

Senate Joint Resolution 201

Sponsored by Senator KRUSE; Senators ATKINSON, FERRIOLI, GIROD, OLSEN, WHITSETT (Pre-session filed.)

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**.

Proposes amendment to Oregon Constitution creating State Board of Education. Directs State Board of Education to establish policies for administration and operation of public elementary and secondary schools, public universities and community colleges and to appoint Superintendent of Public Instruction.

Provides for termination of terms of office of individuals who are members of state boards that establish policies for education in this state and who are holding office on June 30, 2013, and beginning of terms of office of appointed members of State Board of Education on July 1, 2013. Provides for termination of term of office for Superintendent of Public Instruction who is holding office on January 4, 2015, and beginning of term of office of appointed Superintendent of Public Instruction on January 5, 2015.

Refers proposed amendment to people for their approval or rejection at next regular general election.

JOINT RESOLUTION

Be It Resolved by the Legislative Assembly of the State of Oregon:

PARAGRAPH 1. The Constitution of the State of Oregon is amended by creating a new section 1a to be added to and made a part of Article VIII, and by amending section 1, Article VIII, section 1, Article XI-M, and section 8, Article XV, such sections to read:

Sec. 1. *[The Governor shall be superintendent of public instruction, and his powers, and duties in that capacity shall be such as may be prescribed by law; but after the term of five years from the adoption of this Constitution, it shall be competent for the Legislative Assembly to provide by law for the election of a superintendent, to provide for his compensation, and prescribe his powers and duties. —]* **(1)(a) The State Board of Education is created for the purpose of establishing policies for the administration and operation of the public elementary and secondary schools, public universities and community colleges of this state.**

(b) The State Board of Education shall have the powers assigned by law.

(c) The State Board of Education shall appoint the Superintendent of Public Instruction and shall perform any other duties assigned by law.

(2) The State Board of Education shall consist of 11 members who are appointed by the Governor and confirmed by the Senate. The members of the State Board of Education serve at the pleasure of the Governor.

(3) The Governor shall appoint the members of the State Board of Education from among the residents of this state as follows:

(a) One member from each congressional district to represent kindergarten through grade 12. When selecting the members, the Governor shall consider a list of persons that is jointly submitted by an organization representing school employees, an organization representing school administrators and an organization representing school district boards. The list shall provide the names of three persons from each congressional district.

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) Three members to represent public universities. When selecting the members, the**
 2 **Governor shall consider a list of persons that is submitted by an organization representing**
 3 **public universities. The list shall provide the names of five persons.**

4 **(c) The remainder of the members to represent community colleges. When selecting the**
 5 **members, the Governor shall consider a list of persons that is submitted by an organization**
 6 **representing community colleges. The list shall provide the names of five persons.**

7 **(4) A member of the State Board of Education shall serve for a term of four years and**
 8 **may not serve more than two consecutive full terms.**

9 **(5) A member of the State Board of Education may not engage in teaching or participate**
 10 **in the administration or operation of any public elementary or secondary school, public uni-**
 11 **versity or community college while serving on the board.**

12 **SECTION 1a. (1) On July 1, 2013, the following is abolished:**

13 **(a) The State Board of Higher Education; or**

14 **(b) Any other state board that succeeds the State Board of Higher Education for the**
 15 **purpose of establishing policies for the administration and operation of the public universities**
 16 **of this state.**

17 **(2) On July 1, 2013, the terms of office of the following individuals are terminated:**

18 **(a) Individuals who are members of a state board described in subsection (1) of this sec-**
 19 **tion and who are holding office on June 30, 2013; and**

20 **(b) Individuals who are members of the State Board of Education, or any other state**
 21 **board that succeeds the State Board of Education for the purpose of establishing policies for**
 22 **the administration and operation of the public elementary or secondary schools or commu-**
 23 **nity colleges of this state, and who are holding office on June 30, 2013.**

24 **(3) The members of the State Board of Education who are first appointed by the Gover-**
 25 **nor under section 1 of this Article shall take office on July 1, 2013.**

26 **(4) Notwithstanding subsection (4) of section 1 of this Article, the members first ap-**
 27 **pointed to the State Board of Education as provided by section 1 of this Article shall:**

28 **(a) Determine by lot the length of their terms such that:**

29 **(A) Five serve terms that expire on July 1, 2017; and**

30 **(B) Six serve terms that expire on July 1, 2019.**

31 **(b) Be eligible for reappointment to the board if the member's term of office was termi-**
 32 **nated pursuant to this section.**

33 **(5) On January 5, 2015, the term of office is terminated for the individual who is holding**
 34 **the office of the Superintendent of Public Instruction on January 4, 2015.**

35 **(6) The Superintendent of Public Instruction who is first appointed by the State Board**
 36 **of Education under section 1 of this Article shall take office on January 5, 2015.**

37 **(7) This section is repealed on July 1, 2020.**

38 **Sec. 1. (1) In the manner provided by law and notwithstanding the limitations contained in**
 39 **section 7, Article XI of this Constitution, the credit of the State of Oregon may be loaned and**
 40 **indebtedness incurred, in an aggregate outstanding principal amount not to exceed, at any one time,**
 41 **one-fifth of one percent of the real market value of all property in the state, to provide funds for the**
 42 **planning and implementation of seismic rehabilitation of public education buildings, including sur-**
 43 **veying and conducting engineering evaluations of the need for seismic rehabilitation.**

44 **(2) Any indebtedness incurred under this section must be in the form of general obligation bonds**
 45 **of the State of Oregon containing a direct promise on behalf of the State of Oregon to pay the**

1 principal, premium, if any, interest and other amounts payable with respect to the bonds, in an ag-
2 gregate outstanding principal amount not to exceed the amount authorized in subsection (1) of this
3 section. The bonds are the direct obligation of the State of Oregon and must be in a form, run for
4 a period of time, have terms and bear rates of interest as may be provided by statute. The full faith
5 and credit and taxing power of the State of Oregon must be pledged to the payment of the principal,
6 premium, if any, and interest on the general obligation bonds; however, the ad valorem taxing power
7 of the State of Oregon may not be pledged to the payment of the bonds issued under this section.

8 (3) As used in this section, "public education building" means a building owned by the State
9 Board of [Higher] Education, a school district, an education service district, a community college
10 district or a community college service district.

11 **Sec. 8.** Notwithstanding the provisions of section 1 article III and section 10 article II of the
12 Constitution of the State of Oregon, a person employed **within the Oregon University System** by
13 the State Board of [Higher] Education, a member of any school board or employee thereof, shall be
14 eligible to a seat in the Legislative Assembly and such membership in the Legislative Assembly shall
15 not prevent such person from being employed **within the Oregon University System** by the State
16 Board of [Higher] Education or from being a member or employee of a school board.

17
18 **PARAGRAPH 2.** **The amendment proposed by this resolution shall be submitted to the**
19 **people for their approval or rejection at the next regular general election held throughout**
20 **this state.**