

Senate Bill 765

Sponsored by COMMITTEE ON EDUCATION AND WORKFORCE

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**.

Directs State Board of Education to enter order to merge education service districts based on specified criteria. Allows labor organization that will represent portion of employees of new education service district to file petitions with Employment Relations Board.

Provides that new education service districts become operative on July 1, 2007.

Directs education service districts to develop local service plans that must be approved by component school districts. Allows education service district to provide services to entities other than component school districts upon approval of Department of Education.

Declares emergency, effective July 1, 2005.

A BILL FOR AN ACT

1
2 Relating to education service districts; creating new provisions; amending ORS 326.712, 334.010,
3 334.020, 334.025, 334.090, 334.125, 334.175, 334.177, 334.185, 334.240 and 343.221; repealing ORS
4 334.022; and declaring an emergency.

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

6 **SECTION 1. Sections 2 to 7 of this 2005 Act are added to and made a part of ORS chapter**
7 **334.**

8 **SECTION 2. (1) On or before March 31, 2007, the State Board of Education shall enter**
9 **an order to change the boundaries of and merge existing education service districts. The**
10 **boundaries of the merged districts shall be established by the Superintendent of Public In-**
11 **struction and approved by the board based on the following criteria:**

12 (a) **The boundary of each education service district shall be created to reflect the sense**
13 **of community within the geographic area of the district. In establishing the boundary the**
14 **superintendent shall consider whether reasonable access will be allowed to all areas of the**
15 **district by evaluating the topography, climate and highway patterns of the region.**

16 (b) **Each education service district shall have a minimum of seven and a maximum of 20**
17 **component school districts.**

18 (c) **Each education service district shall have at least two component school districts,**
19 **each with an average daily membership (ADM), as defined in ORS 327.006, of at least 3,000.**

20 (d) **Each education service district that is located in a county or counties east of the**
21 **crest of the Cascade Range, but not including Klamath County, shall have a weighted average**
22 **daily membership (ADMw), as calculated under ORS 327.013, of at least 10,000.**

23 (e) **Each education service district that is located in a county or counties west of the**
24 **crest of the Cascade Range, including Klamath County, shall have an ADMw of at least**
25 **30,000.**

26 (f) **Each education service district shall have at least one institution of higher education**
27 **listed in ORS 352.002 or community college located within the district.**

28 **(2) The board may waive one or more of the criteria listed in subsection (1) of this section**

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 if the board determines there is a conflict between two or more of the criteria.

2 (3) The board shall give the education service districts formed under subsection (1) of
3 this section new names, and the affected county assessors shall give the education service
4 districts new numbers that have not been used previously.

5 (4) An order under this section shall include provisions for the liability of any outstanding
6 bonded indebtedness to be distributed over the entire area of the education service district
7 formed by the merger. An order under this section shall also include provision for the dis-
8 tribution of any assets or liabilities of education service districts that are being merged un-
9 der this section.

10 (5) An order under this section shall include provisions for the transfer of employees
11 from the former education service districts to the education service districts formed by the
12 merger. The employees of any former education service district that is merged with another
13 education service district shall be considered employees of the education service district
14 formed by the merger, which shall succeed the former districts as a party to the respective
15 contracts of employment of the former districts.

16 (6) An education service district employee may not be deprived of seniority or accumu-
17 lated sick leave solely because the duties of the employee have been assumed or acquired by
18 an employee of another education service district as a result of a merger under this section.

19 (7) An order under this section does not require an election on district boundaries and
20 is not subject to remonstrance or other procedures for boundary changes.

21 (8) An order under this section becomes effective on July 1, 2007.

22 **SECTION 3.** (1) Before the effective date of an order under section 2 of this 2005 Act, the
23 State Board of Education, for the purpose of electing an education service district board
24 under this section for each education service district created by the order, shall divide the
25 education service districts into not more than 11 zones. The zones shall be as nearly equal
26 in census population as may be practicable and may be measured along common school dis-
27 trict boundary lines, except that the zones may be established using voting precinct bound-
28 aries in order to achieve greater equality of population. If possible, the state board shall
29 establish the zones so that each county within the education service district created by the
30 order, the majority of the land area of which lies within the boundary of the new education
31 service district, has at least one member on the district board.

32 (2) Each county within an education service district, the majority of the land area of
33 which lies within the boundary of the education service district, shall have at least one
34 member on the district board or shall have at least one member on the budget committee
35 of the education service district.

36 (3) Notwithstanding ORS 334.090, the terms of office of the directors first elected to the
37 board of directors of an education service district created by order of the state board under
38 section 2 of this 2005 Act shall be staggered so that at least:

39 (a) Two directors shall serve terms expiring June 30 next following the fourth regular
40 district election.

41 (b) Two directors shall serve terms expiring June 30 next following the third regular
42 district election.

43 (c) Two directors shall serve terms expiring June 30 next following the second regular
44 district election.

45 (d) One director shall serve a term expiring June 30 next following the first regular dis-

1 trict election.

2 (4) The directors first elected under this section shall determine by lot the length of the
3 term each shall serve on the district board.

4 (5) Notwithstanding ORS 334.090, the terms of office of directors serving on education
5 service district boards of education service districts that are merged by order of the State
6 Board of Education under section 2 of this 2005 Act shall terminate on June 30, 2007.

7 **SECTION 4.** During the period following an order under section 2 of this 2005 Act and
8 prior to the effective date of the order, the board of directors of a new education service
9 district may take any action necessary for the district to carry out its functions, including
10 the preparation and adoption of a budget for the district. Expenditures of the education
11 service district board under this section shall be paid from the budgets of the education
12 service districts that have been merged into the new education service district.

13 **SECTION 5.** (1) Notwithstanding the effective date of an order under section 2 of this
14 2005 Act, electors are entitled to vote in any elections affecting the new education service
15 district in which the electors will reside when the order under section 2 of this 2005 Act
16 takes effect.

17 (2) Notwithstanding ORS 334.090, electors described in subsection (1) of this section are
18 eligible to be candidates for the new education service district board and to serve on the
19 budget committee of the new education service district if the electors were eligible to be
20 board candidates or budget committee members in the district in which the electors resided
21 prior to the effective date of the order under section 2 of this 2005 Act.

22 **SECTION 6.** (1) As used in this section:

23 (a) "Appropriate bargaining unit" may include both licensed and unlicensed education
24 service district employees.

25 (b) "Labor organization" includes a labor organization as defined in ORS 243.650 and an
26 entity composed of two or more local affiliates of a state or national labor organization.

27 (c) "New education service district" means an education service district formed pursuant
28 to an order of the State Board of Education under section 2 of this 2005 Act.

29 (d) "Old education service district" means an education service district that existed prior
30 to July 1, 2007.

31 (2) A labor organization may file a petition for certification as the exclusive represen-
32 tative of a group of employees of a new education service district. A petition shall be filed
33 on a form provided by the Employment Relations Board and a copy shall be served by the
34 Employment Relations Board on parties disclosed in the petition. The petition must meet the
35 following requirements:

36 (a) The petition may be filed at any time after the final action by the State Board of
37 Education necessary to effect the merger of education service districts required by section
38 2 of this 2005 Act, but must be filed before July 1, 2007; and

39 (b) The petition must include:

40 (A) A description of the proposed bargaining unit for which certification is sought;

41 (B) A statement that the labor organization currently represents a majority of the em-
42 ployees who will be included in the proposed bargaining unit described in the petition when
43 the formation of the new education service district takes effect. This statement must be
44 supported by collective bargaining agreements or certifications of representative and must
45 include the number of employees in the proposed bargaining unit and the number of em-

1 employees represented by the labor organization in each current unit;

2 (C) The name, address and telephone number of the new education service district and
3 of each old education service district affected by the merger; and

4 (D) A statement of when final action was taken by the State Board of Education to effect
5 the merger and when the merger is effective.

6 (3) The Employment Relations Board shall send a notice of the filing of a petition for
7 certification to each education service district listed in the petition. Each education service
8 district shall post copies of the notice in work areas granting maximum access to affected
9 employees. The notice shall include a description of the proposed bargaining unit and shall
10 state the rights of interested parties under state and federal law. The notice shall remain
11 posted for at least 10 regular school days.

12 (4) An education service district, within 14 days of the date the notice is posted as re-
13 quired by subsection (3) of this section, may file objections to the petition for certification
14 on the ground that the proposed bargaining unit is not appropriate or that the district has
15 a good faith doubt that a majority of the employees in the proposed bargaining unit will de-
16 sire certification of the petitioner as their exclusive representative.

17 (5)(a) The Employment Relations Board may not delay the certification of representative
18 if the proposed bargaining unit description on its face describes an appropriate bargaining
19 unit, or if there are objections to the appropriateness of the unit or to the inclusion or ex-
20 clusion of certain employees.

21 (b) Notwithstanding paragraph (a) of this subsection, the Employment Relations Board
22 may delay the certification of representative if the board finds that the resolution of the
23 objections to the appropriateness of the bargaining unit may affect the majority support for
24 the petitioning labor organization.

25 (c) The Employment Relations Board shall hold a hearing on any valid objections after
26 certification of representative by the board.

27 (6) An objection based on an education service district's good faith doubt concerning the
28 petitioner's majority support among employees in the proposed bargaining unit must include
29 a statement of the objective basis for the doubt. If the Employment Relations Board finds,
30 based on the objection and any supporting material, that the education service district's
31 doubt is reasonable, the board shall dismiss the petition for certification.

32 (7) If an education service district does not file any objections to the petition for certif-
33 ication or the objections filed are not sufficient to delay certification, and no petition for an
34 election affecting employees in the proposed bargaining unit is pending, the Employment
35 Relations Board shall issue a certification of representative as soon as is practicable, unless
36 the board finds the petition to be otherwise defective.

37 (8) A labor organization claiming to represent at least 30 percent of the employees in a
38 proposed bargaining unit in a new education service district may file a petition for repre-
39 sentation at any time after the final action by the State Board of Education necessary to
40 effect a merger under section 2 of this 2005 Act but the petition must be filed before July 1,
41 2007, unless a certification of representative for substantially the same group of employees
42 has been issued by the Employment Relations Board.

43 (9) A labor organization's claim to represent 30 percent of the employees in the petition
44 for representation must be supported by a showing of interest cards or petitions, by collec-
45 tive bargaining agreements or certifications showing current representation by the labor

1 organization of at least 30 percent of the employees who will be in the proposed bargaining
2 unit or by a combination of a showing of interest and agreements or certifications.

3 (10) After a petition for representation is filed under subsection (8) of this section, pro-
4 cedures concerning the petition and any subsequent election shall be governed by the rules
5 adopted by the Employment Relations Board, except that a labor organization's petition to
6 intervene as a candidate may be supported by a 10 percent showing of interest or by a
7 showing that the labor organization currently represents at least 10 percent of the employees
8 who will be in the proposed bargaining unit or by a combination of the two showings equaling
9 10 percent support.

10 (11) Nothing in this section is intended to prevent a new education service district from
11 recognizing a labor organization pursuant to ORS 243.666 (3).

12 (12) During the pendency of any proceeding under this section, the status quo with regard
13 to wages, whether direct or indirect, benefits, seniority, tenure and other job security pro-
14 visions, including but not limited to provisions relating to cause for discipline and due pro-
15 cess requirements, shall be maintained for each employee who, by reason of the merger of
16 an old education service district, is moved to or hired from another education service district
17 with an existing bargaining unit that had a labor agreement in place or was within a previ-
18 ously established status quo pursuant to ORS 243.650 to 243.782.

19 (13) During the pendency of any proceeding under this section, the exclusive represen-
20 tative as defined by ORS 243.650 shall continue to represent and collect appropriate dues and
21 fees from employees described in subsection (12) of this section. A new education service
22 district shall deduct these dues and fees from wages of employees and remit them to the
23 appropriate exclusive representative.

24 **SECTION 7.** (1) Education service districts shall work as liaisons between the Depart-
25 ment of Education and school districts to facilitate and support school districts to meet the
26 requirements of state and federal law.

27 (2) Education service districts shall work with the department to analyze student
28 achievement data to identify areas that need improvement and, as appropriate, design sol-
29 utions that can be delivered through regional and statewide collaboration.

30 **SECTION 8.** ORS 334.175 is amended to read:

31 334.175. (1) *[The education service district or a combination of education service districts or a*
32 *school district or other public or private entity under contract with an education service district or*
33 *districts may provide services and facilities, including but not limited to central purchasing, library,*
34 *curriculum material, special teachers and special programs including but not limited to teachers and*
35 *programs under ORS chapter 343 and any other relevant services to all school districts which are a*
36 *part of the education service district or districts. If the education service district owns a planetarium,*
37 *the district may promote public events and may sell tickets for public events at the planetarium.]* **An**
38 **education service district shall provide regionalized core services to component school dis-**
39 **tricts. The goals of these services are to:**

40 (a) **Assist component school districts in meeting the requirements of state and federal**
41 **law;**

42 (b) **Improve student learning;**

43 (c) **Enhance the quality of instruction provided to students;**

44 (d) **Provide professional development to component school district employees;**

45 (e) **Enable equitable access to resources by component school districts and the students**

1 **who attend schools in those districts; and**

2 **(f) Maximize operational and fiscal efficiencies for component school districts.**

3 **(2) The services provided by an education service district shall be provided according to**
 4 **a local service plan developed by the education service district in consultation with compo-**
 5 **nent school districts. The education service district shall develop the local service plan to**
 6 **meet the goals specified in subsection (1) of this section. The local service plan must include**
 7 **services in at least the following areas:**

8 **(a) Programs for children with special needs, including but not limited to special educa-**
 9 **tion services, alternative education services and professional development for employees who**
 10 **provide those services.**

11 **(b) Technology support for component school districts, including but not limited to**
 12 **technology infrastructure services, data services, instructional technology services and pro-**
 13 **fessional development for employees who provide those services.**

14 **(c) School improvement services for component school districts, including but not limited**
 15 **to services designed to support component school districts in meeting the requirements of**
 16 **state and federal law, services designed to allow the education service district to participate**
 17 **and facilitate a review of the state and federal standards related to the provision of a quality**
 18 **education by component school districts, services designed to support and facilitate contin-**
 19 **uous school improvement planning, services designed to address school-wide behavior and**
 20 **climate issues and professional technical education and professional development for em-**
 21 **ployees who provide those services.**

22 **(d) Administrative and support services for component school districts, including but not**
 23 **limited to services designed to consolidate component school district business functions, li-**
 24 **aison services between the Department of Education and component school districts, regis-**
 25 **tration of children being taught by a private teacher, parent or legal guardian pursuant to**
 26 **ORS 339.035 and support and coordination for component school districts.**

27 **(e) Other service areas for which an education service district is required to provide**
 28 **services by state or federal law.**

29 **(3) In addition to the services specified in subsection (2) of this section, an education**
 30 **service district may include other services in its local service plan that are designed to meet**
 31 **regional needs.**

32 *[(2) The extent and nature of such facilities and services]*

33 **(4) The local service plan** must be[:]

34 *[(a)]* agreed upon on or before March 1 by resolution of two-thirds of the component school
 35 districts *[which]* **that** are a part of the education service district *[or districts]* and *[which]* **that** have
 36 at least a majority of the pupils included in the average daily membership of the education service
 37 district *[or districts]*, as determined by the reports of such school districts for the preceding year,
 38 enrolled in the schools of the **school** districts[: and]

39 *[(b) Within the authority of the interested districts].*

40 *[(3) Notwithstanding subsection (2) of this section, the education service district or a school district*
 41 *or other public or private entity under contract with an education service district may provide facilities*
 42 *and services of the type specified in subsection (1) of this section by agreement and on a reimbursable*
 43 *basis to any school district or combination thereof within the education service district.]*

44 *[(4) Subject to subsections (1) and (2) of this section and ORS 334.185, the education service district*
 45 *may establish or participate in all programs under ORS chapter 343.]*

1 **(5) An education service district may provide the services required by the local service**
 2 **plan in combination with another education service district or with a school district. In ad-**
 3 **dition, an education service district may contract with a public or private entity for the**
 4 **provision of services.**

5 **SECTION 9.** ORS 334.177, as amended by section 29, chapter 695, Oregon Laws 2001, is
 6 amended to read:

7 334.177. An education service district board shall expend at least 90 percent of all amounts re-
 8 ceived from the State School Fund and at least 90 percent of all amounts considered to be local
 9 revenues of an education service district, as defined in ORS 327.019, on services [*or programs*] **re-**
 10 **quired by the local service plan** that [*have*] **has** been approved by the component school districts
 11 of the education service district through the resolution process described in ORS 334.175.

12 **SECTION 10.** ORS 334.185 is amended to read:

13 334.185. (1) [*Facilities and services authorized under ORS 334.175 (1) may be provided to compo-*
 14 *nent school districts which are not a part of the education service district or districts by agreement on*
 15 *a reimbursable basis. However, the pupils residing in such districts shall not be included in the com-*
 16 *putation of the percentage required by ORS 334.175 (2)(a). The facilities and services may also be*
 17 *provided to other public or private entities by agreement or on a reimbursable basis.*] **An education**
 18 **service district may provide services to public and private entities and to school districts**
 19 **that are not component school districts of the education service district if the services are**
 20 **part of the local service plan developed pursuant to ORS 334.175 and the services are ap-**
 21 **proved by the State Board of Education based on criteria adopted by the board by rule. The**
 22 **services may be provided by contract or on a reimbursable basis.**

23 (2) Expenditures by the education service district board for [*special*] services [*and facilities*]
 24 provided on a reimbursable basis under this section shall be limited to the moneys received for the
 25 purpose specified and are not subject to the Local Budget Law (ORS 294.305 to 294.565).

26 (3) Budget estimates of expenditures for [*special*] services [*and facilities*] provided under this
 27 section must show the estimates of moneys receivable and must be shown as offsetting revenue
 28 items.

29 **SECTION 11.** ORS 334.125 is amended to read:

30 334.125. (1) The education service district is a body corporate.

31 (2) The education service district board is authorized to transact all business coming within the
 32 jurisdiction of the education service district and may sue and be sued.

33 (3) The education service district board shall perform all duties required by law, including but
 34 not limited to:

35 (a) Distribution of such school funds as it is empowered to apportion;

36 (b) Conduct of audits;

37 (c) Duties as district boundary board;

38 (d) Budget and tax levying duties, including the levying of taxes under ORS 280.060;

39 (e) Contracting a bonded indebtedness and levying direct ad valorem taxes on all taxable prop-
 40 erty within the education service district in the manner that component school districts are au-
 41 thorized to issue bonds and levy taxes under ORS 328.205 to 328.304 and other laws applicable to
 42 the issuance of bonds and levying of taxes by school districts; and

43 (f) Creating a county education bond district under ORS 328.304 from a county within the dis-
 44 trict.

45 (4) In addition to its duties under subsection (3) of this section [*and duties arising under ORS*

1 334.175, with the approval of the component school districts through the resolution process described
 2 in ORS 334.175, the board may:], **an education service district board may provide services re-**
 3 **quired by the local service plan developed pursuant to ORS 334.175 and may**

4 [(a) Plan for the provision and delivery of education, including curriculum improvement and special
 5 education programs;]

6 [(b) Provide staff development;]

7 [(c) Conduct assessment, evaluation and research;]

8 [(d) Plan and provide for new learning environments;]

9 [(e) Plan and provide for educational communication and distribution services, including telecom-
 10 munications systems;]

11 [(f) Collaborate in jointly planning for the delivery of health care, employment training and social
 12 services in the region; and]

13 [(g)] provide funds to component school districts to provide services in lieu of those school dis-
 14 tricts receiving services from the education service district.

15 (5) The education service district board may employ and fix the compensation of such personnel
 16 as it considers necessary for carrying out duties of the board.

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

18 (a) May locate, buy, accept by gift or lease such land, buildings and facilities as may be required
 19 for district purposes. Leases authorized by this section may be for a term of up to 30 years and
 20 include lease-purchase agreements whereunder the district may acquire ownership of the leased
 21 property.

22 (b) May acquire personal property by a lease-purchase agreement or contract of purchase for a
 23 term exceeding one year. A lease-purchase agreement is one in which the rent payable by the dis-
 24 trict is expressly agreed to have been established to reflect the savings resulting from the exemption
 25 from taxation, and the district is entitled to ownership of the property at a nominal or other price
 26 which is stated or determinable by the terms of the agreement and was not intended to reflect the
 27 true value of the property.

28 (c) May lease property or sell and convey property of the district as the board considers un-
 29 necessary to its purposes.

30 (d) May purchase relocatable structures in installment transactions in which deferred install-
 31 ments of the purchase price are payable over not more than 10 years from the date of delivery of
 32 the property to the district and are secured by a security interest in the property. The transactions
 33 may take the form of, but are not limited to, lease-purchase agreements.

34 (e) May accept money or property donated for the use or benefit of the district and use the
 35 money or property for the purpose for which it was donated.

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

38 (8) The education service district may contract with public and private entities for service de-
 39 livery.

40 (9)(a) The education service district shall work cooperatively with component school districts
 41 and review periodically with component school districts the operations of component school districts
 42 and shall submit to the component school districts plans for operations that achieve economies and
 43 efficiencies through consolidation of various operations of all or some of the districts. The education
 44 service district and its component school districts shall submit an annual report on the effectiveness
 45 of the consolidation of operations to the State Board of Education.

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

SECTION 12. ORS 334.240 is amended to read:

334.240. (1) The education service district board shall be subject in all respects to the Local Budget Law (ORS 294.305 to 294.565), except that in addition to other qualifications, members of the budget committee who are not members of the education service district board shall be members of component school district boards within the education service district or shall be designees of a school district board.

(2) Notwithstanding ORS 294.336 and 294.341, a majority of the members of the budget committee of an education service district must consist of members of the component school district boards or designees of a school district board. The budget committee may meet to conduct business if the education service district board is unable to fill all of the positions on the budget committee.

(3) The board of the education service district is authorized to prepare and adopt a budget for its own expenses and for its operational, administrative and resolution services expenses. The board’s own expenses include expenses for travel, for providing the board with professional and clerical assistance, and for such services, equipment and supplies as the board may require. The board’s budget may include amounts necessary to provide *[special] services [and facilities authorized by] required by the local service plan of the district developed under ORS 334.175 [(1) and (2), and to support providing services and programs for children with disabilities, for the talented and gifted or for bilingual or English as a second language education as these programs are described in ORS 336.074, 336.079, 343.035, 343.397 and 343.830].*

SECTION 13. ORS 343.221 is amended to read:

343.221. In order to provide special education for children with disabilities, the district school board of any school district in which there are school-age children who require special education:

(1) Shall submit an annual projected activities and cost statement to the Superintendent of Public Instruction for a program of special education for the district’s children with disabilities. The proposed district program shall include provisions for providing special education and related services and be designed to meet the unique needs of all resident children with disabilities.

(2) Shall provide special education for such children consistent with the projected activities and cost statement.

(3) May, when the board considers a contract to be economically feasible and in the interests of the learning opportunities of eligible children, contract for special education for such children with another school district or an education service district if:

(a) The district school boards jointly agree to provide special education.

(b) **The contract is consistent with the local service plan of the education service district developed pursuant to ORS 334.175** and the school districts within the education service district approve the contract by a resolution adopted in the manner provided in ORS 334.175 [(2)].

[(c) Any school district within the education service district contracts with the education service district in the manner provided in ORS 334.175 (3) for such special education.]

(c) **The school district contracts with an education service district pursuant to ORS 334.185.**

(4) May contract with private agencies or organizations approved by the State Board of Education for special education.

(5) May use the services of public agencies, including community mental health and developmental disabilities programs, which provide diagnostic, evaluation and other related services for

1 children.

2 (6) May contract for the provision of related services by a person in private practice if that
3 person is registered, certified or licensed by the State of Oregon as qualified to provide a particular
4 related service that requires registration, certification or licensing by the state.

5 **SECTION 14.** ORS 326.712 is amended to read:

6 326.712. The Superintendent of Public Instruction may contract with an education service dis-
7 trict or a school district to provide teachers, counselors or other personnel for the Youth Cor-
8 rections Education Program and the Juvenile Detention Education Program. However, the programs
9 may not be considered a component district and the students enrolled in the programs may not be
10 counted in determining the number of pupils in average daily membership for purposes of ORS
11 334.175 [(2)(a)] (4).

12 **SECTION 15.** ORS 334.010 is amended to read:

13 334.010. There is created in each region a district to be known as the education service
14 district. [*to consist of the counties and the area of the common school districts as listed in ORS*
15 *334.020, with a governing body thereof to be*] **Each education service district shall have a gov-**
16 **erning body** known as the education service district board.

17 **SECTION 16.** ORS 334.020 is amended to read:

18 334.020. [(1) *On and after the effective date of the order entered under section 25, chapter 784,*
19 *Oregon Laws 1993, except as the boundaries of an education service district may be changed by merger*
20 *under ORS 334.710 to 334.770 or other provision of law, the education service districts are as*
21 *follows:*]

22 [(a) *Region 1. Clatsop, Columbia, Tillamook and Washington Counties.*]

23 [(b) *Region 2. Multnomah County.*]

24 [(c) *Region 3. Marion and Polk Counties.*]

25 [(d) *Region 4. Lincoln, Linn and Benton Counties.*]

26 [(e) *Region 5. Lane County.*]

27 [(f) *Region 6. Douglas County.*]

28 [(g) *Region 7. Coos and Curry Counties and the area lying within the Reedsport School District.*]

29 [(h) *Region 8. Jackson, Josephine and Klamath Counties.*]

30 [(i) *Region 9. Hood River and Wasco Counties.*]

31 [(j) *Region 10. Crook and Deschutes Counties.*]

32 [(k) *Region 11. Lake County.*]

33 [(L) *Region 12. Umatilla and Morrow Counties.*]

34 [(m) *Region 13. Union and Baker Counties.*]

35 [(n) *Region 14. Malheur County and the area comprising the Huntington School District.*]

36 [(o) *Region 15. Clackamas County.*]

37 [(p) *Region 16. Yamhill County.*]

38 [(q) *Region 17. Harney County.*]

39 [(r) *Region 18. Wallowa County.*]

40 [(s) *Region 19. Sherman, Gilliam and Wheeler Counties.*]

41 [(t) *Region 20. Grant County.*]

42 [(u) *Region 21. Jefferson County and the area comprising the Warm Springs Reservation.*]

43 [(2) *Where*] **If** a boundary change or formation of a component school district results in a joint
44 school district, the joint school district shall be included in the education service district in which
45 the joint district's administrative office is located.

SECTION 17. ORS 334.025 is amended to read:

334.025. (1) The board of directors of an education service district shall consist of seven, nine or 11 members.

(2) In education service districts, not fewer than five of the directors shall be elected, one from each of the zones established under ORS 334.032 **or section 3 of this 2005 Act**. At the discretion of the board of directors, one or two board members may be elected from the district at large.

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

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

SECTION 18. ORS 334.090 is amended to read:

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

(2) The term of office of each director of an education service district shall begin on July 1 next following the date of election. A director shall serve until June 30 next following the election of a successor.

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

(4) A newly appointed director of an education service district shall take office at the meeting of the education service district board next following the appointment.

(5) A person is not eligible to serve as a director of an education service district unless the person is an elector of the district and has resided therein for a period of one year immediately preceding the election or appointment.

(6) No employee of an education service district is eligible to serve as a director of the education service district by which the employee is employed.

(7) A regular district election shall be held in a district to fill any vacancy and to elect a successor for any director whose term expires June 30 next following the election. A successor shall be elected as follows:

(a) If the director was elected from a zone established under ORS 334.032 **or section 3 of this 2005 Act**, a successor from the same zone shall be elected by the electors of the zone.

(b) If the director was elected at large a successor shall be elected at large by the electors of the district.

(8) Notwithstanding subsection (7) of this section, in any district having a population of 550,000 or more according to the latest federal census that becomes zoned according to ORS 334.032 **or section 3 of this 2005 Act**, the board shall determine prior to the nomination of school directors which positions shall be from zones and which positions shall be at large.

(9) Any vacancy on the board from any zone shall be filled by the remaining directors from among the qualified persons in that zone. Any such vacancy from the district at large shall be filled by the remaining directors from among the qualified persons in the district. However, if vacancies occur in a majority of the positions on the board, the State Board of Education shall fill the vacancies from among the qualified persons of the zones, if any, or from among other persons who are qualified to serve. The period of service of an appointee under this subsection expires June 30 next

1 following the next regular district election at which a successor is elected. The successor shall be
2 elected to serve the remainder, if any, of the term for which the appointment was made. If the term
3 for which the appointment was made expires June 30 after the election of the successor, the suc-
4 cessor shall be elected to a full term. In either case, the successor shall take office July 1 next
5 following the election.

6 **SECTION 19. ORS 334.022 is repealed.**

7 **SECTION 20. The amendments to ORS 334.010, 334.020, 334.025 and 334.090 by sections 15
8 to 18 of this 2005 Act and the repeal of ORS 334.022 by section 19 of this 2005 Act become
9 operative on July 1, 2007.**

10 **SECTION 21. This 2005 Act being necessary for the immediate preservation of the public
11 peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect
12 July 1, 2005.**

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