

D R A F T

SUMMARY

Increases percentages of moneys from State School Fund and local revenues that education service districts are required to distribute to school districts.

Directs education service districts to provide services to early childhood services providers and post-secondary education institutions located within territory of education service district.

Directs education service districts to form four zones to have four members of board of directors of education service district elected by boards of component school districts. Directs elected directors to appoint five additional directors to board of directors of education service district.

Delays sunset for pilot education service districts.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to education service districts; creating new provisions; amending
3 ORS 255.005, 260.432, 334.003, 334.005, 334.025, 334.032, 334.090, 334.095,
4 334.100, 334.125, 334.175, 334.177, 334.730 and 334.760 and section 15, chap-
5 ter 828, Oregon Laws 2005, and section 5, chapter 59, Oregon Laws 2010;
6 repealing ORS 334.035, 334.045, 334.740 and 334.750 and section 14, chapter
7 828, Oregon Laws 2005; and declaring an emergency.

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

9 **SECTION 1.** ORS 334.177 is amended to read:

10 334.177. (1) As used in this section, “local revenues of an education ser-
11 vice district” has the meaning given that term in ORS 327.019 but does not
12 include any local revenues distributed under ORS 327.019 (8).

13 (2) **From the moneys available to an education service district from**
14 **the State School Fund and from local revenue,** an education service

1 district board shall:

2 (a) Expend [*at least 90*] **no more than 67.5** percent of all amounts re-
3 ceived from the State School Fund and [*at least 90*] **no more than 67.5** per-
4 cent of all amounts considered to be local revenues of an education service
5 district on services or programs that have been approved by the component
6 school districts of the education service district through the resolution pro-
7 cess described in ORS 334.175.

8 (b) **Distribute at least 22.5 percent of all amounts received from the**
9 **State School Fund and at least 22.5 percent of all amounts considered**
10 **to be local revenues of an education service district to the component**
11 **school districts of the education service district based on the ADMw**
12 **of the school districts, to be expended for purposes identified by the**
13 **school districts.**

14 (3) An education service district board shall expend 100 percent of all
15 amounts received from the School Improvement Fund on services or pro-
16 grams that have been approved by the component school districts of the ed-
17 ucation service district through the resolution process described in ORS
18 334.175.

19 (4) The expenditure requirements of this section apply only to amounts
20 retained by the education service district after making any distributions re-
21 quired under ORS 327.019 (9).

22 **SECTION 2. (1) The amendments to ORS 334.177 by section 1 of this**
23 **2013 Act become operative July 1, 2013.**

24 **(2) The amendments to ORS 334.177 by section 1 of this 2013 Act first**
25 **apply to expenditures occurring for the 2013-2014 school year.**

26 **SECTION 3.** ORS 334.177, as amended by section 1 of this 2013 Act, is
27 amended to read:

28 334.177. (1) As used in this section, “local revenues of an education ser-
29 vice district” has the meaning given that term in ORS 327.019 but does not
30 include any local revenues distributed under ORS 327.019 (8).

31 (2) From the moneys available to an education service district from the

1 State School Fund and from local revenue, an education service district
2 board shall:

3 (a) Expend no more than [67.5] **22.5** percent of all amounts received from
4 the State School Fund and no more than [67.5] **22.5** percent of all amounts
5 considered to be local revenues of an education service district on services
6 or programs that have been approved by the component school districts of
7 the education service district through the resolution process described in
8 ORS 334.175.

9 (b) Distribute at least [22.5] **67.5** percent of all amounts received from the
10 State School Fund and at least [22.5] **67.5** percent of all amounts considered
11 to be local revenues of an education service district to the component school
12 districts of the education service district based on the ADMw of the school
13 districts, to be expended for purposes identified by the school districts.

14 (3) An education service district board shall expend 100 percent of all
15 amounts received from the School Improvement Fund on services or pro-
16 grams that have been approved by the component school districts of the ed-
17 ucation service district through the resolution process described in ORS
18 334.175.

19 (4) The expenditure requirements of this section apply only to amounts
20 retained by the education service district after making any distributions re-
21 quired under ORS 327.019 (9).

22 **SECTION 4. (1) The amendments to ORS 334.177 by section 3 of this**
23 **2013 Act become operative July 1, 2014.**

24 **(2) The amendments to ORS 334.177 by section 3 of this 2013 Act first**
25 **apply to expenditures occurring for the 2014-2015 school year.**

26 **SECTION 5.** ORS 334.177, as amended by sections 1 and 3 of this 2013
27 Act, is amended to read:

28 334.177. (1) As used in this section, “local revenues of an education ser-
29 vice district” has the meaning given that term in ORS 327.019 but does not
30 include any local revenues distributed under ORS 327.019 (8).

31 (2) From the moneys available to an education service district from the

1 State School Fund and from local revenue, an education service district
2 board shall:

3 (a) Expend no more than [22.5] **10** percent of all amounts received from
4 the State School Fund and no more than [22.5] **10** percent of all amounts
5 considered to be local revenues of an education service district on services
6 or programs that have been approved by the component school districts of
7 the education service district through the resolution process described in
8 ORS 334.175.

9 (b) Distribute at least [67.5] **80** percent of all amounts received from the
10 State School Fund and at least [67.5] **80** percent of all amounts considered
11 to be local revenues of an education service district to the component school
12 districts of the education service district based on the ADMw of the school
13 districts, to be extended for purposes identified by the school districts.

14 (3) An education service district board shall expend 100 percent of all
15 amounts received from the School Improvement Fund on services or pro-
16 grams that have been approved by the component school districts of the ed-
17 ucation service district through the resolution process described in ORS
18 334.175.

19 (4) The expenditure requirements of this section apply only to amounts
20 retained by the education service district after making any distributions re-
21 quired under ORS 327.019 (9).

22 **SECTION 6. (1) The amendments to ORS 334.177 by section 5 of this**
23 **2013 Act become operative July 1, 2015.**

24 **(2) The amendments to ORS 334.177 by section 5 of this 2013 Act first**
25 **apply to expenditures occurring for the 2015-2016 school year.**

26 **SECTION 7.** ORS 334.175 is amended to read:

27 334.175. (1) An education service district shall provide regionalized core
28 services to component school districts **and to early childhood services**
29 **providers and post-secondary education institutions located within the**
30 **territory of the education service district.** [*The goals of these services are*
31 *to:*]

1 *[(a) Assist component school districts in meeting the requirements of state
2 and federal law;]*

3 *[(b) Improve student learning;]*

4 *[(c) Enhance the quality of instruction provided to students;]*

5 *[(d) Enable component school districts and the students who attend schools
6 in those districts to have equitable access to resources; and]*

7 *[(e) Maximize operational and fiscal efficiencies for component school dis-
8 tricts.]*

9 *[(2) The services provided by an education service district shall be provided
10 according to a local service plan developed by the education service district and
11 component school districts. The education service district and component school
12 districts shall develop the local service plan to meet the goals specified in
13 subsection (1) of this section. The local service plan must include services in
14 at least the following areas:]*

15 *[(a) Programs for children with special needs, including but not limited to
16 special education services and services for at-risk students.]*

17 *[(b) Technology support for component school districts and the individual
18 technology plans of those districts, including but not limited to technology
19 infrastructure services, data services, instructional technology services and
20 distance learning.]*

21 *[(c) School improvement services for component school districts, including
22 but not limited to:]*

23 *[(A) Services designed to support component school districts in meeting the
24 requirements of state and federal law;]*

25 *[(B) Services designed to allow the education service district to participate
26 in and facilitate a review of the state and federal standards related to the
27 provision of a quality education by component school districts;]*

28 *[(C) Services designed to support and facilitate continuous school improve-
29 ment planning;]*

30 *[(D) Services designed to address schoolwide behavior and climate issues;
31 and]*

1 *[(E) Services designed to support career and technical education.]*

2 *[(d) Administrative and support services for component school districts, in-*
3 *cluding but not limited to services designed to consolidate component school*
4 *district business functions, liaison services between the Department of Educa-*
5 *tion and component school districts and registration of children being taught*
6 *by private teachers, parents or legal guardians pursuant to ORS 339.035.]*

7 *[(3) In addition to the services specified in subsection (2) of this section, a*
8 *local service plan may include other services that are designed to meet regional*
9 *needs.]*

10 **(2) The services provided by an education service district shall be**
11 **provided according to a local service plan developed by the education**
12 **service district and component school districts. The local service plan**
13 **must include services that an education service district is required to**
14 **provide by state or federal law, including the registration of children**
15 **being taught by private teachers, parents or legal guardians pursuant**
16 **to ORS 339.035 and other services required under ORS 339.005 to 339.090.**

17 **(3) In addition to the services specified in subsection (2) of this**
18 **section, a local service plan may include other services that are de-**
19 **signed to meet regional needs, including:**

20 **(a) Programs for children with special needs, including special ed-**
21 **ucation services and services for at-risk students.**

22 **(b) Technology support for component school districts and the in-**
23 **dividual technology plans of those districts, including technology**
24 **infrastructure services, data services, instructional technology ser-**
25 **vices and distance learning.**

26 **(c) School improvement services for component school districts,**
27 **including:**

28 **(A) Services designed to support component school districts in**
29 **meeting the requirements of state and federal law;**

30 **(B) Services designed to allow the education service district to**
31 **participate in and facilitate a review of the state and federal standards**

1 **related to the provision of a quality education by component school**
2 **districts;**

3 **(C) Services designed to support and facilitate continuous school**
4 **improvement planning;**

5 **(D) Services designed to address schoolwide behavior and climate**
6 **issues; and**

7 **(E) Services designed to support career and technical education.**

8 **(d) Administrative and support services for component school dis-**
9 **tricts, including services designed to consolidate component school**
10 **district business functions.**

11 **(e) Liaison services between the Department of Education, compo-**
12 **nent school districts, early childhood services providers and post-**
13 **secondary education institutions.**

14 (4) A local service plan shall [*also*] contain annual performance measures
15 for the education service district.

16 (5) A local service plan must:

17 (a) Be adopted by the board of the education service district.

18 (b) After being adopted by the board of the education service district, be
19 approved on or before March 1 by resolution of two-thirds of the component
20 school districts that are a part of the education service district and that have
21 at least a majority of the pupils included in the average daily membership
22 of the education service district, as determined by the reports of such school
23 districts for the preceding year, enrolled in the schools of the school dis-
24 tricts.

25 (6) Notwithstanding the process for approval and adoption required by
26 subsection (5) of this section, if the component school districts approve an
27 amendment to a local service plan pursuant to subsection (5)(b) of this sec-
28 tion, the board of an education service district may amend a local service
29 plan that has been previously adopted by the board and approved by the
30 component school districts. An amendment to a local service plan may be
31 done at any time.

1 (7) If a component school district determines that a local service plan, or
2 the provision of services under a local service plan, does not meet the service
3 needs of the component school district, the component school district may
4 contract with a public entity for the provision of services.

5 (8) An education service district may provide the services required by the
6 local service plan directly through the staff of the district. In addition, an
7 education service district may provide services required by the local service
8 plan through the operation of a public school, a public charter school pur-
9 suant to ORS chapter 338, an alternative school [or], a preschool, **an early**
10 **childhood services provider or a post-secondary education institution.**

11 (9) An education service district may provide the services required by the
12 local service plan in cooperation with another education service district or
13 with a school district, **an early childhood services provider or a post-**
14 **secondary education institution.** In addition, an education service district
15 may contract with a public or private entity for the provision of services.

16 **SECTION 8.** ORS 334.003 is amended to read:

17 334.003. For purposes of this chapter:

18 (1) “Component school district” means a common school district or a un-
19 ion high school district that:

20 (a) Is located within the territory of an education service district; and

21 (b) Is not withdrawn from the education service district as provided in
22 ORS 334.015.

23 (2) “Education service district” means a district created under ORS
24 334.010 that provides regional educational services to component school dis-
25 tricts **and to early childhood services providers and post-secondary ed-**
26 **ucation institutions located within the territory of the education**
27 **service district.**

28 (3) “Joint school district” means a common school district or a union high
29 school district located within the territory of more than one education ser-
30 vice district.

31 **SECTION 9.** ORS 334.005 is amended to read:

1 334.005. (1) The mission of education service districts is to assist school
2 districts, **early childhood services providers, post-secondary education**
3 **institutions** and the Department of Education in achieving Oregon's educa-
4 tional goals by providing equitable, high quality, cost-effective and locally
5 responsive educational services at a regional level.

6 (2) An education service district plays a key role in:

7 (a) Ensuring an equitable and excellent education for all children in
8 [*the*] **this** state;

9 (b) Implementing the Oregon Educational Act for the 21st Century;

10 (c) Fostering the attainment of high standards of performance by all stu-
11 dents in Oregon's public schools; and

12 (d) Facilitating interorganizational coordination and cooperation among
13 educational, social service, health care and employment training agencies.

14 (3) An education service district's role is one of leadership and service.
15 Education service districts shall maintain the distinction between their role
16 as service organizations and the regulatory role of the Department of Edu-
17 cation and other state agencies.

18 (4) To ensure that an education service district is locally responsive, an
19 education service district shall provide:

20 (a) Opportunities for component school districts to participate in deci-
21 sions about the services that are offered by the education service district;
22 and

23 (b) A variety of flexible service delivery models.

24 (5) An education service district shall remain accountable to:

25 (a) The public at large;

26 (b) The component school districts; and

27 (c) The State Board of Education.

28 **SECTION 10.** ORS 334.125 is amended to read:

29 334.125. (1) The education service district is a body corporate.

30 (2) The education service district board is authorized to transact all
31 business coming within the jurisdiction of the education service district and

1 may sue and be sued.

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

4 (a) *[Distribution of such]* **Distributing** school funds *[as]* it is empowered
5 to apportion;

6 (b) *[Conduct of]* **Conducting** audits;

7 *[(c) Duties as district boundary board;]*

8 *[(d)]* (c) **Fulfilling** budget and tax levying duties, including the levying
9 of taxes under ORS 280.060;

10 *[(e)]* (d) Contracting a bonded indebtedness and levying direct ad valorem
11 taxes on all taxable property within the education service district in the
12 manner that component school districts are authorized to issue bonds and
13 levy taxes under ORS 328.205 to 328.304 and other laws applicable to the is-
14 suance of bonds and levying of taxes by school districts; *[and]*

15 *[(f)]* (e) Creating a county education bond district under ORS 328.304 from
16 a county within the district~~[.]~~; **and**

17 (f) **Encouraging collaboration among component school districts**
18 **and early childhood services providers and post-secondary education**
19 **institutions located within the territory of the education service dis-**
20 **trict.**

21 (4) In addition to its duties under subsection (3) of this section, an edu-
22 cation service district board:

23 (a) May provide services required by the local service plan developed
24 pursuant to ORS 334.175;

25 (b) May provide funds to a component school district to provide services
26 required by the local service plan in lieu of the component school district
27 receiving services from the education service district;

28 (c) Shall provide funds as specified in ORS 327.019 (9) to a school district
29 located within the territory of the education service district that has with-
30 drawn from the education service district as provided in ORS 334.015; and

31 (d) For the purpose of providing services consistent with the local service

1 plan, may enter into contracts with school districts that have withdrawn
2 from the education service district as provided in ORS 334.015 or that are
3 located outside the territory of the education service district.

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

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

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

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

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

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

27 (e) May accept money or property donated for the use or benefit of the
28 district and use the money or property for the purpose for which it was do-
29 nated.

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

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

3 (9)(a) The education service district shall work cooperatively with com-
4 ponent school districts, **early childhood services providers and post-**
5 **secondary education institutions** and review periodically with [*component*
6 *school districts*] **the districts, providers and institutions** the operations
7 of component school districts and shall submit to the component school dis-
8 tricts plans for operations that achieve economies and efficiencies through
9 consolidation of various operations of all or some of the districts **and the**
10 **consolidation of various operations of providers and institutions.** The
11 education service district and its component school districts shall submit an
12 annual report on the effectiveness of the consolidation of operations to the
13 State Board of Education.

14 (b) As used in this subsection, “operations” means services involving
15 transportation, payroll, student records, auditing, legal services, insurance,
16 printing, investment and other similar services.

17 **SECTION 11.** ORS 334.025 is amended to read:

18 334.025. (1) The board of directors of an education service district shall
19 consist of [*seven, nine or 11 members.*] **nine members as follows:**

20 (a) **Four directors shall represent zones established under ORS**
21 **334.032 and shall be elected by the boards of the component school**
22 **districts; and**

23 (b) **Five directors shall be appointed by the directors described in**
24 **paragraph (a) of this subsection, including one at-large director and a**
25 **director representing each of the following:**

26 (A) **Public post-secondary education institutions located within the**
27 **territory of the education service district or, if a public post-secondary**
28 **education institution is not located within the territory of the educa-**
29 **tion service district, a public post-secondary education institution lo-**
30 **cated within this state;**

31 (B) **Early childhood services providers;**

1 (C) Social services providers; and

2 (D) The business community.

3 (3)(a) Prior to the end of the term of office of any elected director
4 of an education service district, the boards of the component school
5 districts within the zone the director represented shall elect a succes-
6 sor whose term begins on July 1 next following. Each component
7 school district board shall have one vote. An elected director is eligible
8 for reelection.

9 (b) Prior to the end of the term of office of any appointed director
10 of an education service district, the directors described in subsection
11 (1)(a) of this section shall appoint a successor whose term begins on
12 July 1 next following. A director who was appointed under subsection
13 (1)(b) of this section is eligible for reappointment.

14 (4) Any vacancy on the board of directors of an education service
15 district that occurs before the end of the term of office of a director
16 of an education service district shall be filled following the process
17 described in this section.

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

22 [(3)] (5) On the petition of two component school districts, the board shall
23 establish local advisory committees to represent the interests of areas within
24 the petitioning districts. The local advisory committees shall advise the
25 board on matters of concern within the advisory committee's area. Local
26 advisory committees shall represent two or more component school districts.

27 [(4) *The board of directors may by resolution increase or decrease the*
28 *number of members of the board. The board's resolution shall be entered with*
29 *sufficient time for the board to give the required information to the elections*
30 *officer under ORS 255.069, and the board's resolution shall have no effect on*
31 *the terms of any current board members.*]

1 **SECTION 12.** ORS 334.032 is amended to read:

2 334.032. (1) The board of directors of an education service district shall
3 divide the education service district into [*not more than 11*] **four** zones as
4 nearly equal in census population as may be practicable, measured along
5 common school district boundary lines except that zones may be established
6 using voting precinct boundaries in order to achieve greater equality of
7 population. If possible, the board shall establish the zones so that each
8 county within the education service district, the majority of the land area
9 of which lies within the boundaries of the education service district, has at
10 least one member on the board.

11 (2) Each county within the education service district, the majority of the
12 land area of which lies within the boundaries of the education service dis-
13 trict, shall have at least one member on the board or shall have at least one
14 member on the budget committee of the education service district.

15 (3) The board **of directors of an education service district** may read-
16 just the boundaries of the zones once each year and shall readjust the
17 boundaries of the zones immediately upon any change of the boundaries of
18 the education service district **or a component school district**.

19 **SECTION 13.** ORS 334.090 is amended to read:

20 334.090. (1) The term of office of director of an education service district
21 shall be four years.

22 (2) The term of office of each director of an education service district
23 shall begin on July 1 next following the date of election **or appointment**.
24 A director shall serve until June 30 next following the election **or ap-**
25 **pointment** of a successor.

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

28 (4) A newly **elected or** appointed director of an education service district
29 shall take office at the meeting of the education service district board next
30 following the **election or** appointment.

31 (5) A person is not eligible to serve as a director of an education service

1 district unless the person is an elector of the district and has resided therein
2 for a period of one year immediately preceding the election or appointment.

3 (6) [No] **An** employee of an education service district is **not** eligible to
4 serve as a director of the education service district by which the employee
5 is employed.

6 [(7) *A regular district election shall be held in a district to fill any vacancy
7 and to elect a successor for any director whose term expires June 30 next fol-
8 lowing the election. A successor shall be elected as follows:]*

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

11 [(b) *If the director was elected at large a successor shall be elected at large
12 by the electors of the district.]*

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

18 [(9) *Any vacancy on the board from any zone shall be filled by the re-
19 maining directors from among the qualified persons in that zone. Any such
20 vacancy from the district at large shall be filled by the remaining directors
21 from among the qualified persons in the district. However, if vacancies occur
22 in a majority of the positions on the board, the State Board of Education shall
23 fill the vacancies from among the qualified persons of the zones, if any, or from
24 among other persons who are qualified to serve. The period of service of an
25 appointee under this subsection expires June 30 next following the next regular
26 district election at which a successor is elected. The successor shall be elected
27 to serve the remainder, if any, of the term for which the appointment was
28 made. If the term for which the appointment was made expires June 30 after
29 the election of the successor, the successor shall be elected to a full term. In
30 either case, the successor shall take office July 1 next following the election.]*

31 **SECTION 14.** ORS 334.095, as amended by section 10, chapter 91, Oregon

1 Laws 2012, is amended to read:

2 334.095. (1) The education service district board shall declare the office
3 of a director vacant when the incumbent:

4 (a) Dies or resigns;

5 (b) Is removed from office or a court declares the election **or appoint-**
6 **ment** for the office void;

7 (c) Ceases to be a resident of a school district that is located within the
8 territory of the education service district;

9 (d) Subject to subsection (3) of this section **and only for an elected di-**
10 **rector**, ceases to be a resident of the zone from which nominated; **or**

11 (e) Ceases to discharge the duties of office for two consecutive months
12 unless prevented from discharging the duties by sickness or other unavoid-
13 able cause. [*or*]

14 [*(f) Is recalled.*]

15 (2) The education service district board may not declare the office of a
16 director vacant if the director is a resident of a school district that with-
17 draws from the education service district as provided by ORS 334.015 unless:

18 (a) The director's term expires; or

19 (b) The education service district board declares the office vacant for a
20 reason described in subsection (1) of this section.

21 (3) [*A director nominated from a zone*] **An elected director** who changes
22 permanent residence from one zone to another zone [*in which another direc-*
23 *tor resides*] shall continue to serve as director until [*the next regular election*
24 *when a successor shall be*] **a successor is** elected to serve for the remainder
25 of the unexpired term **as provided by ORS 334.025.**

26 (4) A director guilty of misfeasance or malfeasance in office, by the ap-
27 propriate proceeding, may be removed from office by a court of competent
28 jurisdiction.

29 [*(5) Members may be recalled in the manner provided in ORS 249.865 to*
30 *249.877. If the member was elected by a zone, the recall petition shall be signed*
31 *by electors from that zone and electors from the zone are the only electors eli-*

1 *gible to vote in the recall election. If the member was elected at large, the re-*
2 *call petition shall be signed by electors from the district and electors from the*
3 *district are eligible to vote in the recall election.]*

4 **SECTION 15.** ORS 334.100 is amended to read:

5 334.100. (1) Each education service district board shall meet during July
6 and organize by electing one of its members chairperson and one vice
7 chairperson, each of whom shall serve until a successor is elected [*and*
8 *qualified*] **as chairperson or vice chairperson.** No member shall serve as
9 chairperson for more than two years in succession.

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

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

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

21 (5) Any duty imposed upon the education service district board as a body
22 must be performed at a regular or special meeting and must be made a matter
23 of record. The consent to any particular measure obtained of individual
24 members when the board is not in session is not an act of the board and is
25 not binding upon the district.

26 **SECTION 16.** ORS 334.730 is amended to read:

27 334.730. [(1)] Immediately after the order to join two or more education
28 service districts together, the boards of directors of all education service
29 districts within the boundaries of the new district shall meet together upon
30 the call of the chairperson of the board of the most populous district. [*Not-*
31 *withstanding ORS 334.025 or ORS chapter 255,*] The joint board of directors

1 shall divide the new district into [*as many zones as the board considers nec-*
 2 *essary, but not fewer than seven nor more than 11*] **four zones**. The zones
 3 shall be as nearly equal in population as may be practicable. If possible, the
 4 joint board shall establish the zones so that each county within the new
 5 education service district, the majority of the land area of which lies within
 6 the boundaries of the education service district, has at least one member on
 7 the board.

8 [(2) *Within 90 days after the zones required in subsection (1) of this section*
 9 *are established, the joint board of directors shall call a special election in the*
 10 *new district for the purpose of electing directors, one of whom shall be elected*
 11 *from each zone established under subsection (1) of this section by the electors*
 12 *of the zone.*]

13 **SECTION 17.** ORS 334.760 is amended to read:

14 334.760. [*During the period following their election and*] Prior to the date
 15 the new education service district comes into existence, the board of direc-
 16 tors of the new education service district may take such action as is essen-
 17 tial in order that the new district may carry out its required functions when
 18 it comes into existence, including the preparation and adoption of a budget
 19 for the new district. Expenditures of the board under this section shall be
 20 paid from the budgets of the component education service districts on a
 21 prorated basis.

22 **SECTION 18.** ORS 255.005 is amended to read:

23 255.005. As used in this chapter:

24 (1) “County clerk” means the county clerk or the county official in charge
 25 of elections.

26 (2) “District board” means the governing body of a district.

27 (3) “District election” means any election authorized or required to be
 28 held by a district.

29 (4) “District elections authority” means the county court or board of
 30 county commissioners, district board or other body or officer authorized or
 31 required to call a district election.

1 (5) "Elections officer" means the:

2 (a) County clerk of the county in which the administrative office of the
3 district is located regarding a measure, or a candidate for an office, to be
4 voted on in a district located in more than one county.

5 (b) County clerk regarding a measure, or a candidate for an office, to be
6 voted on in a district situated wholly within the county.

7 (6) "Elector" means an individual qualified to vote under section 2, Arti-
8 cle II, Oregon Constitution.

9 (7) "Measure" includes any of the following submitted to the people for
10 their approval or rejection at an election:

11 (a) A proposed law.

12 (b) An Act or part of an Act of the Legislative Assembly.

13 (c) A revision of or amendment to the Oregon Constitution.

14 (d) Local, special or municipal legislation.

15 (e) A proposition or question.

16 (8) "Regular district election" means the election held each year for the
17 purpose of electing members of any district board as defined in subsection
18 (2) of this section.

19 (9) "School district" means a common school district, a union high school
20 district[, *an education service district*] or a community college district.

21 **SECTION 19.** ORS 260.432 is amended to read:

22 260.432. (1) No person shall attempt to, or actually, coerce, command or
23 require a public employee to influence or give money, service or other thing
24 of value to promote or oppose any political committee or to promote or op-
25 pose the nomination or election of a candidate, the gathering of signatures
26 on an initiative, referendum or recall petition, the adoption of a measure or
27 the recall of a public office holder.

28 (2) No public employee shall solicit any money, influence, service or other
29 thing of value or otherwise promote or oppose any political committee or
30 promote or oppose the nomination or election of a candidate, the gathering
31 of signatures on an initiative, referendum or recall petition, the adoption of

1 a measure or the recall of a public office holder while on the job during
2 working hours. However, this section does not restrict the right of a public
3 employee to express personal political views.

4 (3) Each public employer shall have posted in a conspicuous place likely
5 to be seen by its employees the following notice in printed or typewritten
6 form:

8 ATTENTION ALL PUBLIC EMPLOYEES:

9 The restrictions imposed by the law of the State of Oregon on your poli-
10 tical activities are that “No public employee shall solicit any money, influ-
11 ence, service or other thing of value or otherwise promote or oppose any
12 political committee or promote or oppose the nomination or election of a
13 candidate, the gathering of signatures on an initiative, referendum or recall
14 petition, the adoption of a measure or the recall of a public office holder
15 while on the job during working hours. However, this section does not re-
16 strict the right of a public employee to express personal political views.”

17 It is therefore the policy of the state and of your public employer that
18 you may engage in political activity except to the extent prohibited by state
19 law when on the job during working hours.

21 (4) Nothing in this section prohibits an employee of the legislative branch
22 from explaining the vote of a member of the Legislative Assembly on:

23 (a) An Act that has been referred to the people by law or petition under
24 section 1 (3), Article IV of the Oregon Constitution;

25 (b) An Act for which a prospective referendum petition has been filed
26 under ORS 250.045; or

27 (c) A constitutional amendment or revision proposed under section 1 or
28 2, Article XVII of the Oregon Constitution.

29 (5) As used in this section:

30 (a) “Public employee” does not include an elected official or a person
31 [*appointed as a director to the board of a pilot education service district under*

1 *section 11, chapter 828, Oregon Laws 2005]* **serving on the board of direc-**
2 **tors of an education service district.**

3 (b) "Public employer" includes any board, commission, committee, de-
4 partment, division or institution in the executive, administrative, legislative
5 or judicial branch of state government, and any county, city, district or other
6 municipal corporation or public corporation organized for a public purpose,
7 including a cooperative body formed between municipal or public corpo-
8 rations.

9 **SECTION 20.** ORS 260.432, as amended by section 8, chapter 589, Oregon
10 Laws 2007, and section 16, chapter 9, Oregon Laws 2010, is amended to read:

11 260.432. (1) No person shall attempt to, or actually, coerce, command or
12 require a public employee to influence or give money, service or other thing
13 of value to promote or oppose any political committee or to promote or op-
14 pose the nomination or election of a candidate, the gathering of signatures
15 on an initiative, referendum or recall petition, the adoption of a measure or
16 the recall of a public office holder.

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

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

27

28 **ATTENTION ALL PUBLIC EMPLOYEES:**

29 The restrictions imposed by the law of the State of Oregon on your poli-
30 tical activities are that "No public employee shall solicit any money, influ-
31 ence, service or other thing of value or otherwise promote or oppose any

1 political committee or promote or oppose the nomination or election of a
2 candidate, the gathering of signatures on an initiative, referendum or recall
3 petition, the adoption of a measure or the recall of a public office holder
4 while on the job during working hours. However, this section does not re-
5 strict the right of a public employee to express personal political views.”

6 It is therefore the policy of the state and of your public employer that
7 you may engage in political activity except to the extent prohibited by state
8 law when on the job during working hours.

9

10 (4) Nothing in this section prohibits an employee of the legislative branch
11 from explaining the vote of a member of the Legislative Assembly on:

12 (a) An Act that has been referred to the people by law or petition under
13 section 1 (3), Article IV of the Oregon Constitution;

14 (b) An Act for which a prospective referendum petition has been filed
15 under ORS 250.045; or

16 (c) A constitutional amendment or revision proposed under section 1 or
17 2, Article XVII of the Oregon Constitution.

18 (5) As used in this section:

19 (a) “Public employee” does not include an elected official **or a person**
20 **servicing on the board of directors of an education service district.**

21 (b) “Public employer” includes any board, commission, committee, de-
22 partment, division or institution in the executive, administrative, legislative
23 or judicial branch of state government, and any county, city, district or other
24 municipal corporation or public corporation organized for a public purpose,
25 including a cooperative body formed between municipal or public corpo-
26 rations.

27 **SECTION 21. (1) The term of office of a director who serves on a**
28 **board of directors of an education service district on the effective date**
29 **of this 2013 Act terminates on June 30, 2014.**

30 **(2) Notwithstanding the term of office specified in ORS 334.090, of**
31 **the members of the board of directors of an education service district**

1 **described in ORS 334.025 who are first elected or appointed to the board**
2 **on or after July 1, 2014:**

3 (a) **At least two elected members shall serve for terms ending July**
4 **1, 2016.**

5 (b) **At least two elected members shall serve for terms ending July**
6 **1, 2018.**

7 (c) **At least two appointed members shall serve for terms ending**
8 **July 1, 2016.**

9 (d) **At least three appointed members shall serve for terms ending**
10 **July 1, 2018.**

11 **SECTION 22.** Section 5, chapter 59, Oregon Laws 2010, is amended to
12 read:

13 **Sec. 5.** (1) The term of office of a director who serves on the board of
14 directors of the Northwest Regional Education Service District terminates
15 on June 30, [2013] **2014**, if:

16 (a) The director was elected or appointed under section 11, chapter 828,
17 Oregon Laws 2005; and

18 (b) The director's term of office has not been completed by June 30,
19 [2013] **2014**.

20 (2) The term of office of a director who serves on the board of directors
21 of the Willamette Education Service District or the High Desert Education
22 Service District terminates on June 30, [2013] **2014**, if the director was
23 elected or appointed under section 11, chapter 828, Oregon Laws 2005.

24 **SECTION 23.** Section 15, chapter 828, Oregon Laws 2005, as amended by
25 section 6, chapter 589, Oregon Laws 2007, and section 6, chapter 59, Oregon
26 Laws 2010, is amended to read:

27 **Sec. 15.** (1) Sections 11, 12 and 13, chapter 828, Oregon Laws 2005, are
28 repealed on June 30, [2013] **2014**.

29 (2) The amendments to ORS 260.432 by section 8, chapter 589, Oregon
30 Laws 2007, become operative on June 30, [2013] **2014**.

31 **SECTION 24.** (1) **ORS 334.035, 334.045, 334.740 and 334.750 are re-**

1 **pealed.**

2 **(2) Section 14, chapter 828, Oregon Laws 2005, as amended by section**
3 **5, chapter 589, Oregon Laws 2007, and section 3, chapter 59, Oregon**
4 **Laws 2010, is repealed.**

5 **SECTION 25. (1) The amendments to ORS 334.003, 334.005, 334.125**
6 **and 334.175 by sections 7 to 10 of this 2013 Act become operative July**
7 **1, 2013.**

8 **(2) The amendments to ORS 255.005, 260.432, 334.025, 334.032, 334.090,**
9 **334.095, 334.100, 334.730 and 334.760 by sections 11 to 20 of this 2013 Act**
10 **and the repeal of ORS 334.035, 334.045, 334.740 and 334.750 by subsection**
11 **24 (1) of this 2013 Act become operative on July 1, 2014.**

12 **SECTION 26. This 2013 Act being necessary for the immediate**
13 **preservation of the public peace, health and safety, an emergency is**
14 **declared to exist, and this 2013 Act takes effect on its passage.**

15
