

Senate Bill 41

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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 **as introduced**.

Removes sunset on pilot education service districts. Allows existing pilot education service districts to organize as alternative education service districts. Establishes process by which education service district may organize to be alternative education service district.

A BILL FOR AN ACT

1
2 Relating to education service districts; creating new provisions; amending ORS 260.432 and sections
3 10, 11, 12 and 13, chapter 828, Oregon Laws 2005; and repealing sections 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”*] **“alternative 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 an alternative education service district**
20 **as provided in this section following the process described in sections 8, 9, 10 and 11 of this**
21 **2009 Act.**

22 (b) **The Willamette Education Service District, the High Desert Education Service Dis-**
23 **trict and the Northwest Regional Educational Service District each shall organize as an al-**
24 **ternative education service district as provided in this section.**

25 (2)(a) **An alternative education service district consists of five zones organized as de-**
26 **scribed in section 10 of this 2009 Act.**

27 (b) **The board of directors of an alternative education service district may readjust the**
28 **boundaries of the zones once each year and shall readjust the boundaries of the zones im-**
29 **mediately upon any change of the boundaries of the alternative education service district or**
30 **a component school district so that the zones are nearly equal in census population as may**

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 **be practicable, measured along common school district boundary lines.**

2 [(1)] (3) **The board of directors of an alternative education service district have the same**
 3 **duties and exercise the same authority as the board of directors of an education service**
 4 **district.** [Notwithstanding ORS chapter 334,] The board of directors of [a pilot] **an alternative edu-**
 5 **cation service district [shall consist] consists** of nine members as follows:

6 (a) Five directors [shall represent zones established under ORS 334.032 and shall be] **who each**
 7 **represent a zone described in subsection (2) of this section and who are** elected by the boards
 8 of the component school districts **of the represented zone[;].**

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

11 (A) Public post-secondary institutions located within the [pilot] **alternative** education service
 12 district;

13 (B) Social service providers; and

14 (C) The business community.

15 (4) **The term of office of a director of an alternative education service district is four**
 16 **years. The term of office of each director begins on July 1 next following the date of election**
 17 **or appointment. A director serves until June 30 next following the election or appointment**
 18 **of a successor.**

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

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

25 [(4)(a)] (5)(a) Prior to the end of the term of office of any elected director of [the Northwest
 26 Regional Education Service District] **an alternative education service district**, the boards of the
 27 component school districts within the zone the director represented shall elect a successor whose
 28 term begins on July 1 next following. Each component school district board [shall have] **has** one
 29 vote. A director is eligible for reelection.

30 (b) Prior to the end of the term of office of any appointed director of [the Northwest Regional
 31 Education Service District] **an alternative education service district**, the directors described in
 32 subsection [(1)(a)] (3)(a) of this section shall appoint a successor whose term begins on July 1 next
 33 following. A director who was appointed under subsection [(1)(b)] (3)(b) of this section is eligible for
 34 reappointment.

35 (6) **A director elected under subsection (3)(a) of this section may be recalled by the**
 36 **boards of the component school districts that elected the director. Only the boards of the**
 37 **component school districts that elected the director are eligible to vote in the recall election.**

38 [(5)] (7) Any vacancy on the board of directors of [a pilot] **an alternative** education service
 39 district that occurs before the end of the term of office of [a director of a pilot education service
 40 district] **the director** shall be filled following the process described in this section.

41 (8) **A majority of the board of directors of the alternative education service district con-**
 42 **stitutes a quorum. The affirmative vote of a majority of directors is required to transact any**
 43 **business of the alternative education service district.**

44 **SECTION 3. (1) Notwithstanding the terms of office provided by section 11, chapter 828,**
 45 **Oregon Laws 2005:**

1 (a) Directors serving on a board of directors for an alternative education service district
 2 on the effective date of this 2009 Act shall serve for terms that terminate on June 30, 2010.

3 (b) Directors first elected or appointed to an alternative education service district on or
 4 after the effective date of this 2009 Act shall determine by lot the initial terms of office for
 5 board members so that the terms of no more than five directors expire on the same date.

6 (2) This section does not apply to directors of the Northwest Regional Education Service
 7 District.

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

9 **Sec. 12.** (1) ORS 334.095 does not apply to [a pilot] an alternative education service district.
 10 However, the board of directors of [a pilot] an alternative education service district shall declare
 11 the office of director vacant upon the occurrence of any of the following:

12 (a) When an incumbent dies or resigns;

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

15 (c) When an incumbent ceases to be a resident of the [pilot] alternative education service dis-
 16 trict;

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

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

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

23 **SECTION 5.** Section 13, chapter 828, Oregon Laws 2005, as amended by section 4, chapter 589,
 24 Oregon Laws 2007, is amended to read:

25 **Sec. 13.** Each [pilot] alternative education service district shall biennially report to the interim
 26 legislative committees relating to education on the governance structure of the board of the [pilot]
 27 alternative education service district prior to October 1 of each even-numbered year.

28 **SECTION 6.** ORS 260.432, as amended by section 8, chapter 589, Oregon Laws 2007, is amended
 29 to read:

30 260.432. (1) No person shall attempt to, or actually, coerce, command or require a public em-
 31 ployee to influence or give money, service or other thing of value to promote or oppose any political
 32 committee or to promote or oppose the nomination or election of a candidate, the gathering of sig-
 33 natures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a
 34 public office holder.

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

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

43
 44
 45 ATTENTION ALL PUBLIC EMPLOYEES:

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

7 It is therefore the policy of the state and of your public employer that you may engage in poli-
 8 tical activity except to the extent prohibited by state law when on the job during working hours.
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10
 11 (4) As used in this section:

12 (a) “Public employee” does not include an elected official **or a person appointed as a director**
 13 **to the board of an alternative education service district organized as provided under section**
 14 **11, chapter 828, Oregon Laws 2005.**

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

19 **SECTION 7. (1) Sections 8 to 11 of this 2009 Act are added to and made a part of sections**
 20 **11 to 14, chapter 828, Oregon Laws 2005.**

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

23 **SECTION 8. (1) An education service district shall organize as an alternative education**
 24 **service district if:**

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

30 (b) **A majority vote of the education service district board approves a petition to organize**
 31 **as an alternative education service district.**

32 **(2) Following an action described in subsection (1) of this section, the education service**
 33 **district board shall present a petition to the State Board of Education to propose that the**
 34 **education service district organize as an alternative education service district. Within 15**
 35 **days after the meeting at which the State Board of Education reviews the petition, the State**
 36 **Board of Education must:**

37 (a) **Notify the education service district board of the process and timeline required to**
 38 **organize as an alternative education service district; and**

39 (b) **Fix the date of and be responsible for supervising the giving of notices as provided in**
 40 **ORS 330.400 and conducting the public hearings in the education service district to discuss**
 41 **the proposal contained in the petition.**

42 **SECTION 9. (1) At the public hearings conducted pursuant to section 8 of this 2009 Act,**
 43 **the State Board of Education shall cause to have discussed the effect of the proposed or-**
 44 **ganization as an alternative education service district. Any resident of the district may be**
 45 **heard with reference to the proposal.**

1 (2) If, after the hearings, the State Board of Education determines that the proposal is
2 feasible, the board shall order the education service district to organize as an alternative
3 education service district based on the proposal.

4 (3) When an education service district organizes as an alternative education service dis-
5 trict as provided in this section, the alternative education service district shall come into
6 existence effective May 31 of the year following the order of the State Board of Education
7 issued under subsection (2) of this section.

8 **SECTION 10.** (1) Within 30 days after the order to organize as an alternative education
9 service district and notwithstanding ORS chapter 255, the board of directors of the education
10 service district shall divide the district into five zones. The zones shall be as nearly equal in
11 census population as may be practicable. If possible, the board shall establish the zones so
12 that each county within the alternative education service district has at least one member
13 on the board.

14 (2) Within 90 days after the zones required in subsection (1) of this section are estab-
15 lished, the board of directors shall call a special election in the new alternative education
16 service district for the purpose of electing directors, one of whom must be elected from each
17 zone established under subsection (1) of this section by the electors of the zone.

18 (3)(a) The nomination of a candidate to serve as a director of the alternative education
19 service district from a zone, when made by a petition, must be signed by electors registered
20 in the zone in which the candidate is a resident.

21 (b) Each candidate must be qualified to vote in the election in which the individual is a
22 candidate and must be qualified to hold office as a director of an alternative education ser-
23 vice district.

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

27 (5) During the period following their election or appointment and prior to the date the
28 alternative education service district comes into existence, the board of directors of the al-
29 ternative education service district may take such action as is necessary in order that the
30 alternative education service district may carry out its required functions when it comes
31 into existence.

32 **SECTION 11.** (1) The board of directors of an alternative education service district takes
33 office on July 1 of the year following the election of the elected directors.

34 (2) Two elected directors and two appointed directors of a new alternative education
35 service district shall serve terms expiring June 30 next following the first regular district
36 election. Three elected directors and two appointed directors shall serve terms expiring June
37 30 next following the second regular district election.

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

40 (4) Notwithstanding any other provisions of law, the term of office of boards of directors
41 of the preexisting education service district shall terminate on the date on which the alter-
42 native education service district comes into existence and its new board of directors qualifies
43 to hold office.

44 **SECTION 12.** (1) Section 14, chapter 828, Oregon Laws 2005, as amended by section 5,
45 chapter 589, Oregon Laws 2007, is repealed.

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

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

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