, but are not limited to, lease-purchase agreements.

(e) May accept money or property donated for the use or benefit of the district and use the money or property for the purpose for which it was donated.

(7) The education service district board may adopt rules it considers necessary to carry out the duties of the board.

(8) The education service district may contract with public and private entities for service delivery.

(9)(a) The education service district shall work cooperatively with component school districts and review periodically with component school districts the operations of component school districts and shall submit to the component school districts plans for operations that achieve economies and efficiencies through consolidation of various operations of all or some of the districts. The education service district and its component school districts shall submit an annual report on the effectiveness of the consolidation of operations to the State Board of Education.

(b) As used in this subsection, "operations" means services involving transportation, payroll, student records, auditing, legal services, insurance, printing, investment and other similar services. [1965 c.100 s.179; 1975 c.477 s.6; 1977 c.56 s.1; 1981 c.406 s.1; 1983 c.133 s.1; 1983 c.187 s.3; 1985 c.457 s.1; 1993 c.784 s.11; 1995 c.333 s.11; 1995 c.611 s.12; 1997 c.600 s.4]

334.127 Title of real property when district ceases. Whenever an education service district ceases to exist, its real property shall pass to the successor district, which is authorized to treat such property in the same manner as its predecessor district did. [1975 c.477 s.7]

334.130 [Repealed by 1957 c.678 s.1]

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

334.140 [Repealed by 1957 c.678 s.1]

334.145 Office space provided by county; rent; additional space; purchase of required space; providing space. (1) At the discretion of the county court or board of county commissioners of any county within the education service district, the county may provide space for the board, superintendent and staff of the education service district and may charge the district a reasonable sum as rent for this space.

(2) The board of an education service district may rent such space as may be required when the space offered by the county, if any, is considered to be inadequate. Subject to ORS 334.125, the board may purchase such required

space.

(3) The education service district may provide space for the offices of other education, employment training and human service providers. [1967 c.379 ss.2, 3; 1975 c.477 s.5; 1977 c.56 s.2; 1993 c.784 s.12]

334.150 [Repealed by 1957 c.678 s.1]

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

334.170 [Repealed by 1957 c.678 s.1]

334.175 Special services and facilities within district. (1) The education service district or a combination of education service districts or a school district or other public or private entity under contract with an education service district or districts may provide services and facilities, including but not limited to central purchasing, library, curriculum material, special teachers and special programs including but not limited to teachers and programs under ORS chapter 343 and any other relevant services to all school districts which are a part of the education service district or districts. If the education service district owns a planetarium, the district may promote public events and may sell tickets for public events at the planetarium.

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

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

(b) Within the authority of the interested districts.

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

(4) Subject to subsections (1) and (2) of this section and ORS 334.185, the education service district may establish or participate in all programs under ORS chapter 343. [1963 c.544 ss.10, 12; 1965 c.100 s.180; 1967 c.542 s.16; 1985 c.200 s.1; 1991 c.280 s.1; 1993 c.784 s.13; 1995 c.611 s.13]

334.180 [Repealed by 1957 c.678 s.1]

334.185 Special services and facilities outside district. (1) Facilities and services authorized under ORS 334.175 (1) may be provided to component school districts which are not a part of the education service district or districts by agreement on a reimbursable basis. However, the pupils residing in such districts shall not be included in the computation of the percentage required by ORS 334.175 (2)(a). The facilities and services may also be provided to other public or private entities by agreement or on a reimbursable basis.

(2) Expenditures by the education service district board for special services and facilities provided on a reimbursable basis under this section shall be limited to the moneys received for the purpose specified and are not subject to the Local Budget Law (ORS 294.305 to 294.565).

(3) Budget estimates of expenditures for special services and facilities provided under this section must show the estimates of moneys receivable and must be shown as offsetting revenue items. [1965 c.100 s.181; 1993 c.784 s.14; 1995 c.611 s.14]

334.190 [Repealed by 1957 c.678 s.1]

334.195 [1993 c.766 s.4; repealed by 1995 c.798 s.4]

334.200 [Repealed by 1957 c.678 s.1]

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

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

334.215 Gifts. (1) An education service district board may accept gifts and bequests of money for the establishment and conduct of child guidance clinics and for any other purpose consistent with the powers and duties of the district.

(2) The board shall deposit any such money received in a special fund and the money shall be expended under the direction of the board for the purposes for which it was donated. [Formerly 343.925; 1993 c.784 s.15; 1995 c.611 s.16]

334.217 Standards of adequacy of services and facilities; plans for nonstandard districts; effect of failure to comply. (1) The State Board of Education by rule shall establish standards to determine the adequacy of services and facilities provided by the education service districts. In establishing such standards, the state board shall consider the most economic method of providing services and facilities, the quality of the services and facilities according to the best educational standards, and the needs of the students.

(2) When the Superintendent of Public Instruction determines pursuant to rule that an education service district is nonstandard, the district designated nonstandard shall file a plan to meet standards over a specified period of time. The superintendent may accept, reject or modify the plan and order the nonstandard district to comply with the plan as approved by the superintendent. Once a plan is approved, the district shall be conditionally standard until all deficiencies are corrected. If a district corrects all deficiencies, the district shall be designated as standard. The district shall have 180 days from the date the plan is accepted to make all corrections. After that time, the superintendent may impose sanctions on the district if the district has not made the necessary corrections. The state board shall establish by rule appropriate sanctions for noncompliance. The sanctions may include mandatory merger of the nonstandard education service district with a contiguous education service district that is standard, the sanctions described in ORS 342.173, if applicable, or the withholding of funds from the State School Fund. [1975 c.477 s.3; 1989 c.491 s.21; 1993 c.784 s.16; 1999 c.1054 s.1]

334.220 [Renumbered 334.530 and then 334.330]

SUPERINTENDENT

334.225 Superintendent; duties; compensation. (1) The education service district board shall employ a superintendent who must hold an administrative license as a superintendent. The superintendent shall serve as the board's executive officer, give an official bond or an irrevocable letter of credit issued by an insured institution, as defined in ORS 706.008, and have the duties prescribed by the board and the laws of this state. The board shall fix the term and compensation of the superintendent, provide office room for the superintendent and allow all of the superintendent's necessary traveling expenses.

(2) The education service district board shall designate the superintendent as the district clerk. The board may appoint qualified persons as deputies to the superintendent to perform the duties required of the district clerk by law or by the board. [Formerly 334.120; 1975 c.278 s.9; 1975 c.477 s.9a; 1983 c.379 s.9; 1985 c.195 s.1; 1991 c.331 s.56; 1997 c.631 s.462]

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

334.235 [Formerly 334.135; repealed by 1975 c.770 s.49]

BUDGET AND TAX LEVIES

334.240 District budget; budget committee; board expenses. (1) The education service district board shall be subject in all respects to the Local Budget Law (ORS 294.305 to 294.565), except that in addition to other qualifications, members of the budget committee who are not members of the education service district board shall be members of component school district boards within the education service district or shall be designees of a school district board.

(2) Notwithstanding ORS 294.336 and 294.341, a majority of the members of the budget committee of an education service district must consist of members of the component school district boards or designees of a school district board. The budget committee may meet to conduct business if the education service district board is unable to fill all of the positions on the budget committee.

(3) The board of the education service district is authorized to prepare and adopt a budget for its own expenses and for its operational, administrative and resolution services expenses. The board's own expenses include expenses for travel, for providing the board with professional and clerical assistance, and for such services, equipment and supplies as the board may require. The board's budget may include amounts necessary to provide special services and facilities authorized by ORS 334.175 (1) and (2), and to support providing services and programs for children with disabilities, for the talented and gifted or for bilingual or English as a second language education as these programs are described in ORS 336.074, 336.079, 343.035, 343.397 and 343.830. [1957 c.678 s.12; 1963 c.544 s.37; 1965 c.100 s.185; 1981 c.131 s.10; 1993 c.784 s.16a; 1995 c.611 s.17; 1999 c.1054 s.2]

334.250 [1957 c.678 s.13(1); 1957 s.s. c.4 s.1(1); 1965 c.100 s.186; repealed by 1977 c.840 s.19]

334.260 [1957 c.678 s.13(2); 1957 s.s. c.4 s.1(2); 1965 c.100 s.187; repealed by 1977 c.840 s.19]

334.262 [1977 c.840 s.12; 1981 c.836 s.1; 1983 c.610 s.3; repealed by 1993 c.784 s.37]

334.263 [1977 c.840 s.13; 1979 c.445 s.1; repealed by 1983 c.610 s.8]

334.264 [1977 c.840 s.14; repealed by 1983 c.610 s.8]

334.270 Levy of tax. Subject to section 11, Article XI of the Oregon Constitution, for the school year commencing on July 1 of each year, each education service district shall levy a tax in an amount which, together with any other funds available to it for the purposes set forth in this section and ORS 334.285, shall equal the amount of the education service district budget, prepared and adopted pursuant to ORS 334.240. [1957 c.678 s.13(3); 1957 s.s. c.4 s.1(3); 1965 c.100 s.188; 1977 c.840 s.10; 1993 c.784 s.33]

Note: Section 3, chapter 1066, Oregon Laws 1999, provides:

Sec. 3. (1) For the 1999-2000 and 2000-2001 fiscal years, if an education service district certifies a rate pursuant to ORS 310.060 that is less than the maximum rate of operating property taxes allowed by law, the county assessor for each county within which the education service district is located shall determine the amount of operating property taxes that would have been imposed by the education service district if the education service district had certified the maximum rate of operating property taxes allowed by law.

(2) Each county assessor who is required to calculate an amount under subsection (1) of this section shall report that amount to the Department of Education. [1999 c.1066 s.3]

334.280 [1957 c.678 s.13(4); 1957 s.s. c.4 s.1(4); 1965 c.100 s.189; repealed by 1977 c.840 s.19]

334.285 Apportionment of taxes; split between elementary and secondary school purposes. (1) Before July 15 of each year, the education service district board shall certify the amount of ad valorem property taxes as provided in ORS 310.060 and the apportionment to the county assessor. The county assessor shall extend the levy on the assessment and tax roll as the levy of the education service district board, applicable at a uniform rate or rates to all taxable property within the education service district, including joint districts in adjacent counties that are included in the district.

(2) Notwithstanding subsection (1) of this section, the education service district board shall split its total operating taxes or other ad valorem property taxes into separate portions for elementary and high school purposes where necessary in order to avoid double taxation. The portion for elementary purposes shall amount to two-thirds of the total amount of taxes and the portion for high school purposes shall amount to one-third of the total amount of taxes. Before July 15 of such year, the board shall certify to the county assessor the amount of its taxes for elementary purposes and the amount of its taxes for high school purposes. The county assessor shall extend the taxes for elementary and high school purposes on the assessment and tax rolls as taxes of the education service district board, applicable at a uniform rate or rates to all taxable property within the education service district, including joint districts in adjacent counties that are included in the education service district. The taxes for elementary purposes shall apply to all taxable property in the district for which elementary education is provided by a school district within the education service district. The taxes for high school purposes shall apply to all taxable property in the district for which high school education is

provided by a school district within the education service district. [1979 c.689 s.23; 1997 c.541 s.373]

334.290 [1957 c.678 s.13(5), (6); 1957 s.s. c.4 s.1(5), (6); 1961 c.356 s.1; 1965 c.100 s.190; repealed by 1977 c.840 s.19]

334.293 Direct ad valorem tax required to pay bonds. Notwithstanding ORS 334.240, 334.270 and 334.285, each education service district shall ascertain and levy annually, in addition to all other taxes, a direct ad valorem tax on all taxable property in the education service district sufficient to pay the maturing interest and principal of all education service district bonds promptly when and as the payments become due. The board in each year shall include the taxes in the education service district budget for that year. [1995 c.333 s.13]

334.295 [Formerly 334.230 and then 334.540; amended by 1965 c.100 s.191; repealed by 1977 c.840 s.19]

334.300 [1957 c.678 s.14; 1963 c.576 s.41; 1965 c.100 s.192; repealed by 1977 c.840 s.19]

334.310 [Formerly 334.205 and then 334.510; repealed by 1977 c.840 s.19]

334.320 [Formerly 334.210 and then 334.520; 1973 c.796 s.50; 1975 c.477 s.10; 1977 c.2 s.1; 1977 c.156 s.1; repealed by 1977 c.840 s.19]

334.330 [Formerly 334.220 and then 334.530; repealed by 1977 c.840 s.19]

BUDGET AND TAX LEVIES IN CERTAIN COUNTIES

334.350 Tax equalization procedure in Grant, Wallowa and Wheeler Counties. ORS 334.350 to 334.400 apply to every education service district which immediately prior to August 20, 1957, included the territory of every first class school district as defined in ORS 330.020 (1963 Replacement Part) and of every union high school district and any county high school district located within the boundaries of the education service district. [1957 c.678 s.15(1); 1965 c.100 s.196; 1993 c.784 s.16b]

334.353 Authority of districts in Grant, Wallowa and Wheeler Counties. Notwithstanding sections 24 and 25, chapter 784, Oregon Laws 1993, and ORS 334.020, the education service districts in Grant, Wallowa and Wheeler Counties retain their functions under ORS 334.350 to 334.400. The board of the education service district that includes the area of the respective counties retains the levying authority for purposes of ORS 334.350 to 334.400, but the levy shall apply only to property in Grant, Wallowa and Wheeler Counties and shall be based on the levy and tax base for purposes of ORS 334.350 to 334.400 in each such county prior to the effective date of merger. [1993 c.784 s.32]

Note: 334.353 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 334 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

Note: Section 4b, chapter 611, Oregon Laws 1995, provides:

Sec. 4b. Board term of office. (1) In each of the education service districts created by an order under section 25 (2), chapter 784, Oregon Laws 1993:

(a) The board of directors of the surviving district shall continue as the board of the education service district until June 30, 1997, when the terms of all of the directors shall expire.

(b) The terms of directors in districts located in areas annexed to the surviving district shall expire upon the effective date of the annexation.

(c) The district elections authority shall place on the ballot at the regular district election held in March 1997 the director positions necessary to replace those directors whose terms expire under paragraph (a) of this subsection. Directors shall take office on July 1, 1997.

(d) Candidates for the election held under paragraph (c) of this subsection shall be nominated as provided under ORS 334.035.

(e) The minority of directors shall serve terms expiring June 30 next following the first regular district election

after the directors take office, and the majority of directors shall serve terms expiring June 30 next following the second regular district election after the directors take office.

(2) Notwithstanding subsection (1) of this section, for the education service district composed of Sherman, Gilliam and Wheeler Counties created by an order under section 25 (2), chapter 784, Oregon Laws 1993:

(a) The board of directors of the surviving district shall continue as the board of the education service district until June 30, 1998, when the terms of all of the directors shall expire.

(b) The terms of directors in districts located in areas annexed to the surviving district shall expire upon the effective date of the annexation.

(c) The district elections authority shall place on the ballot at a special district election held in March 1998 the director positions necessary to replace those directors whose terms expire under paragraph (a) of this subsection. Directors shall take office on July 1, 1998.

(d) Candidates for the election held under paragraph (c) of this subsection shall be nominated as provided under ORS 334.035.

(e) The minority of directors shall serve terms expiring June 30, 1999, following the first regular district election after the directors take office in March 1999, and the majority of directors shall serve terms expiring June 30, 2001, following the second regular district election after the directors take office in March 2001.

(3) Directors elected under this section shall determine by lot the length of term each shall hold office. [1995 c.611 s.4b; 1997 c.267 s.1]

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

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

(3) The education service district board may prepare a budget for any school district which fails to submit a budget to the education service district board by March 15. [1957 c.678 s.15(2); 1965 c.100 s.197]

334.370 Budget may include an emergency aid fund. The education service district board may include in its own budget, adopted pursuant to ORS 334.240, an emergency aid fund for use, at the discretion of the board, in aiding school districts within the education service district with emergency expenses unforeseen at the time of making the budget of such districts. The emergency aid fund shall not exceed five percent of the combined budget of all districts included in such education service district. [1957 c.678 s.15(2); 1965 c.100 s.198]

334.380 Board powers and duties as to budgets of school districts; levy of tax. (1) The board of each education service district to which ORS 334.350 to 334.400 apply shall examine and audit or cause to have examined and audited the budgets of the school districts within such education service district. The education service district board may approve or reject, increase or reduce any item or amount in any such budget. Where necessary, the education service district board shall determine from the budgets submitted the amounts to be levied for elementary and high school purposes and make separate levies for the same. On or before April 10 the board of every school district within the education service district shall be notified in writing of any contemplated changes in the district school board's budget. On request of the district school board, it shall be entitled to a hearing by the education service district board on the budget submitted by the district school board. The education service district board shall set times and places for such hearings which shall be open to the public.

(2) After the budget hearing required by subsection (1) of this section and after careful consideration of all the budgets, the board of each education service district to which ORS 334.350 to 334.400 apply shall determine the final amount of the budget of each school district which shall be included in the tax levies to be made by it and shall notify each school district of its action on or before April 20 of the then current year.

(3) The board of each education service district to which ORS 334.350 to 334.400 apply shall levy for each fiscal year a tax in the amount equal to the total of the levies, so determined and approved, of the several school districts within such education service district. There shall be added to each levy the budget for the expenditures of the education service district board and of the superintendent for the education service district as prepared and adopted pursuant to ORS 334.240, including therein any amounts provided for emergency aid to districts as authorized in ORS

334.370. This tax levy shall apply at uniform rate or rates for elementary and high school purposes to all property within such education service district taxable for such purposes. [1957 c.678 s.15(3), (4); 1965 c.100 s.199; 1991 c.780 s.20]

334.390 Certification and extension of tax levy for component school districts. On or before July 15 of each year, the board of each education service district to which ORS 334.350 to 334.400 apply shall certify to the county assessor and to the county treasurer the total amount of the tax levy made by it and also shall certify to the county treasurer the amount in which the budget of each school district within the education service district is included in the tax levy. The county assessor shall extend the tax levy or levies on the assessment and tax roll as the property tax levy or levies of the education service district board, applicable at uniform rates to all taxable property within the district, including joint districts in adjacent counties that are included in the education service district. [1957 c.678 s.15(5); 1965 c.100 s.200]

334.400 Apportionment of levy proceeds. After deducting the estimated expenses provided in the budget of the education service district board pursuant to ORS 334.240, the board of each education service district to which ORS 334.350 to 334.400 apply shall apportion the remainder of the levy extended in the proportion that the original levy, as determined and included by the education service district board for each district, is of the total of all such levies in the district. [1957 c.678 s.15(6); 1963 c.544 s.38; 1965 c.100 s.201]

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

- (1) Payment of principal and interest of its bonded or negotiable interest-bearing warrant indebtedness; and
- (2) Payment of capital expenditures and current expenditures not provided for in the budget of the district by the education service district board. [1957 c.678 s.16; 1965 c.100 s.202; 1975 c.770 s.43; 1997 c.541 s.374]

METHOD OF CHANGING FINANCIAL OPERATING PROCEDURE

334.450 Method of changing financial operating procedure. (1) Whether an education service district to which ORS 334.350 to 334.400 applies shall discontinue the financial operating procedure provided under ORS 334.350 to 334.410 and adopt instead the alternative procedure under ORS 334.270 shall be decided by election as provided in this section.

- (2) The board of an education service district to which subsection (1) of this section applies:
 - (a) May order the election on its own resolution.
 - (b) Shall order the election when a petition is filed as provided in this section.
- (3) The requirements for preparing, circulating and filing a petition under this section shall be as provided for an initiative petition under ORS 255.135 to 255.205. [1957 c.678 s.17; 1965 c.100 s.203; 1983 c.350 s.183; 1983 c.610 s.5a; 1987 c.267 s.75; 1993 c.784 ss.34,35; 1995 c.712 s.106; 1997 c.541 s.375]

334.460 Effective date of change. If a majority of the votes cast at any election under ORS 334.450 favors discontinuation of the former financial operating procedure and adoption of the alternative procedure, the discontinuation of the former procedure and adoption of the alternative procedure shall be effective as of July 1 of the next calendar year. The budgets of the education service district board and of the school districts within its boundaries for the year commencing on that July 1 shall be prepared pursuant to the newly adopted procedure. [1983 c.610 s.5b; 1997 c.541 s.376]

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

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

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

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

BOUNDARY CHANGES

334.690 State board as boundary board; criteria for reorganization. The State Board of Education shall constitute the boundary board for education service districts. In examining any proposal to reorganize education service districts, the state board shall consider whether the proposed district would have the following characteristics:

- (1) A student population of at least 10,000 students or would have such a student population in the foreseeable future;
- (2) The ability to support the staff necessary to provide a wide array of services;
- (3) Boundaries that reflect the area's sense of community, and take into account topography, climate and highway patterns so that there is reasonable access to all areas within the region;
- (4) A distance of no more than two and one-half hours' driving time between the regional office or suboffice and the most remote school; and
- (5) At least one publicly supported, post-secondary institution within the region. [1993 c.784 s.20]

MERGER

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

(2) The State Board of Education shall review the petition and within 15 days after the board meeting at which the petition is reviewed, shall notify the education service district boards of each district designated by the petition, fix the date of and be responsible for supervising the giving of notices as provided in ORS 330.400 and conducting the public hearings in each proposing district to discuss the proposal contained in the petition. [1963 c.544 s.50b; 1965 c.100 s.204; 1983 c.83 s.67; 1983 c.284 s.12]

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

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

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

(4) When two or more education service districts join together in the manner provided in this section, the new district shall come into existence effective May 31 of the year following the election. [1963 c.544 ss.50c, 50d; 1965 c.100 s.205; 1983 c.83 s.68; 1983 c.350 s.186]

334.725 Consolidation in education service districts over 550,000. (1) When one education service district proposing consolidation has a population of 550,000 or more, according to the latest federal census, the election under ORS 334.720 shall be held on the date of the biennial primary election and the election held in all proposing education service districts shall be held pursuant to ORS 332.138 but the votes in each education service district shall be counted separately.

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

(3) The laws applicable to an education service district with a population of 550,000 or more, according to the latest federal census, shall apply to new districts formed under this section. [1965 c.100 s.207; 1983 c.350 s.187; 1987 c.267 s.76; 1993 c.784 s.17,18; 1995 c.712 s.107]

334.730 Joint meeting; zoning; election of new directors. (1) Immediately after the election to join two or more education service districts together, if the election supported such action, the boards of directors of all education service districts within the boundaries of the new district shall meet together upon the call of the chairperson of the board of the most populous district. Except as provided in ORS 334.725, and notwithstanding ORS 334.025 or ORS chapter 255, the joint board of directors shall divide the new district into as many zones as the board considers necessary, but not fewer than seven nor more than 11. The zones shall be as nearly equal in population as may be practicable.

(2) Within 90 days after the zones required in subsection (1) of this section are established, the joint board of directors shall call a special election in the new district for the purpose of electing directors, one of whom shall be elected from each zone established under subsection (1) of this section by the electors of the zone. [1963 c.544 s.50e; 1965 c.100 s.208; 1967 c.145 s.1; 1975 c.770 s.44; 1983 c.350 s.188]

334.740 Nomination. Except as provided in ORS 334.725, the nomination of a candidate to serve as a director of the new education service district from a zone, when made by a petition, shall be signed by electors registered in the zone in which the candidate is a resident. The nomination of a candidate to serve as a director of the new education service district at large, when made by a petition, shall be signed by electors of the district. A candidate must be qualified to vote in the election in which the individual is a candidate and must be qualified to hold office as a director of an education service district. [1963 c.544 s.50f; 1965 c.100 s.209; 1973 c.796 s.51; 1983 c.83 s.69; 1983 c.350 s.189]

334.750 Term of office. (1) The board of directors of the new education service district shall take office on July 1 of the year following its election.

(2) The minority of directors of the new education service district shall serve terms expiring June 30 next following the first regular district election and the majority of directors shall serve terms expiring June 30 next following the second regular district election.

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

(4) Notwithstanding any other provisions of law, the term of office of boards of directors of preexisting education service districts shall terminate on the date in which the new education service district comes into existence and its new board of directors qualifies to hold office. [1963 c.544 ss.50h, 50j; 1965 c.100 s.210; 1967 c.145 s.2; 1971 c.47 s.5; 1975 c.647 s.30; 1985 c.808 s.80; 1993 c.784 s.22; 1995 c.258 s.6]

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

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