

## Chapter 330

### 1955 REPLACEMENT PART

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**ORGANIZATION**

**330.010 Division of counties into school districts.** For public school purposes each county shall be divided into convenient subdivisions to be known as school districts.

**330.020 Classification of districts.** All school districts created under the provisions of ORS 329.710 to 329.740, 330.030, 330.040 or 330.110 to 330.140 shall be classified and known as first class, second class and third class. The classification shall be made according to the number of children of school age as shown by the last school census. All districts with 1,000 or more children of school age shall be known as first class districts. Any district which has been classified as a first class district shall retain that classification unless the number of children of school age, as shown by the school census, falls below 800 for two consecutive years. All districts with more than 200 and less than 1,000 children of school age shall be known as second class districts. All districts with less than 200 children of school age shall be known as third class districts. Whenever the number of children of school age in any district, as shown by the school census, requires a change in classification, the new classification shall become effective on the day of the next annual school meeting or election.

**330.030 Formation of districts in two or more counties; reports; funds.** Where the public good requires it, a school district may be formed of adjacent territory lying in two or more counties. The clerk in such district shall report annually to each superintendent having jurisdiction, the number of scholars residing and the total number of days' actual attendance of such scholars in each county. The clerk shall be entitled to draw for the benefit of his district that portion of the public school fund due the district from each county.

**330.040 Organization of new districts.** (1) The taxable inhabitants of a newly established district receiving notice from the county superintendent as provided by ORS 329.740 shall immediately write and post three notices in public places in the district, notifying the citizens thereof to assemble at some convenient place for the purpose of organizing the district and electing three directors. When three or more voters have assembled pursuant to notice, they shall constitute a quorum to do business and shall

have power to do all business done at annual school meetings; provided, that at least 10 days' notice shall be given for all meetings called in pursuance of this subsection. In first and second class districts this notice shall be duly published in one or more newspapers of such district, or, if no newspaper is published in the district, then notices shall be posted as provided in this subsection.

(2) The meeting shall organize by appointing a chairman and secretary, and then may proceed to elect by ballot three directors who shall hold their offices until their successors are elected and qualified.

(3) The directors so elected shall qualify immediately by taking an oath to support the laws and Constitutions of the United States and of Oregon and to faithfully discharge the duties of their offices to the best of their ability. The chairman of the meeting, or any one he may choose, shall administer the oath of office to the directors.

(4) The directors shall have the same power and shall perform the same duties as directors elected in regularly organized districts.

(5) At the first regular election of such district after its organization there shall be elected by ballot five directors for one, two, three, four and five years, respectively, and the ballot shall specify the term for which each is to be elected. In case of a tie the matter shall be decided by lot. [Amended by 1955 c.386 §1]

**330.050 Division of assets and liabilities upon changes in boundaries.** (1) When the changes referred to in subsection (5) of ORS 329.730 are made in district boundaries, the district school boards of all the districts concerned shall immediately after the change make an equitable division of the then existing assets and liabilities between the old and the new, or between the districts already existing and affected by such change.

(2) In case of failure to agree within 10 days from the time of such change, the matter shall be decided by a board of arbitrators chosen by the directors of the several districts concerned. The arbitrators' decision shall be final, except that it may be reviewed by writ of review as the decisions of other inferior tribunals are reviewed. The board of arbitrators shall consist of three members, of whom the county superintendent shall be a member and ex officio chairman. Each member of the board of arbitrators, except the county superintendent, shall be entitled

to the sum of \$2 per day for each day's service, and necessary traveling expenses, while sitting in their official capacity. Expenses thus incurred shall be equally apportioned among the several districts concerned.

(3) Assets include all school property and moneys belonging to the district at the time of the division. Liabilities include all debts for which the districts in their corporate capacity are liable at the time of division. In determining the assets, school property shall be estimated at its present cash value. The assets and liabilities shall be divided between the districts in proportion to the last assessed value of the real and personal property. The district retaining the real property shall pay the other districts concerned such sums as are determined in accordance with the provisions of this section. All funds to be apportioned during the current school year, after such division, shall be made in proportion to the number of persons in each district between the ages of 4 and 20 years who are actual residents of such parts of the districts divided, as shown by the clerk's last annual report of such districts.

**330.060 Districts as bodies corporate; notice of suit.** All school districts now existing or organized in pursuance of ORS 329.710 to 329.740 or 330.020 to 330.040 are bodies corporate, competent to transact all business coming under their jurisdiction and sue and be sued. When suit is commenced against a district, notice must be served on one of the directors.

**330.070 to 330.100** [Reserved for expansion]

### CONSOLIDATION

**330.110 Petition for consolidation; notice of meetings to vote on consolidation.** (1) Whenever two or more contiguous or non-contiguous school districts desire to consolidate for the purpose of forming one district, a petition from each such district shall be presented to the district boundary board of the county in which the district having the largest school census is situated. The petition shall set forth specifically the districts it is proposed to consolidate. The petition, if from a district of the first class, must contain the signatures of at least 100 legal school voters, or if from a district of the second class, at least 50 legal school voters, or if from a district of the third class, at least

five legal school voters; or one-third of the legal voters of districts of any class. The petition shall request the district boundary board to submit to the legal voters of the districts, the question of consolidation of such districts.

(2) Within 10 days after receiving such petition, the district boundary board shall notify the district school board of each district designated by the petition, fix the date of and be responsible for the giving of notices for a school meeting in each district to vote upon the question of consolidation of the districts specifically designated in the notice.

**330.120 Consolidation elections.** The vote upon consolidation shall be by ballot upon which is written or printed, "For consolidation—Yes," "For consolidation—No." The chairman of the meeting shall appoint two tellers, who shall receive and count the ballots; provided, that in first class districts, the judges shall be appointed in the manner prescribed by law. The district clerk, or a person authorized by the district school board to act as such, shall keep a poll list and record thereon the name of each person voting upon the question at the meeting before such vote is received by the tellers. After all legally qualified school electors present and desiring to vote have voted, the chairman shall declare the vote closed and the tellers or judges shall count the vote in the presence of the chairman.

**330.130 Return and canvass of vote.** The district clerk shall keep a tally sheet of the votes as counted by the tellers, which tally sheet shall be certified to as correct by the clerk and signed by the chairman and tellers. The tally sheet, poll list and ballots shall be placed in a sealed package by the district clerk, who shall indorse thereon the number of the district, the county in which it is situated and the date of the election. The sealed package, together with a statement of the result of said election signed by the chairman and district clerk, shall be forwarded by the district clerk within five days after the election to the district boundary board. The district boundary board shall canvass the vote within 10 days after receipt of the sealed election returns.

**330.140 Boundary board action after canvass; conclusive presumption of valid consolidation.** (1) If the district boundary board determines that a majority of all votes cast in each of the districts favors consoli-

dation, it immediately shall notify the district school boards concerned of the election result. Within 10 days from the date of such notices, the district boundary board shall consolidate all the districts into one district, the limits and boundaries of which shall be the same as the limits and boundaries of the territory included in all districts thus consolidated. When deemed to be the best interest of the districts, the district boundary board may order a consolidation to become effective at the beginning of the next fiscal school year.

(2) If the district boundary board determines that a majority of all votes cast in any one of the districts does not favor consolidation, then it shall notify the district school board concerned that the proposition to consolidate said district is defeated.

(3) If a majority of votes cast in any district is against consolidation, the district boundary board shall immediately notify the district school boards of those districts which voted in favor of the consolidation that their districts will be consolidated into one district by the district boundary board no earlier than 10 days after the date of such notice. If a remonstrance against this consolidation is not filed within 10 days after the date of the notice, the district boundary board shall consolidate these districts into one district.

(4) If within 10 days after the date of the notice required by subsection (3) of this section, a remonstrance signed by at least 10 legal voters of any one of such districts so notified, or signed by a majority of the legal voters of such district having less than 10 legal voters, is filed with the district boundary board, it shall direct the appropriate district school board to hold a special election at a time fixed by the district boundary board for the purpose of determining whether such school district shall become a part of a consolidated district consisting of not more than those districts having voted originally in favor of consolidation. This special election shall be conducted in conformity with ORS 330.120 and 330.130. After the special election, the district boundary board shall consolidate all districts from which remonstrances have not been filed, and any districts in which the special election vote is for consolidation, into one district.

(5) After the district boundary board has canvassed consolidation election votes, the county school superintendent shall preserve the ballots, tally sheets and poll lists in their original envelopes for one year.

(6) Unless an action is brought to contest the validity of the consolidation in the circuit court within 60 days after the date on which the district boundary board declares the districts consolidated, it shall be conclusively presumed that all election procedure was correct and that the district was regularly consolidated.

**330.150 Location of school site.** If, after consolidation, the consolidated district is a first class district, the school site shall be located as provided by law. If, after consolidation, the consolidated district is a second or third class district, the school site for one year after consolidation shall be located by the consolidated district school board and, if such school board cannot agree, the question shall be submitted to the district boundary board for settlement. The decision of the district boundary board shall be final.

**330.160** [Reserved for expansion]

**330.170 Tax levy in newly consolidated district.** A school district formed by consolidation of two or more school districts of any class or kind shall not, in the first year of its existence, levy upon property in the consolidated district a tax greater than the amount, plus six percent thereof, of the sum of the taxes levied by the districts consolidated in any one of the three years next preceding such consolidation. This section shall not prohibit such a consolidated district from levying a tax in excess of constitutional limitation when such excess levy is authorized by a vote of the people of the consolidated district as provided in ORS 310.360.

**330.180** [Reserved for expansion]

**330.190 District school boards in newly consolidated districts.** (1) The district school board of the consolidated district shall consist of five members, each of whom shall hold office for a term of five years with one member retiring each year.

(2) The directors of the most populous district of which said newly consolidated district was formed, as shown by the number of children of school age at the last school census, shall be the district school board of such newly consolidated district. [Amended by 1955 c.386 §2]

**330.200** [Repealed by 1955 c.386 §8]

**330.210 Expiration of terms of district officers upon consolidation.** When consolida-

tion of two or more districts has been effected according to the provisions of ORS 330.110 to 330.140, the terms of the school officers of all included districts except those of the most populous district shall expire on the date of consolidation.

**330.220 Powers and duties of consolidated districts.** All districts formed under the provisions of ORS 330.110 to 330.140 are bodies corporate and have all the powers and duties and are subject to the same restrictions now provided by law for the class to which the districts belong in consequence of the number of children of school age within the consolidated district.

**330.230 Apportionment of funds.** For five years immediately following consolidation, the county school superintendent shall, on the second Monday in November of each year, apportion to all consolidated districts formed under ORS 330.110 to 330.140 as many times \$100 as there were districts consolidated. Where the consolidated district provides transportation to the pupils of the district which was annexed to the new district, the county school superintendent shall, on the first Monday in May of each year in which transportation is provided and at such other times during the year as he may deem advisable, apportion to the consolidated district the proportion of the State Elementary School Fund which the annexed district was entitled to receive at the time of consolidation.

**330.240 Disposition of assets and liabilities upon consolidation.** (1) All real and personal property belonging to the districts within the newly consolidated district shall become the property of the consolidated district.

(2) Whenever any district having any indebtedness becomes part of the consolidated district, such district shall remain solely liable for such indebtedness as though it had not been consolidated. The consolidated district school board shall levy annually a special tax on the property in such district for the purpose of paying the interest on and retiring such indebtedness.

**330.250 Petition to share outstanding debts.** When school districts in the original petition for consolidation also petition for a sharing of outstanding debts and the school meeting or election notices states that the

sharing of debts is included in the question of consolidation, an affirmative vote on the question of consolidation under such circumstances authorizes the consolidated district school board to levy an annual tax on all taxable property within the consolidated district for the purpose of paying the interest on and retiring such debts.

**330.260 Petition for pattern of debt distribution and retirement.** When school districts in the original petition for consolidation also petition for any pattern of debt distribution and debt retirement and the school meeting or election notices state that such pattern is included in the question of consolidation, an affirmative vote on the question of consolidation under such circumstances authorizes the consolidated district school board to levy an annual tax according to such pattern against all taxable property in the affected former districts within the consolidated district for the purpose of paying the interest on and retiring the debts.

**330.270 Petition for continuance of unexpired serial tax levy.** When school districts in the original petition for consolidation also petition for a continuance of an unexpired serial tax levy authorized by one of the districts and the school meeting or election notices state that continuance of the serial levy for its unexpired portion is included in the question of consolidation, an affirmative vote on the question of consolidation continues the levy in effect for the duration of its unexpired portion against all taxable property within the consolidated district.

**330.280 Combined petition.** Any combination of questions regarding consolidation, sharing of debts, pattern of debt distribution and retirement or continuance of an unexpired serial tax levy may be included in the original petition for consolidation. An affirmative vote on the question of consolidation under such circumstances has the result appropriate to each such question as provided by ORS 330.240 to 330.280.

**330.290 Sharing liabilities after consolidation.** At any time after consolidation, at an election duly and regularly called by the consolidated district school board and held for such purpose in each of the districts affected as they existed prior to consolidation, a consolidated school district may adopt a

plan for sharing any remaining outstanding indebtedness which was incurred by the districts prior to consolidation. The plan of debt sharing shall not be contrary to a plan or pattern permitted by ORS 330.250 to 330.280. If a majority of votes cast at the election in each of the districts as they existed prior to consolidation favor the plan submitted at the election, the consolidated district school

board shall declare the measure adopted and proceed to make it effective.

**330.300 to 330.980** [Reserved for expansion]

**PENALTIES**

**330.990 Penalties.** Violation of any of the provisions of ORS 330.010 to 330.150 and 330.190 to 330.280 is a misdemeanor

**CERTIFICATE OF LEGISLATIVE COUNSEL**

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.  
Done at Salem, Oregon,  
on October 15, 1955.

Sam R. Haley  
Legislative Counsel

