Chapter 341

2003 EDITION

Community Colleges

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GENERAL PROVISIONS

341.005 Definitions. As used in this chapter, unless the context otherwise requires:

(1) "Academic year" means the year beginning July 1 of each year and ending June 30 of the following year running concurrently with the fiscal year.

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

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

(4) "Commissioner" means the Commissioner for Community College Services appointed under ORS 326.375.

(5) "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, with the exception of technical programs in which the curriculum may require more than two years of attendance but less than four years, and designed to meet the needs of a geographical area by providing educational services, including but not limited to professional technical education programs or lower division collegiate programs.

(6) "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. "Community college district" includes a community college service district.

(7) "Full-time equivalent student" means a student or combination of several students who carries or carry among them, within a single academic year, a minimum number of clock hours of instruction, in any program, to be specified by rule by the State Board of Education.

(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) "Paying agent and registrar" 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.

(10) "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.

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

(12) "State board" means the State Board of Education. [Formerly 341.510; 1971 c.513 §1; 1981 c.173 §52; 1987 c.474 §4; 1993 c.45 §§127,128; 1995 c.67 §1; 1997 c.271 §3]

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 professional technical subjects. It is primarily designed to provide associate or certificate degree programs for some, serve a transitional purpose for others who will continue baccalaureate or other college work, provide the ability to enter the workforce immediately and serve to determine future educational needs for other students. It can provide means for continuation of academic education, professional technical training or the attainment of entirely new skills as demands for old skills and old occupations are supplanted by new technologies. It may also provide the means to coordinate courses and programs with high schools to enhance the Certificate of Advanced Mastery and to accommodate successful transition to college degree programs.

(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 establish its organizational patterns to maintain a unique quality of flexibility and 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 before reaching the baccalaureate degree.

(5) The community college should continue to be prohibited by law from becoming a baccalaureate degree granting institution.

(6) Admission to the community college should be open to high school graduates or to non-high 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 baccalaureate degree granting programs, 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 and make available its resources to the high schools of its area on a sound contractual basis, for appropriate secondary or transitional courses, either academic or professional technical, when it is within its ability to provide facilities and it is determined that the high school cannot or does not offer them.

(10) Programs designed to meet the needs of the area served should be based on the actual educational and service needs of the district. Specific professional technical 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. The 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 shall 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 professional technical courses. Federal funds received for professional technical training, adult basic education, workforce development or other federal initiatives should be used for those purposes only and be distributed separately from funds appropriated by the state and should be exempted from the computations of the present distribution formula for operating costs.

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

(18) Any eligible Oregon resident should have the right to attend a community college even though not residing in a district operating one, subject to the right of the governing board to limit the size of classes and to give preference to students residing in the district. Local school districts and education service districts should have the authority to negotiate the terms and conditions with the governing boards for the enrollment of students residing in such areas. [1971 c.513 §97; 1993 c.45 §130; 1995 c.67 §2]

341.010 [Repealed by 1965 c.100 §456]

341.015 Guidelines for districts. The State Board of Education shall adopt guidelines for the orderly development and management of community college districts, including guidelines for personnel policy formulation, accounting procedures and student record keeping and privacy procedures. [1971 c.233 §§1,2; 1987 c.474 §5; 1995 c.67 §3]

341.018 [1975 c.553 §10; 1993 c.45 §131; repealed by 1995 c.67 §42]

DIRECT AND CONTRACT SERVICES

341.019 All areas in state to be served by district; procedure; responsibility; rules; 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 Community Colleges and Workforce Development 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 subsection (1)(b) 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 Department of Community Colleges and Workforce Development.

(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 Community Colleges and Workforce Development 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 341.022, "community college district" includes a community college service district. [1987 c.191 §2; 1991 c.757 §3]

341.020 [Repealed by 1965 c.100 §456]

341.021 Provision of service outside districts; proposals; costs. (1) The Department of Community Colleges and Workforce Development 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 host community college district shall include:

(a) Preparing a written agreement for services to be provided to nondistrict areas using a format specified by the Department of Community Colleges and Workforce Development; 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 the Community College Support Fund established in ORS 341.620 and shall be distributed as directed in ORS 341.626 and the rules of the State Board 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 Community College Support Fund reimbursement, nondistrict student tuition and nondistrict resources. [1987 c.191 §3; 1991 c.757 §4; 1995 c.67 §4]

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 [1987 c.191 §5; 1991 c.757 §5; repealed by 1995 c.67 §42]

341.024 Rules. 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 of Education.

(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 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; 1995 c.67 §5]

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; powers; 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. 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 for 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.

(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) Notwithstanding ORS 341.675, community college service districts formed after July 1, 1997, may not incur bonded indebtedness for any purpose. This limitation shall not be construed to prohibit lease-purchase arrangements or other lawful forms of capital financing. A community college service district may hold and own buildings and grounds acquired through gifts 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 service district. This review shall have as its purpose a determination of which 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) After having been in operation for at least three years, 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.

(4) 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; 1997 c.249 §102; 1997 c.271 §1; 1999 c.21 §67; 1999 c.211 §1]

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]

341.041 Conversion of certain community college service districts to community college districts. Notwithstanding ORS 341.039 (3) and (4), on July 1, 2001, all community college service districts formed prior to July 1, 1997, shall become community college districts and on and after July 1, 2001, shall operate as community college districts. [2001 c.168 §2]

341.045 Feasibility study; hearing. (1) The State Board of Education 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) The rate of operating taxes that is required to meet the local share of operating and capital expenses and that would, if adopted, be the district's permanent rate limit for operating taxes, including whether the proposed rate bears a reasonable relationship to the permanent rate limit of operating community college districts of similar size and circumstance to the proposed new district. If the proposed rate is substantially below the rate of similar operating districts, the feasibility study shall explicitly detail how the proposed new district intends to provide a comprehensive community college program.

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

(e) Boundaries of the proposed district.

(f) The appropriateness of the proposed name of the community college district or the community college, if a name is proposed, in order to determine that the proposed name is not misleading, confusing or grossly inappropriate.

(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; 1991 c.397 §1; 1997 c.541 §378]

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 of Education or its authorized representative shall conduct a public hearing on the study and may adjourn the hearing from time to time. The state board may alter the boundaries set forth in the petition submitted under ORS 341.025 to include all territory the residents of which will be materially benefited by formation of the community college district as determined by its study. The state board shall not modify the boundaries of the district as set forth in the petition so as to exclude from the district any territory the residents of which will be materially benefited by formation of the district, nor may there be included in the proposed district any territory the residents of which will not be materially benefited.

(2) If the board concludes that any territory has been improperly included or omitted from the proposed community college district and that 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 of Education, 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 ORS 341.009, 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; 1991 c.397 §2]

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; appeal; revision of recommendation; hearing; effect of legislative action. (1) If, upon final hearing of the study

under ORS 341.055, the State Board of Education 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 in an order 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. An appeal from the recommendation may be taken within 60 days in the manner provided in ORS 183.480. 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 may not submit its recommendation to the Legislative Assembly but may reconsider the conclusions of its study and if the state board revises those conclusions, the state board may set a date for a new hearing.

(3) Upon receipt of the final recommendation, the Legislative Assembly shall approve or disapprove the recommendation. If the recommendation is approved, an election under ORS 341.085 shall be held. If the recommendation is disapproved, the state board may revise its recommendation and resubmit a final recommendation to the Legislative Assembly 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; 2003 c.574 §1]

341.080 [Repealed by 1965 c.100 §456]

341.085 Election for formation of district. (1) An election for the purpose of presenting the question of formation of a district and establishing a permanent rate limit for operating taxes and the boundaries of the zones, if the zones were recommended by the State Board of Education, 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 permanent rate limit for operating taxes is to be submitted, the election must be held on the same date as the next primary election or the next general election, as determined by the state board.

(2) ORS chapter 255 and ORS 250.035 and 250.036 govern the notice and conduct of an election under this section. The state board shall be the district elections 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; 1987 c.267 §77; 1995 c.67 §6; 1995 c.79 §184; 1995 c.712 §108; 1997 c.541 §379; 2001 c.114 §50]

341.095 Election shall include question of rate limit for operating taxes and may include question of organizational expense. (1) The State Board of Education shall include as a part of the election called for formation of a district the question of a permanent rate limit for operating taxes to finance the district's share of operating and capital expenses. The rate limit 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; 1995 c.67 §7; 1997 c.541 §380]

341.102 Payment of formation election expenses. If the Legislative Assembly approves the recommendation submitted under ORS 341.076, 341.565 or 341.579, the Legislative Assembly shall appropriate or allocate to the Department of Community Colleges and Workforce Development moneys necessary to pay the expenses of the election under ORS 341.085, 341.565, 341.569 or 341.579 (1) if the election is to occur within 24 months of the appropriation or allocation. If the election does not occur within the biennium immediately following the appropriation or allocation, the question shall be brought before the next Legislative Assembly. The state shall fund the election without regard to the outcome of the election. [1969 c.673 §8; 1995 c.67 §8; 1995 c.357 §3a; 1997 c.249 §103; 1999 c.1027 §7; 2001 c.104 §115; 2003 c.574 §2]

341.105 List of electors. When at the request of the State Board of Education the county clerk of the principal county, in consultation with county clerks of the affected counties, prepares a list or lists of names and addresses of the electors registered in the proposed district, the Department of Community Colleges and Workforce Development 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; 1995 c.67 §9]

341.115 Effect of election results. (1) If the vote is in favor of the formation of the community college district and establishes a permanent rate limit for operating taxes for the district, the State Board of Education:

(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 a permanent rate limit at the rate submitted, the district shall not be formed. [Formerly 341.780; 1969 c.673 §13; 1983 c.350 §197; 1995 c.67 §10; 1997 c.541 §381]

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 of Education 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 and two years respectively in accordance with the number of votes each receives with the three 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) If the election is at large, the length of the term of office of members of the first board elected 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; 1995 c.258 §8]

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

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]

(Zones)

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; rules; journal; expenses. (1) After July 1 of each year, the board of a district shall meet and organize by electing a chairperson and a vice chairperson 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 chairperson 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; 1995 c.67 §12]

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; rules. 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 chapters 238 and 238A, 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 for 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, and education records of students under applicable state and federal law and rules of the State Board of Education. Whenever a student has attained 18 years of age or is attending an institution of post-secondary education, the permission or consent required of and the rights accorded to a parent of the student regarding education records shall thereafter be required of and accorded to only the student. However, faculty records relating to matters such as conduct, personal and academic evaluations, disciplinary actions, if any, and other personal matters 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 or upon order of a court of competent jurisdiction.

(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.

(22) Enter into contracts of insurance or medical and hospital service contracts or may operate a self-insurance program as provided in ORS 341.312. [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; 1993 c.806 §6; 1995 c.79 §185; 1999 c.502 §1; 2003 c.733 §74]

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

341.300 Traffic control; conditions on parking privileges; penalty. (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. The board may require that before a quarterly or yearly parking privilege for any vehicle is granted to any full-time or part-time student to use board property, the student must show that the vehicle is operated by a student holding a valid driver license, that the vehicle is currently registered and that the student driving the vehicle is insured under a motor vehicle liability insurance policy that meets the requirements described under ORS 806.080 or that the student or owner of the

vehicle has provided the Department of Transportation with other satisfactory proof of compliance with the financial responsibility requirements of this state.

(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 circuit, 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 chapter 153. 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 221.333.

(7) Violation of any regulation adopted by the board pursuant to subsection (1) of this section and enforced pursuant to subsection (3) of this section is a misdemeanor. [1971 c.513 §5; 1973 c.836 §346; 1981 c.35 §1; 1993 c.221 §2; 1997 c.801 §151; 1999 c.1051 §133]

341.305 Tax levy. Subject to the Local Budget Law (ORS 294.305 to 294.565) and sections 11 and 11b, 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; 1993 c.45 §132; 1997 c.541 §382; 1999 c.59 §88]

341.308 Authority to certify operating taxes. 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 certify operating taxes to the assessor under ORS 310.060 that are within the district's permanent rate limit established under ORS 341.095. [1969 c.673 §12; 1995 c.67 §13; 1997 c.541 §383]

341.309 Establishment of interstate taxing authority. A community college district may enter into discussions with county governments or other similar county-wide public organizations in bordering states for the purpose of discussing the feasibility of establishing interstate taxing authority for the district through an interstate agreement entered into pursuant to ORS 190.410 to 190.440. Any such agreement shall be approved by the Legislative Assembly prior to taking effect. [1997 c.521 §4]

Note: 341.309 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]

341.312 Self-insurance program. (1) A board of education of a community college district may operate a self-insurance program to provide its employees with health insurance benefits.

(2) A board may operate a self-insurance program under this section for liability covering all activities of the community college district and for health insurance benefits for students engaging in athletic contests or in traffic patrols, and may pay the necessary premiums thereon.

(3) Failure to operate a self-insurance program shall in no case be construed as negligence or lack of diligence on the part of the board or the members thereof. [1999 c.502 §3]

341.315 Contract for educational services. Any school district, education service district, institution of higher education, 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 of Education. [Formerly 341.825; 1987 c.204 §1; 1995 c.67 §14]

341.317 Educational services to inmates at correctional institutions; reimbursement. (1) Reimbursement from the Community College Support Fund established in ORS 341.620 may be made available to community colleges that deliver educational services to inmates confined to the state-operated correctional facilities and to locally operated correctional facilities. Such reimbursement shall be distributed as directed in ORS 341.626 and the rules of the State Board of Education.

(2) The State Board of Education shall review and approve services to correctional institutions at least once biennially.

(3) The enrollment limitation, as provided by ORS 341.022, does not apply to persons receiving services under this section.

(4) Reimbursement from the Community College Support Fund established in ORS 341.620 may not be made available to community colleges for delivering educational services to inmates confined in federal prisons. Neither shall local property taxes be used to support such services. A host community college shall support such services through a contractual arrangement with the federal government. [1987 c.204 §3; 1989 c.256 §1; 1995 c.67 §15]

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 Reserve fund; establishment and termination procedures. Notwithstanding any other statutory provisions, any board of education of a community college district by resolution may establish a reserve fund by making transfers from the district's general fund. Transfers to the reserve fund shall be included in the district budget prepared and published in accordance with ORS 294.305 to 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 reserve fund closed. [1975 c.770 §25; 1995 c.67 §16]

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 according 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 [Formerly 341.282; 1985 c.565 §60; repealed by 1995 c.67 §42]

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 summarizing the measure and its major effect 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; 1995 c.79 §186; 1995 c.534 §15]

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 of a court.

(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 chairperson 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; 2003 c.576 §436]

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]

341.351 [1971 c.513 §35; repealed by 1993 c.45 §134]

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 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 of Education, 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)(a) 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. The district board shall submit the proposed name change to the State Board of Education for its approval or disapproval. If the proposed name change is approved by the state board, it shall be submitted to a public hearing in the district. If the state board disapproves the proposed name change, the district board may rescind its resolution or revise it to reflect a different name which must be submitted to the state board for its approval or disapproval.

(b) If the proposed name is approved by the state board, 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; 1991 c.397 §3]

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 of education of a community college district shall apply to the State Board of Education for permission to commence the program. After the first year of the program, course additions, deletions or changes must be presented to the State

Board of Education or a representative of the Department of Community Colleges and Workforce Development authorized to act for the state board for approval.

(2) Until the community college becomes accredited by the Northwest Association of Schools and Colleges or its successor, the community college shall contract with an accredited community college for its instructional services, including curricula, to ensure its courses carry accreditation and are acceptable for transfer.

(3) After reviewing the contractual agreement between the nonaccredited and the accredited colleges and after suggesting any modifications in the proposed program of studies, the State Board of Education shall approve or disapprove the application of a district. [Formerly 341.560; 1971 c.513 §89; 1991 c.757 §6; 1995 c.67 §17; 1997 c.270 §1; 1999 c.147 §§1,2]

341.435 [Formerly 341.570; 1971 c.513 §90; repealed by 1995 c.67 §42]

341.437 [1971 c.513 §74c; 1983 c.121 §1; repealed by 1989 c.261 §4]

341.440 Contracts with other districts, state department, university 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, the Oregon Health and Science University, with a private educational institution accredited by the Northwest Association of Schools and Colleges or its successor or a career school as defined in ORS 345.010 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) Educational services for which a district operating a community college may contract include services offered by correspondence and services offered electronically or through telecommunications if such services are accredited by a nationally recognized accrediting association.

(3) 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 for Community College Services. [1969 c.673 §17; 1987 c.474 §6; 1995 c.67 §18; 1995 c.162 §68]

341.445 [1965 c.236 §1; 1967 c.67 §11; 1987 c.474 §7; repealed by 1995 c.67 §42]

341.450 Two-plus-two programs and other related programs. Every community college district shall encourage high school students to start early on a college education by implementing two-plus-two programs and other related programs. Each community college district shall make at least one such program available to each interested school district that is within the boundaries of the community college district. [1997 c.521 §2]

341.455 Credit for private career school courses; transcripting fee. (1) A community college may give credit for courses or programs taken in a career school. The courses or programs for which credit may be given must meet the standards adopted by the State Board of Education under ORS 345.325, must be taken at a career school domiciled in this state and must be approved for credit by the Commissioner for Community College Services.

(2) A community college may charge a transcripting fee to a student for courses taken at a career school and accepted by the community college under subsection (1) of this section. Such a fee is to be set by the board and is to be consistent with other student fees.

(3) Time spent by students on such courses shall not be considered as clock hours of instruction in determining full-time equivalency for purposes of ORS 341.626. [1965 c.529 §9; 1975 c.478 §27; 1987 c.474 §8; 1995 c.67 §19; 1995 c.343 §32]

341.460 Credit for traffic safety education course not permitted. A community college offering a traffic safety education course under ORS 336.795 to 336.815 shall give no credit for completion thereof and time spent by students on such courses shall not be considered as clock hours of instruction in determining full-time equivalency for purposes of ORS 341.626. [1969 c.623 §4; 1995 c.67 §20; 1999 c.328 §14]

341.463 Courses in American Sign Language. If a board of education of a community college determines that enrollment is sufficient to make an American Sign Language class economically viable and if qualified instructors are available, the board may offer to students courses for credit in American Sign Language. Such courses shall satisfy any second language elective requirement. [1995 c.687 §2]

Note: 341.463 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.

341.465 Certificates and associate degrees. The board of a district operating a community college, upon approval of the State Board of Education, may award certif-

icates 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 professional 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; 1993 c.45 §136]

341.495 [1965 c.262 §2; repealed by 1993 c.45 §137]

341.505 Admission of students. (1) A district shall admit high school graduates who are residents of Oregon and may admit other residents who, in the judgment of the administration of the district, are capable of profiting from the instruction offered in a specific course or program without regard to age. In the case of a student younger than 16 years of age, the college administration shall make the final determination.

(2) 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.

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

(4) Any district may contract with another district to admit students of either college to the college of the other. [1965 c.262 §3; 1993 c.45 §138; 1995 c.67 §21]

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 college districts; effect of high school student's enrollment on school funding. (1) In the event of an agreement between two colleges to admit each other's students, if the student seeking admission to the community college resides within that college's district, no additional reimbursement shall be required from any college district. However, if the student does not reside within the district, a contract of reimbursement may be entered into between the district and any other district. The contract shall provide for reimbursement to the district for each student in an amount not to exceed the difference between the per student operating expense of the district and the amounts obtained from the student for tuition and fees and obtained from state and federal aid.

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

(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 report under ORS 327.133. [1965 c.262 §§5,6; 1995 c.67 §22]

341.527 Admission of nonresident students at resident tuition rate under certain conditions; exchange procedures; rules. (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;

(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 ap-

proved Oregon residents without assessing nonresident tuition; or

(c) The board of the community college determines out-of-state residents are essential to providing the critical mass to offer programs that would otherwise be unavailable to Oregon residents.

(2) The Department of Community Colleges and Workforce Development 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 subsection (1)(a) of this section, the Department of Community Colleges and Workforce Development 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 institution 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 Community Colleges and Workforce Development shall pay to the Oregon community colleges admitting approved one-for-one exchange students as provided by subsection (1)(b) 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. The Department of Community Colleges and Workforce Development shall not reimburse Oregon community colleges who admit students from other states under subsection (1)(c) of this section.

(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; 1995 c.67 §23]

341.528 Residency for purpose of distribution of state aid. (1) The provisions of ORS 341.527 shall not apply to admissions arranged under ORS 351.647.

(2) For purposes of ORS 341.626, and notwithstanding ORS 341.527, students who are residents of Idaho, Washington, California and Nevada and students admitted pursuant to ORS 351.647 shall be considered as residents of Oregon. [1985 c.698 §§2,4; 1997 c.601 §1]

341.529 Admission of members of Armed Forces, spouses and dependent children; fee and tuition rate. (1) As used in this section:

(a) "Active member of the Armed Forces of the United States" includes officers and enlisted personnel of the Armed Forces of the United States who:

(A) Reside in this state while assigned to duty at any base, station, shore establishment or other facility in this state;

(B) Reside in this state while serving as members of the crew of a ship that has an Oregon port or shore establishment as its home port or permanent station; or

(C) Reside in another state or a foreign country and establish Oregon residency by filing Oregon state income taxes no later than 12 months before leaving active duty.

(b) "Armed Forces of the United States" includes:

(A) The Army, Navy, Air Force, Marine Corps and Coast Guard of the United States;

(B) Reserve components of the Army, Navy, Air Force, Marine Corps and Coast Guard of the United States; and

(C) The National Guard of the United States and the Oregon National Guard.

(c) "Dependent children" includes any children of an active member of the Armed Forces of the United States who:

(A) Are under 18 years of age and not married, otherwise emancipated or self-supporting; or

(B) Are under 23 years of age, unmarried, enrolled in a full-time course of study in an institution of higher learning and dependent on the member for over one-half of their support.

(2) Community colleges in Oregon shall admit active members of the Armed Forces of the United States and their spouses and dependent children in the same manner as Oregon residents who are residents of the community college district and shall assess the same fees and tuition rates. [1987 c.162 §5; 1989 c.264 §2; 2003 c.242 §3]

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

341.535 Qualifications of faculty; appraisal. (1) Community college faculty shall not be required to have teaching licenses.

(2) Notwithstanding ORS 342.173, community college faculty who provide instruction in cooperation with a school district for academic professional technical, school-to-work or other work-related programs under ORS chapter 329 shall not be required to have teaching licenses. If the faculty member is not a regular full-time employee of the community college, the school district shall follow the instructor appraisal committee procedures adopted by the Teacher Standards and Practices Commission.

(3) Until a community college becomes accredited by the Northwest Association of Schools and Colleges or its successor, the board shall obtain the approval of the accredited community college with which it contracts for curriculum and instructional services before employing any person to teach transfer courses. [Formerly 341.600; 1971 c.513 §92; 1983 c.187 §2; 1995 c.67 §24]

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) 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; 1995 c.67 §25]

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

341.555 [1969 c.633 §3; repealed by 1993 c.45 §140]

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; filing 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 a 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 programs and is not made solely for tax advantages to property owners in the district or area affected by the proposed change. The state board may submit the question of a boundary change to a vote of the electors of the territories affected by the boundary change. The election must be held on the same day in both of the affected territories.

(2) A petition 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 in the case of annexation of new territory in the principal town of the existing district and shall give notice in the manner required in ORS 341.357. At the time set in the notice, the state board or its authorized representative shall conduct a public hearing on the motion or petition and may adjourn the hearing from time to time.

(4) If, upon final hearing, the state board approves the motion or petition or affirms the vote of the electors of the affected territories, the state board shall make an order describing the revised boundaries of the district. The order becomes final when the order is approved by the Legislative Assembly.

If the order is not approved, the state board may revise the order and resubmit the order to the Legislative Assembly but not sooner than 60 days after the action of disapproval was taken.

(5) Any division of assets and liabilities 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 an election held under ORS 341.569:

(a) Occurs between July 1 and March 31, inclusive, the change takes effect on the June 30 following the final order or election favoring the change.

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

(7) For purposes of ad valorem taxation, a boundary change must be filed in final approved form with the county assessor and the Department of Revenue as provided in ORS 308.225. [1971 c.513 §83; 1977 c.827 §2; 1995 c.67 §26; 2001 c.138 §16; 2003 c.574 §3]

341.569 When election on change required. (1) The State Board of Education shall submit the question of a proposed boundary change to a vote if:

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

(b) A remonstrance is filed with the state board within 20 days after the date on which the hearing under ORS 341.565 is adjourned finally;

(c) The remonstrance is signed by at least five percent of the electors or at least 500 of the electors, whichever is less, in:

(A) An area to be included in the district or excluded from the district by the proposed boundary change; or

(B) The existing community college district; and

(d) The 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 may 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; 2003 c.574 §4]

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) A party to an arbitration under this section may seek confirmation, vacation, modification or correction of the arbitrator's decision as provided in ORS 36.700, 36.705 and 36.710. A court may vacate an award only if there is a basis to vacate the award described in ORS 36.705 (1)(a) to (d). The court may modify or correct an award only for the grounds given in ORS 36.710.

(6) Assets include all property and moneys belonging to the district at the time of division. Liabilities include all debts for which the respective districts in their corporate capacities are liable at the time of division. In determining the assets, property shall be estimated at its fair value. The assets and liabilities shall be divided between the districts in proportion to the last assessed value of the real and personal property. The district retaining the real property

shall pay the other districts concerned such sums as are determined in accordance with the provisions of this section. All funds to be apportioned during the current fiscal year, after such division, shall be made in proportion to the number of persons in each district according to the latest federal census. [1971 c.513 §85; 1979 c.772 §22; 2003 c.598 §40]

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]

341.577 Procedure when district annexes new territory that is greater in population than original district. (1) Notwithstanding any other provision of this chapter, when the new territory annexed to an existing community college district is greater in population than the original territory, based upon the latest federal census, the provisions of this section shall govern the community college district for a period of not less than 10 years after the effective date of the boundary change.

(2) Program access and facilities for students shall be maintained in the original territory for a period of not less than 20 years while programs and facilities for students are developed in the new territory.

(3)(a) After the approval by the electors of both the original territory and the new territory of the boundary change, the mode of election of board members shall be changed as provided in this subsection. The term of office of a board member shall be four years. Electors of each of the seven zones shall elect a board member.

(b) No later than the 90th day after the boundary change election under ORS 341.579 (1), five zones for the new territory shall be established by the State Board of Education.

(c) No later than June 30, two zones for the original territory shall be established by the State Board of Education before the election of the first director to either zone as provided in this subsection.

(d) Zones shall be established with the boundaries exclusively within the original territory or exclusively within the new territory, and with the zones as nearly equal in population as is feasible according to the latest federal census.

(e) An elector may sign a petition of nomination and may vote only for a candidate from the zone in which the elector resides.

(f) The four-year terms of office pertaining to the five numbered zones of the original territory shall continue until the regularly scheduled June 30 termination date of each expires. A board member shall be nominated and elected in the same numbered zone in the new territory at the regular district election immediately preceding the June 30 date, and the director from that zone shall take office on the July 1 following the date of election.

(g) Board members nominated and elected to office by zone in the original territory, and any person elected or appointed to fill any vacancy in such office, shall continue to hold office until the expiration of the board member's term.

(h)(A) The two at-large board positions in the original territory shall become the two zoned positions of the original territory after that June 30 on which the last zone of the original territory no longer is in effect.

(B) At that time, the directors in office in the two at-large board positions in the original territory shall each be assigned that zone in which each resides, if both reside in separate zones.

(C) If the two directors reside in the same zone, then that director elected by the greater number of votes between the two directors at large shall hold the board position for the territory of the zone in which the director resided at the date of election, and the other director shall hold the board position of the other zone.

(D) Such board members shall continue in office until their respective terms of at-large election expire, provided any vacancy occurring in a board member's office before the expiration of such term shall be filled until expiration by appointment by the board of a resident of the board member's zone.

(4) The board shall appoint an advisory committee of seven members, including three from the original territory and three from the new territory. The board shall appoint a seventh, at-large member from a list of persons nominated by the advisory committee. The at-large member shall be the chairperson. The advisory committee members shall be appointed, and may be reappointed, for terms of three years, and the terms shall be staggered so that approximately one-third of the terms of the members end each year. The board shall give deliberative consideration to all recommendations of the advisory committee concerning policy related to district organization, educational services and facilities in regard to both the original territory and the new territory.

(5) Subject to ORS 294.336, members of the advisory committee shall be appointed to the community college district budget committee. The community college district budget committee shall review and recommend budgets established and delineated by terri-

tory based on revenues and resources available.

(6) The chief administrative officer of the district shall maintain the administrative office of the district in the original territory.

(7) Collective bargaining shall be maintained uniformly across the original territory and new territory.

(8) After receiving any recommendation of the advisory committee, the board may continue one or more of the provisions of subsections (1) and (3) to (7) of this section in effect for an indefinite period after the expiration of the 10-year period referred to in subsection (1) of this section.

(9) The original territory shall remain liable for the existing debt of the community college district payable from ad valorem property taxes levied specifically for the payment of such indebtedness. [1995 c.357 §2]

341.579 Vote on proposed boundary change subject to ORS 341.577; state board's order. (1) The State Board of Education shall submit the question of any boundary change pertaining to a community college district subject to ORS 341.577 to a vote of the electors held the same day in both the original territory and the new territory.

(2) If the proposed boundary change is defeated in either territory, 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 proposed change was defeated. If the vote is favorable in both the original territory and the new territory, and subject to determination by the state board that there is a legislative appropriation to the Community College Support Fund established in ORS 341.620 to support the new district resulting from the boundary change at a level commensurate with support for other community college districts, then the state board shall declare the change effective on the date determined under ORS 341.565. Implementation of the state board's order shall take place only if the funds needed to accommodate the impact of annexation on other local education districts are appropriated specifically for that purpose by the Legislative Assembly or allocated by the Emergency Board. [1995 c.357 §3]

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]

EXPANSION OF COMMUNITY COLLEGE DISTRICTS

341.601 "District" defined. As used in ORS 341.604 to 341.618, "district" means the:

(1) Blue Mountain Community College District, a political subdivision and municipal corporation of the state organized pursuant to this chapter; and

(2) Rogue Community College District, a political subdivision and municipal corporation of the state organized pursuant to this chapter. [1995 c.357 §4; 1999 c.1027 §5]

341.604 Classification and designation of service areas. (1) If expansion of a district is approved by the voters, the Legislative Assembly shall:

(a) For the Rogue Community College District, initially classify and designate two service areas within the district. The first service area shall be coterminous with the boundaries of Jackson County or such portion thereof as is included in the expanded district approved by the voters. The second service area shall be coterminous with the boundaries of Josephine County.

(b) For the Blue Mountain Community College District, classify and designate service areas within the district. The boundaries of the service areas shall be coterminous with the boundaries of the counties within the district.

(2) Thereafter, the district board by resolution may designate as additional service areas any territory or territories within the district that are benefited by the acquisition, construction and installation of community college facilities. Each additional service area designated by the district board shall be located entirely within the territory of a service area designated in subsection (1) of this section. In no event shall the district board designate as a service area any portion of the district incorporating territory located within two or more service areas designated in subsection (1) of this section.

(3) The district board may not amend the boundaries of the service areas designated in subsection (1) of this section. The district board may by resolution amend the boundaries of any additional service area designated pursuant to subsection (2) of this section to conform to changes in the community college services provided by the district. However, the boundaries of a service area may not be amended if bonded indebtedness issued pursuant to ORS 341.611 or any other indebtedness for the benefit of such service area is then outstanding. [1995 c.357 §5; 1999 c.1027 §6; 2003 c.574 §5]

341.605 [1965 c.100 §337; repealed by 1971 c.513 §100]

341.608 Service area financing; bonded indebtedness. (1) Subject to restrictions in the Oregon Constitution and subsection (2) of this section, any of the methods of financing authorized under this chapter or any other provision of law that is available to community college districts organized pursuant to this chapter may, in the discretion of the district board, be implemented from time to time in a specific service area, or in one or more specific service areas simultaneously.

(2) If expansion of the district is approved by the voters, no bonded indebtedness or other indebtedness may be incurred for the general benefit of the district as a whole. Any bonded indebtedness designated to be for the benefit of service areas constituting substantially all of the territory within the boundaries of the service areas created or designated in ORS 341.604 shall be deemed to be incurred for the general benefit of the district as a whole, and shall be outside the authority conferred by this section. In place of such authority the district may incur bonded indebtedness or other indebtedness for the benefit of a specific service area upon satisfaction of the conditions set forth in ORS 341.611 and 341.613. [1995 c.357 §6]

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]

341.611 Election on bonded indebtedness. An election shall be held to determine if a district may contract a bonded indebtedness for the benefit of a specific service area. Only the district voters residing in the territory of the affected service area shall be entitled to vote at such election. The district board may order the election on its own motion, or shall order the election if a petition is filed as provided in ORS 341.678 on behalf of the voters of such service area. The election shall be held in accordance with the provisions of ORS 341.356 to 341.379. [1995 c.357 §7]

341.613 Bonded indebtedness restrictions. (1) Following authorization from the voters of a service area, the district board may contract a bonded indebtedness to be paid by a tax levy on the taxable property within such service area for any one or more of the purposes set forth in ORS 341.675. Any land acquired, college building or buildings or any additions thereto, and any real or personal property to be paid for with the proceeds of such bonded indebtedness must be located within the boundaries of such service area.

(2) The aggregate amount of bonded indebtedness incurred for the benefit of a service area, when added to the aggregate amount of other bonded indebtedness payable from ad valorem property taxes levied within such service area, shall not exceed one and one-half percent of the real market value of all taxable property within such service area, computed in accordance with ORS 308.207. [1995 c.357 §8]

341.615 [1965 c.100 §338; repealed by 1971 c.513 §100]

341.616 Levy of direct ad valorem tax to pay bonds; procedure for advertisement and sale of bonds. (1) The district board shall ascertain and levy annually, in addition to all other taxes, a direct ad valorem tax on all the taxable property within the territory of a service area sufficient to pay promptly, when and as such payments become due, the maturing interest and principal of all bonds outstanding for the specific benefit of such service area that have been approved at an election held pursuant to ORS 341.678 within such service area. The amount of the tax may be increased by an amount sufficient to retire any bonds that may be callable.

(2) Funds derived from a tax levy within a service area specifically for the purpose of paying bonded indebtedness shall be applied solely to the payment of the bonds for which such taxes were levied and shall not be applied to the payment of any other indebtedness of the district.

(3) Bonds authorized pursuant to the terms hereof, and any bonds refunding such bonds, shall be advertised and sold in accordance with the procedures set forth in ORS 287.028 or 341.702, as determined by the district board. [1995 c.357 §9]

341.618 Application of ORS 341.675 to 341.715 to bonds. Except to the extent that they are inconsistent with the provisions of ORS 341.604 to 341.618 or rules adopted thereunder, the provisions of ORS 341.675 to 341.715 shall apply to bonds authorized pursuant to ORS 341.604 to 341.618 and to taxes levied to pay such bonds. [1995 c.357 §10]

341.619 New territory in Blue Mountain and Columbia Gorge Community College Districts not liable for existing debt. (1) Notwithstanding ORS 341.575, when territory is annexed to the Blue Mountain Community College District, the new territory shall not become liable for any existing debt of the Blue Mountain Community College District that resulted from the bond measure that was approved by the people at the general election held on November 3, 1998.

(2) Notwithstanding ORS 341.575, when territory within Hood River County is annexed to the Columbia Gorge Community College District, the new territory shall not become liable for any existing debt of the Columbia Gorge Community College District

that resulted from a bond measure that was approved by the people at a general election held prior to January 1, 2001. [1999 c.1027 §2; 2001 c.836 §1]

Note: Section 4, chapter 1027, Oregon Laws 1999, provides:

Sec. 4. Provisions governing annexation of new territory into Blue Mountain Community College District. (1) Notwithstanding any other provision of this chapter [ORS chapter 341], if new territory is annexed to the existing Blue Mountain Community College District prior to July 1, 2001, the provisions of this section shall govern the Blue Mountain Community College District for a period of not less than 10 years after the effective date of the boundary change.

(2) Program access and facilities for students shall be maintained in the original territory for a period of not less than 20 years while programs and facilities for students are developed in the new territory.

(3)(a) After approval of the boundary change by the Emergency Board or by the electors of both the original territory and the new territory, the mode of election of board members shall be changed as provided in this subsection.

(b) No later than the 90th day after the boundary change is approved, seven zones for the new and existing territory shall be established by the State Board of Education.

(c) Zones shall be established with the boundaries exclusively within the original territory or exclusively within the new territory, and with the zones as nearly equal in population as is feasible according to the latest federal census.

(d) An elector may sign a petition of nomination and may vote only for a candidate from the zone in which the elector resides.

(e) Board members nominated and elected to office in the original territory, and any person elected or appointed to fill any vacancy in such office, shall continue to hold office until the expiration of the board member's term. As vacancies occur, positions to be filled by nomination or election by zone shall be filled by persons who reside within zones in the new territory that 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.

(f) A board member shall be nominated and elected in the same numbered zone at the regular district election immediately preceding the June 30 termination date, and the director from that zone shall take office on the July 1 following the date of election. The term of office of a board member shall be four years. Electors of each of the seven zones shall elect a board member.

(4) The board shall appoint an advisory committee that includes one member from each county in the community college district. The board shall appoint an additional, at-large member from a list of persons nominated by the advisory committee. The at-large member shall be the chairperson of the advisory committee. The advisory committee members shall be appointed, and may be reappointed, for terms of three years, and the terms shall be staggered so that approximately one-third of the terms of the members end each year. The board shall give deliberative consideration to all recommendations of the advisory committee concerning policy related to district organization, educational services and facilities in regard to both the original territory and the new territory.

(5) Subject to ORS 294.336, members of the advisory committee shall be appointed to the community college district budget committee. The community college district budget committee shall review and recommend budgets established and delineated by territory based on revenues and resources available.

(6) The chief administrative officer of the district shall maintain the administrative office of the district in the original territory.

(7) Collective bargaining shall be maintained uniformly across the original territory and new territory.

(8) After receiving any recommendation of the advisory committee, the board may continue one or more of the provisions of subsections (1) and (3) to (7) of this section in effect for an indefinite period after the expiration of the 10-year period referred to in subsection (1) of this section.

(9) The original territory shall remain liable for the existing debt of the community college district payable from ad valorem property taxes levied specifically for the payment of such indebtedness. [1999 c.1027 §4]

AID FOR OPERATION

341.620 Community College Support Fund. There is established a Community College Support Fund in the General Fund. [Derived from 1991 c.162 §1; 1995 c.67 §27]

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 for Community College Services 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 Oregon Department of Administrative Services the names and the amounts due each district. The Oregon Department of Administrative Services 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 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. [Subsection (1) enacted as 1965 c.148 §2; subsection (2) enacted as 1965 c.262 §7; 1971 c.513 §66; 1989 c.258 §1; 1993 c.45 §141; 1995 c.67 §29]

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

341.655 Distribution of federal funds for professional technical education. (1) As used in this section "approved expenses" means the operating expenses of community college districts for professional technical education programs which have been approved by the Commissioner for Community College Services.

(2) Federal moneys received for purposes of reimbursing community college districts for professional 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; 1987 c.474 §12; 1993 c.45 §§142,143]

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 apprenticeship programs. (1) The receiving community college shall be awarded funds from the contracted out-of-district funds appropriated to the Department of Community Colleges and Workforce Development if the college operates the program under a contract with an apprenticeship training committee and the contract is approved by the Department of Community Colleges and Workforce Development.

(2) A community college district may submit full-time equivalencies generated by apprenticeship programs to the Department of Community Colleges and Workforce Development for reimbursement from the Community College Support Fund for purposes of ORS 341.626 but may not submit for reimbursement those full-time equivalencies generated through contracts under subsection (1) of this section. [1979 c.311 §1; 1995 c.67 §30]

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 real market value of all taxable property within the district, computed in accordance with ORS 308.207.

(4) For purposes of any law relating to bonded indebtedness, "community college district" includes a "community college service district." [1971 c.513 §§37,43; 1991 c.459 §385; 1997 c.271 §2]

341.678 Election on bonded indebtedness. (1) To determine 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 may order the election on its own motion or shall order the election if 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); 1993 c.45 §145]

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 chairperson of the board and be attested by the district clerk.

(c) Have annexed interest coupons bearing the original or facsimile signatures of the chairperson 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 paying agent and registrar 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; 1995 c.67 §31]

341.685 Registration of bonds; disposition of proceeds. (1) The paying agent and registrar as appointed in accordance with ORS 288.570 shall register each community college district bond, including refunding bonds, in a record maintained for that purpose in the office of the paying agent and registrar, noting the community college district, amount, date, time and place of payment, rate of interest and such other facts as the paying agent and registrar may consider proper. The paying agent and registrar 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 paying agent and registrar's office is situated, the cost of delivery of the bonds shall be paid by the issuing district.

(2) The paying agent and registrar 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 paying agent and registrar 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; 1995 c.67 §32]

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 paying agent and registrar. 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 paying agent and registrar without being paid to the district or to any officer thereof, and shall be kept by the paying agent and registrar 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 paying agent and registrar shall be liable upon the official bond of the paying agent and registrar.

(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 paying agent and registrar 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 paying agent and registrar pursuant to subsection (2) of this section. [1971 c.513 §45; 1995 c.67 §33]

341.693 Payment of bond principal and interest. (1) The paying agent and registrar must cause to be paid out of any money in the hands of the paying agent and registrar 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 paying agent and registrar 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; 1995 c.67 §34]

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 paying agent and registrar 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 paying agent and registrar 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 paying agent and registrar 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 paying agent and registrar 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 paying agent and registrar 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; 1995 c.67 §35]

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) 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; 1993 c.45 §146]

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 287.022. [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, 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; 1995 c.67 §36]

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 chairperson of the board and countersigned by the district clerk. If the chairperson is absent or unable to execute the warrants, the board may authorize any member of the board to act as chairperson 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 Oregon 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 288.165, 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; 1993 c.97 §26]

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

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

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

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

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

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

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

341.785 [1983 c.825 §2; 1989 c.171 §45; renumbered 285.540 in 1991]

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

341.795 [1983 c.825 §3; 1985 c.542 §1; 1987 c.168 §3; renumbered 285.543 in 1991]

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

341.803 [1983 c.825 §4; 1987 c.168 §4; renumbered 285.545 in 1991]

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

341.807 [1983 c.825 §1; renumbered 285.547 in 1991]

341.809 [1987 c.697 §1; renumbered 285.550 in 1991]

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 [1989 c.538 §1; renumbered 285.553 in 1991]

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

341.818 [1989 c.538 §2; renumbered 285.555 in 1991]

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, gifts and grants. [1987 c.474 §11; 1999 c.21 §68]

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]

341.937 Capital improvements for access for persons with disabilities. In preparing budget requests for each biennium beginning on and after July 1, 1993, after consultation with the community colleges and their respective representatives of the disabled community at the colleges, the State Board of Education shall include amounts for capital improvements that will be applied to the substantial reduction and eventual elimination of barriers to access by disabled persons. [1991 c.935 §3]

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]