

# A-Engrossed Senate Bill 41

Ordered by the Senate March 18  
Including Senate Amendments dated March 18

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## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Removes sunset on pilot education service districts. Allows existing pilot education service districts to organize as [*alternative*] **shared governance** education service districts. Establishes process by which education service district may organize to be [*alternative*] **shared governance** education service district. **Deletes requirement that districts biennially report to interim legislative committees.**

## A BILL FOR AN ACT

1  
2 Relating to education service districts; creating new provisions; amending ORS 260.432 and sections  
3 10, 11 and 12, chapter 828, Oregon Laws 2005; and repealing sections 13, 14 and 15, chapter 828,  
4 Oregon Laws 2005, and section 2, chapter 589, Oregon Laws 2007.

5 **Be It Enacted by the People of the State of Oregon:**

6 **SECTION 1.** Section 10, chapter 828, Oregon Laws 2005, as amended by section 1, chapter 589,  
7 Oregon Laws 2007, is amended to read:

8 **Sec. 10.** As used in sections 11 to 14, chapter 828, Oregon Laws 2005, [*“pilot education service*  
9 *district”*] **“shared governance education service district”** means:

10 **(1) The Willamette Education Service District;**

11 **(2) The High Desert Education Service District;**

12 **(3) The Northwest Regional Education Service District[.]; and**

13 **(4) Any other education service district organized as provided by section 11, chapter 828,**

14 **Oregon Laws 2005.**

15 **SECTION 2.** Section 11, chapter 828, Oregon Laws 2005, as amended by section 3, chapter 589,  
16 Oregon Laws 2007, is amended to read:

17 **Sec. 11. (1) Notwithstanding ORS 334.025, 334.032, 334.035, 334.045, 334.090, 334.095 and**  
18 **334.100:**

19 **(a) An education service district may organize as a shared governance education service**  
20 **district following the process described in sections 7, 8 and 9 of this 2009 Act.**

21 **(b) The Willamette Education Service District, the High Desert Education Service Dis-**  
22 **trict and the Northwest Regional Education Service District each shall organize as a shared**  
23 **governance education service district as provided in this section.**

24 **(2)(a) A shared governance education service district consists of five zones organized as**  
25 **described in section 8 of this 2009 Act.**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1       **(b) The board of directors of a shared governance education service district may readjust**  
 2 **the boundaries of the zones once each year and shall readjust the boundaries of the zones**  
 3 **immediately upon any change of the boundaries of the shared governance education service**  
 4 **district or a component school district so that the zones are as nearly equal in census pop-**  
 5 **ulation as may be practicable, measured along common school district boundary lines.**

6       [(1)] **(3) The board of directors of a shared governance education service district has the**  
 7 **same duties and exercises the same authority as the board of directors of an education ser-**  
 8 **vice district.** [Notwithstanding ORS chapter 334,] The board of directors of a [pilot] **shared**  
 9 **governance** education service district [shall consist] **consists** of nine members as follows:

10       (a) Five directors [shall represent zones established under ORS 334.032 and shall be] **who each**  
 11 **represent a zone described in subsection (2) of this section and who are** elected by the boards  
 12 of the component school districts[;] **of the represented zone. A person may be nominated to be**  
 13 **a candidate to serve as a director of a zone by filing a declaration of candidacy with the**  
 14 **board of directors of a shared governance education service district. A candidate must be**  
 15 **qualified to hold office and must be a resident of the zone, as determined by the board.**

16       (b) Four directors [shall be] appointed by the directors described in paragraph (a) of this sub-  
 17 section, including one at-large director and a director representing each of the following:

18       (A) Public post-secondary institutions located within the [pilot] **shared governance** education  
 19 service district;

20       (B) Social service providers; and

21       (C) The business community.

22       **(4) The term of office of a director of a shared governance education service district is**  
 23 **four years. The term of office of each director begins on July 1 next following the date of**  
 24 **election or appointment. A director serves until June 30 next following the election or ap-**  
 25 **pointment of a successor.**

26       [(2) Prior to April 1, 2006, the board of directors of a pilot education service district shall divide  
 27 the pilot education service district into five zones as nearly equal in census population as may be  
 28 practicable, measured along common school district boundary lines.]

29       [(3) The board of directors of a pilot education service district may readjust the boundaries of the  
 30 zones once each year and shall readjust the boundaries of the zones immediately upon any change of  
 31 the boundaries of the pilot education service district or a component school district.]

32       [(4)(a)] **(5)(a) Prior to the end of the term of office of any elected director of [the Northwest**  
 33 **Regional Education Service District,] a shared governance education service district:**

34       **(A) The board of directors of a shared governance education service district shall order**  
 35 **an election by the boards of the component school districts of the zone represented by the**  
 36 **director so that the election process is completed prior to July 1.**

37       [(b)] **(B) The boards of the component school districts within the zone the director represented**  
 38 **shall elect a successor whose term begins on July 1 next following.**

39       **(b) Each component school district board [shall have] has one vote in an election conducted**  
 40 **under this subsection.**

41       **(c) A director who was elected under subsection (3)(a) of this section is eligible for ree-**  
 42 **lection.**

43       [(b)] **(6)(a) Prior to the end of the term of office of any appointed director of [the Northwest**  
 44 **Regional Education Service District] a shared governance education service district, the directors**  
 45 **described in subsection [(1)(a)] (3)(a) of this section shall appoint a successor whose term begins on**

1 July 1 next following.

2 (b) A director who was appointed under subsection [(1)(b)] (3)(b) of this section is eligible for  
3 reappointment.

4 (7)(a) **The board of a component school district of a zone that elected a director under**  
5 **subsection (3)(a) of this section may file a petition to recall the director with the board of**  
6 **directors of a shared governance education service district.**

7 (b) **Upon the filing of a petition described in paragraph (a) of this subsection, the board**  
8 **of directors of a shared governance education service district shall order a recall election**  
9 **by the boards of the component school districts of the zone represented by the director.**

10 (c) **Only the boards of the component school districts of the zone represented by the di-**  
11 **rector are eligible to vote in the recall election.**

12 [(5)] (8)(a) Any vacancy on the board of directors of a [pilot] **shared governance** education  
13 service district that occurs before the end of the term of office of [a director of a pilot education  
14 service district] **the director** shall be filled [following the process described in this section.] **after a**  
15 **declaration of the vacancy as provided by section 12, chapter 828, Oregon Laws 2005.**

16 (b) **Upon the declaration of a vacancy, the board of directors of a shared governance ed-**  
17 **ucation service district shall:**

18 (A) **For a director appointed under subsection (3)(b) of this section, appoint a successor.**

19 (B) **For a director elected under subsection (3)(a) of this section, order an election by the**  
20 **boards of the component school districts of the zone represented by the director. Only the**  
21 **boards of the component school districts of the zone represented by the director are eligible**  
22 **to vote in the election.**

23 (c) **A director appointed or elected as provided in this subsection shall serve for the re-**  
24 **mainder of the term of the director whose office was declared vacant.**

25 **SECTION 3. (1) Notwithstanding the term of office provided by section 11, chapter 828,**  
26 **Oregon Laws 2005:**

27 (a) **Directors serving on the board of directors of a shared governance education service**  
28 **district on the effective date of this 2009 Act shall serve for terms that terminate on June**  
29 **30, 2010.**

30 (b) **Directors first elected or appointed to the board of directors of a shared governance**  
31 **education service district on or after the effective date of this 2009 Act shall determine by**  
32 **lot the initial terms of office for board members so that the terms of no more than five di-**  
33 **rectors expire on the same date.**

34 (2) **This section does not apply to directors of the Northwest Regional Education Service**  
35 **District.**

36 **SECTION 4.** Section 12, chapter 828, Oregon Laws 2005, is amended to read:

37 **Sec. 12. (1)** ORS 334.095 does not apply to a [pilot] **shared governance** education service dis-  
38 trict. However, the board of directors of a [pilot] **shared governance** education service district shall  
39 declare the office of director vacant upon the occurrence of any of the following:

40 (a) When an incumbent dies or resigns;

41 (b) When an incumbent is removed from office or the election or appointment [thereto] **to the**  
42 **office** has been declared void by the judgment of any court;

43 (c) When an incumbent ceases to be a resident of the [pilot] **shared governance** education ser-  
44 vice district;

45 (d) When an incumbent ceases to be a resident of the zone from which elected; [or]

1 (e) When an incumbent ceases to discharge the duties of office for two consecutive months un-  
2 less prevented [*therefrom by*] **from discharging the duties due to** sickness or other unavoidable  
3 cause[.]; **or**

4 (f) **When an incumbent is recalled as provided in section 11 (7), chapter 828, Oregon Laws**  
5 **2005.**

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

8 (3) **An office that is declared vacant as provided by this section shall be filled as provided**  
9 **in section 11 (8), chapter 828, Oregon Laws 2005.**

10 **SECTION 5.** ORS 260.432, as amended by section 8, chapter 589, Oregon Laws 2007, is amended  
11 to read:

12 260.432. (1) No person shall attempt to, or actually, coerce, command or require a public em-  
13 ployee to influence or give money, service or other thing of value to promote or oppose any political  
14 committee or to promote or oppose the nomination or election of a candidate, the gathering of sig-  
15 natures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a  
16 public office holder.

17 (2) No public employee shall solicit any money, influence, service or other thing of value or  
18 otherwise promote or oppose any political committee or promote or oppose the nomination or  
19 election of a candidate, the gathering of signatures on an initiative, referendum or recall petition,  
20 the adoption of a measure or the recall of a public office holder while on the job during working  
21 hours. However, this section does not restrict the right of a public employee to express personal  
22 political views.

23 (3) Each public employer shall have posted in a conspicuous place likely to be seen by its em-  
24 ployees the following notice in printed or typewritten form:

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26  
27 **ATTENTION ALL PUBLIC EMPLOYEES:**

28 The restrictions imposed by the law of the State of Oregon on your political activities are that  
29 “No public employee shall solicit any money, influence, service or other thing of value or otherwise  
30 promote or oppose any political committee or promote or oppose the nomination or election of a  
31 candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption  
32 of a measure or the recall of a public office holder while on the job during working hours. However,  
33 this section does not restrict the right of a public employee to express personal political views.”

34 It is therefore the policy of the state and of your public employer that you may engage in poli-  
35 tical activity except to the extent prohibited by state law when on the job during working hours.  
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38 (4) As used in this section:

39 (a) “Public employee” does not include an elected official **or a person appointed as a director**  
40 **to the board of a shared governance education service district organized as provided under**  
41 **section 11, chapter 828, Oregon Laws 2005.**

42 (b) “Public employer” includes any board, commission, committee, department, division or insti-  
43 tution in the executive, administrative, legislative or judicial branch of state government, and any  
44 county, city, district or other municipal corporation or public corporation organized for a public  
45 purpose, including a cooperative body formed between municipal or public corporations.

1       **SECTION 6.** (1) Sections 7 to 9 of this 2009 Act are added to and made a part of sections  
2 11 to 14, chapter 828, Oregon Laws 2005.

3       (2) Sections 11 to 14, chapter 828, Oregon Laws 2005, are added to and made a part of  
4 ORS chapter 334.

5       **SECTION 7.** (1) An education service district shall organize as a shared governance edu-  
6 cation service district if:

7       (a) Resolutions are presented to the education service district board by the boards of the  
8 component school districts that represent two-thirds of the component school districts of the  
9 education service district and that have at least a majority of the students included in the  
10 average daily membership of the education service district, as determined by the reports of  
11 the school districts for the preceding school year, enrolled in the schools of the district; or

12       (b) A majority vote of the education service district board approves a petition to organize  
13 or reorganize as a shared governance education service district.

14       (2) Following an action described in subsection (1) of this section, the education service  
15 district board shall issue an order declaring the education service district to be a shared  
16 governance education service district.

17       (3) When an education service district organizes as a shared governance education ser-  
18 vice district as provided in this section, the shared governance education service district  
19 shall come into existence effective May 31 of the year following the declaration of the edu-  
20 cation service district board as provided in subsection (2) of this section.

21       **SECTION 8.** (1) Within 30 days after the order to organize as a shared governance edu-  
22 cation service district and notwithstanding ORS chapter 255, the board of directors of the  
23 education service district shall divide the district into five zones. The zones shall be as nearly  
24 equal in census population as may be practicable. If possible, the board shall establish the  
25 zones so that each county within the shared governance education service district has at  
26 least one member on the board.

27       (2) Within 90 days after the zones required in subsection (1) of this section are estab-  
28 lished, the board of directors shall call a special election in the new shared governance edu-  
29 cation service district for the purpose of electing directors, one of whom must be elected  
30 from each zone established under subsection (1) of this section by the component district  
31 school boards of the zone.

32       (3) A person may be nominated to be a candidate to serve as a director of a shared  
33 governance education service district by filing a declaration of candidacy with the board of  
34 directors of the education service district. A candidate must be qualified to hold office and  
35 must be a resident of the zone, as determined by the board.

36       (4) During the period following their election and prior to taking office, the elected board  
37 of directors of the shared governance education service district shall appoint the directors  
38 described in section 11 (3)(b), chapter 828, Oregon Laws 2005.

39       (5) During the period following their election or appointment and prior to the date the  
40 shared governance education service district comes into existence, the board of directors of  
41 the shared governance education service district may take such action as is necessary in  
42 order that the shared governance education service district may carry out its required  
43 functions when it comes into existence.

44       **SECTION 9.** (1) The board of directors of a shared governance education service district  
45 takes office on July 1 following the election of the elected directors.

1           **(2) Two elected directors and two appointed directors of a new shared governance edu-**  
2 **cation service district shall serve terms expiring June 30 next following the first regular**  
3 **district election. Three elected directors and two appointed directors shall serve terms ex-**  
4 **piring June 30 next following the second regular district election.**

5           **(3) The directors first elected or appointed shall determine by lot the length of term each**  
6 **shall hold office.**

7           **(4) Notwithstanding any other provisions of law, the term of office of boards of directors**  
8 **of the preexisting education service district shall terminate on the date on which the shared**  
9 **governance education service district comes into existence and its new board of directors**  
10 **qualifies to hold office.**

11           **SECTION 10. (1) Section 13, chapter 828, Oregon Laws 2005, as amended by section 4,**  
12 **chapter 589, Oregon Laws 2007, is repealed.**

13           **(2) Section 14, chapter 828, Oregon Laws 2005, as amended by section 5, chapter 589,**  
14 **Oregon Laws 2007, is repealed.**

15           **(3) Section 15, chapter 828, Oregon Laws 2005, as amended by section 6, chapter 589,**  
16 **Oregon Laws 2007, is repealed.**

17           **(4) Section 2, chapter 589, Oregon Laws 2007, is repealed.**

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