Chapter 330

1959 REPLACEMENT PART

School District Organization and Consolidation

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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 give notice of the meeting in the manner described in ORS 331.010, 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.

(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; 1957 c.310 §7]

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 noncontiguous 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 supervising the giving of notices as provided in ORS 331.010 for a school meeting in each district to vote upon the question of consolidation of the districts specifically designated in the notice. [Amended by 1957 c.310 §8]

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 consolidation, 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 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 consolidation 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. [Amended by 1957 c.626 §6]

330.240 Disposition of assets and liabilities upon consolidation; special tax for park or other recreational facility. (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.

(3) Whenever a district (referred to in this subsection as the "donee district") has acquired a park or other recreational facility by gift which limits the use thereof to the residents of the district, and the district subsequently becomes a part of a consolidated district, the donee district, after February 14, 1958, may provide for the expense of operating and maintaining the park or other recreational facility as though it had not been consolidated. The board of the consolidated district is empowered to levy annually a special tax on the property in the donee district for the purpose of operating and maintaining the park or other recreational facility. The board of the consolidated district shall prepare a budget for such expenses of operating and maintaining such park or other recreational facility pursuant to ORS 294.305 to 294.415, separate from the budget for the school district. The amount of the levy so determined shall be deemed for all purposes to be in excess of the amount limited by the Constitution. An election on the question of such levy shall be held in the donee district as provided in ORS 310.360. In the preparation of such budget and in the holding of such election, the board of the consolidated district shall proceed in the same manner as though the donee district were a municipal corporation. The levy so made shall not be considered for any purpose as part of the levy of the school district and shall be extended on the roll solely on the property constituting the donee district. The receipts from the special tax levied on the property in the donee district shall be expended by the board of the consolidated district in accordance with the budget adopted pursuant to this subsection. [Amended by 1957(s.s.) c.12 §1]

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 state 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 dis-

tricts 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 Numbering of consolidated district; districts consolidating deemed to merge with most populous district. (1) As used in this section:

(a) "Consolidated school district" means the most populous school district and the other school districts merged with it as described in ORS 330.240 to 330.290, and

(b) "Most populous district" means the school district which had a larger number of children of school age at the school census next preceding the inclusion of such district in a consolidated school district than any other school district included in the consolidation.

(2) When two or more school districts are consolidated as provided by law:

(a) The consolidated school district shall retain the same number which was previously assigned to the most populous district included in the consolidation.

(b) The school districts included in the consolidation shall be deemed to be merged with the most populous district and to become identified with it except for purposes of indebtedness and taxation as set forth in ORS 330.240 to 330.290; and the employes of the component districts shall be deemed to be employes of the most populous district, which shall succeed the other districts in such consolidation as a party to their respective contracts of employment.

(3) If, prior to April 3, 1957, a new number was assigned to a consolidated school district as provided in ORS 329.755, the district boundary board, in its discretion, may change the number of such consolidated school district to the number previously assigned to the most populous district included in the consolidation.

(4) This section does not alter the effect of any law relating to the liability of a consolidated school district or of any school district included in the consolidation. [1957 c.89 §1]

330.310 to 330.500 [Reserved for expansion]

SCHOOL DISTRICT REORGANIZATION; ADMINISTRATIVE SCHOOL DISTRICTS

330.505 Definitions. As used in ORS 330.505 to 330.780, unless the context clearly requires otherwise:

(1) "Administrative school district" means a district organized pursuant to ORS 330.505 to 330.780, including districts organized pursuant to ORS 330.625.

(2) "Committee" means the County Committee for the Reorganization of School Districts.

(3) "County superintendent" includes county school superintendent, county district superintendent of schools and rural school district superintendent of schools.

(4) "Reorganization of school districts" includes the formation of new school districts, the alteration of the boundaries of established school districts and the dissolution or disorganization of established school districts, when such formation, alteration, dissolution or disorganization is accomplished through or by means of:

(a) The uniting of two or more established districts.

(b) The subdivision of one or more districts.

(c) The transfer to any established district of a part of the territory of one or more districts.

(d) The attachment to an established district of all or any part of the territory of one or more districts.

(e) The transfer of an established district.

(f) The continuance of an established district.

(g) Any combination of the methods mentioned in paragraphs (a) to (f) of this subsection. [1957 c.619 §1]

330.510 County Committee for the Reorganization of School Districts. (1) In accordance with the provisions of section 3, chapter 619, Oregon Laws 1957, there shall be established in each county a committee to be known as the County Committee for the Reorganization of School Districts. The committee shall consist of nine members who shall hold office until the reorganization program of the county has been completed, but not beyond June 30, 1962. Any legal school voter of the county, including a school board member, is eligible to serve as a member of the committee; except that a person who is employed by any local or county school board is not eligible to serve on the committee. No person may continue to serve as a member of the committee if he ceases to be a resident of the county.

(2) The members of the committee shall serve without compensation but shall be reimbursed for their expenses actually and necessarily incurred in attending meetings of the committee or while engaged in work authorized by the committee from state moneys appropriated for that purpose: but such reimbursement may be paid from the state moneys appropriated for that purpose only if the expenditure is approved in advance by the State Board of Education. [1957 c.619 §2]

330.515 Meetings of committee; quorum. Meetings of the committee shall be held upon call of the chairman, the vice chairman in the absence or inability of the chairman, or a majority of the members of the committee. The committee shall meet at least twice during the first year of its existence, not including its organizational meeting. A majority of the committee constitutes a quorum. [1957 c.619 §4]

330.520 County superintendent as secretary of committee; duties. The county superintendent shall serve ex officio as secretary of the committee, without vote. The county superintendent shall engage the necessary clerical help and shall receive reimbursement for any expenses incurred by him with respect to his duties in connection with the committee, but he shall receive no extra compensation for his services for the committee. All such expenditures to be paid from the state moneys appropriated for such purposes shall be approved in advance by the State Board of Education. [1957 c.619 §5]

330.523 School board members to act in advisory capacity. The school board members in each school district in the county shall act in an advisory capacity to the committee until all of their school district is included within an administrative school district. [1957 c.619 §8]

330.526 Director and other assistants; board to assist committees. The State Board of Education shall employ a director and such other assistants and personnel on the staff of the Superintendent of Public Instruction as may be necessary to enable the board to carry out the powers and duties vested in and imposed upon it by ORS 330.505 to 330.780. The State Board of Education shall aid the committees in carrying out the powers and duties vested in and imposed upon the committees by ORS 330.505 to 330.780 by furnishing the committees with the assistance of the employed staff of the State Board of Education and with plans of procedure, standards, data, maps, forms and such other materials and services as may be necessary. [1957 c.619 §27]

330.528 Public officers to supply information. State and county officers shall make available to the committees and the State Board of Education such information from public records in their possession as is essential to the committees and the board in the performance of their duties under ORS 330.505 to 330.780. [1957 c.619 §26]

330.530 Committee to prepare comprehensive plan for reorganization of school districts into administrative school districts. (1) In accordance with ORS 330.523 and 330.530 to 330.570, the committee shall prepare a comprehensive plan for the reorganization of school districts within the county.

A plan for the reorganization of school districts involving territory lying in two or more counties shall be prepared by the joint action of the committees of the respective counties and shall be included in the comprehensive reorganization plan of each of the counties concerned.

(2) The comprehensive reorganization plan shall provide for the incorporation of all areas of the county into one or more administrative school districts that maintain and operate a program that will meet the minimum standards adopted by the State Board of Education under ORS 330.545. The comprehensive reorganization plan shall be one which takes into consideration the studies and surveys referred to in ORS 330.535. The comprehensive reorganization plan shall set out:

(a) The boundaries of existing school districts and the boundaries of the district or districts proposed under the plan.

(b) Where necessary, recommendations respecting the location of schools, utilization of existing buildings and the construction of new buildings.

(c) Where authorized under ORS 330.533, a provision for local school committees if the county committee determines that local school committees are desirable.

(d) The transportation requirements under the plan.

(e) An equitable adjustment of all the property, assets, debts and liabilities of each existing school district which is affected by the plan, determined under ORS 330.540.

(f) For any proposed administrative school district that will have when it comes into existence a population of not more than 40,000:

(A) Provisions for division of the district into zones if the county committee determines that zones are desirable. If the committee divides the district into zones, the committee shall not establish more than nine zones nor less than five zones. One or more of the zones may include the entire administrative school district.

(B) The length of the terms of the first members of the board of the proposed district, which terms shall be so established that the term of at least one member expires each year and the terms of not more than two members expire in any one year.

(g) Provisions for electing directors by zones or by the administrative school district at large.

(h) A summary of the reasons for each proposed reorganization of school districts.

(i) Such other reports, records and materials as the State Board of Education may require. [1957 c.619 §7; 1959 c.423 §1]

330.533 Local school committees. (1) For any proposed administrative school district having a population of less than 100,000, the reorganization plan may provide for a local school committee for each school attendance unit as defined in ORS 330.780. If the plan provides for local school committees, a separate local school committee shall be provided for each elementary, junior high and high school in the administrative school district.

(2) Each local school committee shall consist of three members elected by the legal school voters of the school attendance unit. At the first annual school election following the formation of the administrative school district, there shall be elected three members of each local school committee. The person elected to each committee who receives the highest number of votes shall serve for a term of three years, the person who receives the next highest number of votes shall serve for a term of two years and the remaining person elected to the local school committee shall serve for a term of one year. Upon the expiration of the term of a member, his successor shall be elected to serve for a term of three years. Any vacancy shall be filled by the remaining members of the committee by appointment. The appointee shall serve until the next annual school election, when his successor shall be elected to fill the unexpired term in the manner prescribed in this subsection. Members of the local school committee shall be nominated and elected in the same manner so far as applicable as school board members are nominated and elected under the laws applicable to the administrative school district.

(3) The local school committee, under rules and regulations of the administrative school district board, shall determine the use of the school property for civic purposes not inconsistent with its primary use. The local school committee shall also visit the school at frequent intervals, report to and advise the administrative school district board concerning the progress and needs of the school and the wishes of the people concerning the school and recommend improvements in the school property.

(4) By unanimous vote the local school committee may, not later than March 1 of each year, reject for the ensuing year any teacher assigned to the school by the administrative school district board. The rejection shall be delivered to the clerk of the district in writing and shall specify the reason for the action taken. [1959 c.423 §3]

330.535 Plan to be supported by studies and surveys. The comprehensive reorganization plan shall be supported by studies and surveys conducted by the committee, with technical assistance available from the State Department of Education. The reports of the results of these studies and surveys shall include the following matters:

(1) The adequacy of the educational program in the various districts in the county in terms of the minimum standards established by the State Board of Education under ORS 330.545.

(2) The number of pupils attending school in the various districts in the county and the population of each district, existing and proposed.

(3) The assessed taxable valuation of existing districts per district and per pupil and the differences in such valuations under possible reorganization plans.

(4) The location, condition and future use of existing buildings and equipment.

(5) Natural community areas.

(6) Location and condition of roads, highways and natural barriers within districts.

(7) Transportation of pupils.

(8) Geographic and economic conditions within the county.

(9) Such other matters as afford greater equalization of educational opportunities for the inhabitants of the county, more efficient and economical administration of public schools and a more equitable distribution of public-school revenues. [1957 c.619 §9]

330.540 Determination of equitable adjustment of property, assets, debts and liabilities of all school districts affected by plan. Subject to the provisions of ORS 328.555, the committee shall determine the value and amount of all school property and all bonded and other indebtedness of all school districts affected by the comprehensive reorganization plan and shall determine an equitable adjustment of all property, assets, debts and liabilities of each such school district. [1957 c.619 §10]

330.545 Minimum standards for administrative school districts. The State Board of Education shall formulate and adopt a set of minimum standards which all proposed administrative school districts must meet. The minimum standards shall include, but are not necessarily limited to, the following:

(1) The comprehensive reorganization plan for the county shall provide for the inclusion of all the area of the county in one or more administrative school districts which can furnish efficient and adequate educational opportunity for all the pupils in grades 1 through 12; except that the State Board of Education may, in its discretion, approve or require a comprehensive reorganization plan which provides for an administrative school district which does not provide instruction in grades 9 through 12 in its own school or schools if the State Board of Education finds that:

(a) The educational standards in effect in any school district existing on August 20, 1957, would be impaired by including such existing school district in an administrative school district which maintains a high school or schools; and

(b) Including such existing school district in an administrative school district maintaining a high school is not necessary for the operation of the administrative school district maintaining the high school or schools.

(2) Each administrative school district shall be as nearly as practicable a natural social and economic community, but may include all the territory of a county, or all of the territory of a county and territory from contiguous counties. [1957 c.619 §11]

330.550 Preparation of preliminary plan; hearing on plan. (1) Within one year after the date of the county convention, the committee shall complete the preparation of a preliminary comprehensive reorganization plan for the reorganization of school districts within the county. When the committee has prepared its preliminary comprehensive reorganization plan, including maps and charts, the committee shall fix the dates and places for hearings on the preliminary comprehensive reorganization plan. The county superintendent shall give notice of the hearings by publication as provided in ORS 330.635.

(2) At the hearing the committee shall explain the preliminary comprehensive reorganization plan, with the advantages and

any disadvantages resulting therefrom. The committee shall show the cost of the current and the proposed programs of education as nearly as may be estimated. A statement of the adjustment proposed in the preliminary comprehensive reorganization plan for property, assets, debts and other liabilities shall be made at the hearing. At the hearing, any resident of the county or any affected district in an adjacent county may be heard with reference to the changes proposed by the preliminary comprehensive reorganization plan. [1957 c.619 §12]

330.552 Arbitration board in case of disagreement over disposition of territory in joint district. If the county committees of two counties cannot agree over the disposition of the territory of a joint district in preparing their reorganization plans, an arbitration board shall be established. The arbitration board shall consist of one member appointed by each county committee and a third member appointed by the two other appointees. If the two appointees do not appoint a third member within 30 days after their appointment, the Superintendent of Public Instruction shall appoint the third member of the arbitration board. The decision of the arbitration board is final and shall be incorporated into the comprehensive reorganization plans of the counties involved. For the purposes of this section, a "joint district" is a school district having territory in two or more adjacent counties. [1959 c.423 §4]

330.555 Revision of preliminary plan; hearing; adoption of final plan; submission to State Board of Education. (1) After the public hearing held as required by ORS 330.550, the committee shall consider any suggestions made at the hearing and shall make such revisions or modifications in the preliminary comprehensive reorganization plan as it considers necessary and shall fix the dates and places for hearings on the revised or modified plan, give notice of the hearings by publication as provided in ORS 330.635 and hold such hearings and thereafter shall adopt its final comprehensive reorganization plan. Subject to subsection (2) of this section, within 10 days after adoption of the final comprehensive reorganization plan but not later than 18 months after the date of the county convention, the committee shall submit at least two copies of its final comprehensive reorganization plan to the State Board of Education.

(2) If a committee encounters any difficulties in formulating its reorganization plan, through no lack of diligence upon the part of the committee, so that it is unable to submit its plan to the State Board of Education within the 18-month period specified in subsection (1) of this section, the committee may make application to the State Board of Education for an extension of time within which to complete its final comprehensive reorganization plan. The State Board of Education, in its discretion, and if the facts and circumstances warrant, may grant such extensions as it may see fit, except that in no case shall an extension be for a longer period than six months. [1957 c.619 §13]

330.560 Hearing on plan by State Board of Education or its representative. The State Board of Education shall receive and examine the plans for the reorganization of school districts submitted to it by the committees. Within 30 days after receipt of a final comprehensive reorganization plan, the State Board of Education or an authorized representative of the board shall hold a public hearing at which residents of the county or of any school district affected in an adjacent county or any other interested person shall be afforded an opportunity to appear before the board or its representative and be heard with reference to the final comprehensive reorganization plan. The secretary to the State Board of Education shall give notice of the hearing by publication as provided in ORS 330.635. [1957 c.619 §14]

330.565 Approval of plan by State Board of Education. Within 60 days after the hearing held as required by ORS 330.560, the State Board of Education shall approve the plan if the board finds that the plan provides for a satisfactory school districting system for the county. If the plan is approved the State Board of Education shall notify the committee or committees concerned within 10 days of such approval. One copy of the final comprehensive reorganization plan, marked "Approved by State Board of Education," shall be returned to the committee, together with maps, reports, records and all other pertinent material submitted

to the State Board of Education by the committee. The second copy of the final comprehensive reorganization plan shall be filed in the files of the State Board of Education as a permanent record. [1957 c.619 §15]

330.570 Revision by committee of plan found unsatisfactory or inequitable by board. If the State Board of Education finds that a final comprehensive reorganization plan submitted by a committee is unsatisfactory, or that the adjustment of property, assets, debts and liabilities is inequitable, the State Board of Education shall so notify the committee within 60 days, stating the reasons for nonapproval. A revised plan shall be submitted to the State Board of Education by the committee within 90 days from the date of notification of nonapproval. Upon request of the committee, the State Board of Education shall assist the committee in revising the plan so as to make it satisfactory. [1957 c.619 §16]

330.575 Preparation of plan by State Board of Education if committee fails to prepare plan or provide information. The State Board of Education shall make surveys and prepare comprehensive reorganization plans for the reorganization of school districts in any county in which the committee fails or refuses to submit plans, records, reports and other data to the State Board of Education as required by ORS 330.523, 330.530 to 330.570 or 330.610. A comprehensive reorganization plan prepared by the State Board of Education under this section shall be subject to approval or rejection by the legal school voters in the same manner as a comprehensive reorganization plan approved by the board under ORS 330.565. [1957 c.619 §17]

330.580 Plan for reorganization of less than entire county. From time to time, the committee may submit to the State Board of Education a plan for the reorganization of one or more school districts within the county or one or more joint districts comprising territory within the county into one or more administrative school districts without awaiting the completion of a comprehensive plan. For the purposes of this section, a "joint district" is a school district having territory in two or more adjacent counties. A plan submitted under this section must be one that will fit into and become an integral part of the comprehensive reorganization plan that the county is required by ORS 330.505 to 330.780 to prepare. The committee shall hold a hearing on and adopt the plan in the manner provided in ORS 330.550 and 330.555. The plan shall be subject to approval by the State Board of Education as provided in ORS 330.560 to 330.570 and shall be subject to approval or rejection by the legal school voters in the same manner as a comprehensive reorganization plan approved by the board under ORS 330.565. If approved by the legal school voters, the new administrative school district shall be organized and come into existence as provided in ORS 330.600. [1957 c.619 §18]

330.585 Special election in proposed administrative school districts. (1) Within 30 days after the date the committee receives an approved plan from the State Board of Education, the county superintendent shall call a special election of the legal school voters residing within the territory of each administrative school district proposed to be formed under the approved plan, except that in an approved district where no change in boundary is involved no election is required. The election shall be held within 60 days from the date the committee receives the approved plan at the place or places within each proposed administrative school district which are determined by the county superintendent to be convenient for the voters. The county superintendent shall appoint the judges and clerks of such election who shall be legal school voters of the territory of the proposed administrative school district. Except as otherwise provided in ORS 330.585 to 330.610, the election shall be held according to the laws governing special school elections.

(2) The cost of conducting the election shall be charged to each common school district embraced in the proposed administrative school district in the same proportion as its assessed valuation is to the total assessed valuation of the proposed administrative school district, and shall be paid from any current operating funds belonging to the respective districts. Where a common school district is to be divided and its territory assigned to two or more administrative school districts, the cost to the common school district of the election shall be in proportion to its assessed valuation included in the proposed administrative school district. For the purposes of this subsection, a common school district is a school district in a geographic area which on August 20, 1957, is organized primarily to provide elementary education, except that a common school district may in addition provide secondary education. [1957 c.619 §19]

330.590 Notice of election. The county superintendent shall give notice of the special election by publication as provided in ORS 330.635. The notice shall:

(1) State clearly that the election is called for the purpose of affording the voters the opportunity to approve or reject a proposal for the formation of a new administrative school district.

(2) Designate the time and place or places at which the election will be held and specify the place or places to which the voters in each existing school district shall go to vote.

(3) Contain a description of the boundaries of the proposed administrative school district.

(4) Contain a statement of the terms of adjustment of property, assets, debts and liabilities applicable to the proposed administrative school district and existing school districts which contain territory to be included within the proposed administrative school district.

(5) Contain a statement of the place where a summary of the studies and surveys upon which the reorganization plan is based is on file and may be examined. [1957 c.619 §20]

330.595 Ballot form. The ballot used at the special election shall be in substantially the following form:

VOTE YES OR NO.	Mark X in the square for the answer voted for.
ADMINISTRATIVE SCHOOL DISTRICT. Shall that portion of ——— County (Counties), State of Oregon, described as (insert description) be formed as an administrative school district and the following terms of adjustment of property, assets, debts and liabilities applicable to said administrative school district and existing school districts which contain territory to be included within said administrative school district be approved?	YES ☐
The following are the terms of adjustment of property, assets, debts and liabilities applicable to said administrative school district and existing school districts which contain territory to be included within said administrative school district: (insert terms of adjustment).	NO ☐

[1957 c.619 §21]

330.600 Procedure where majority of votes cast in administrative school district is in favor of formation of district. (1) Subject to subsection (2) of this section, if a majority of all the votes cast by the legal school voters residing within the boundaries of a proposed administrative school district is in favor of the formation of the district, the new administrative school district shall be organized in the manner provided in ORS 330.650 to 330.780.

(2)(a) As used in this subsection:

(A) "Common school district" means a school district (or a part of a school district if only a part is included within the boundaries of the administrative school district) which is organized primarily to provide elementary education, except that a common school district may in addition provide secondary education.

(B) "Rejecting school district" means a common school district within which 60 percent or more of the votes cast were against the formation of the administrative school district.

(b) The votes cast in each common school

district shall be counted separately and if 60 percent or more of the votes cast within any one or more of such common school districts are against the formation of the administrative school district, the organization of the new administrative school district shall be delayed for a period of 30 days. During the 30-day period a petition against the formation of the new administrative school district may be filed by the legal school voters of any rejecting school district with the county superintendent. If such a petition is filed with the county superintendent within the 30-day period and is signed by a number equal to 50 percent or more of the legal school voters who voted in the rejecting school district in the election on the formation of the administrative school district, another election shall be held in such rejecting school district in the manner provided in ORS 330.585 to 330.595 within 60 days after the date of the election on the formation of the administrative school district. If no such petition is filed within the 30-day period, the organization of the administrative school district shall proceed in the manner provided in ORS 330.650 to 330.780. If such petitions are filed by the legal school voters of more than one rejecting school district, a separate election shall be held within each such rejecting school district. If half or more of the votes cast at the election provided for in this subsection by the legal school voters in each of the rejecting school districts approve the formation of the administrative school district, the organization of the administrative school district shall proceed in the manner provided in ORS 330.650 to 330.780. If a majority of the votes cast at the election provided for in this subsection by the legal school voters in any of the rejecting school districts reject the formation of the administrative school district, the administrative school district shall be deemed to be rejected by the voters just as if a majority of the votes cast under subsection (1) of this section were against the formation of the district.

(c) If a majority of all the votes cast by the legal school voters residing within the boundaries of a proposed administrative school district is in favor of the formation of the district but a petition is filed under paragraph (b) of this subsection and a majority of the votes cast at any election held under paragraph (b) of this subsection is against the formation of the administrative school district, the procedure specified in this paragraph shall be followed. Within 30 days following the last election under paragraph (b) of this subsection, the committee may submit to the State Board of Education for approval, as a proposed plan for an administrative school district, a proposed plan that will include all the territory that was included in the administrative school district voted on under subsection (1) of this section except that part of the territory located in any common school district that voted against the formation of the district under paragraph (b) of this subsection. Within 30 days after the proposed plan is received by it, the State Board of Education shall approve the plan if the board finds that the plan provides for a satisfactory school districting system and the adjustment of property, assets, debts and liabilities is equitable, in the same manner that comprehensive reorganization plans are approved under ORS 330.565. If the plan is approved, an election shall be held within the territory of the proposed administrative school district as provided in ORS 330.585. If a majority of all the votes cast by the legal school voters residing within the boundaries of the proposed administrative school district is in favor of the formation of the district, the new administrative school district shall be organized in the manner provided in ORS 330.650 to 330.780. If half or more of all votes cast is against the formation of the district, the committee shall proceed with the preparation of a new comprehensive reorganization plan in the manner provided in ORS 330.610. If a proposed plan is not submitted to the State Board of Education within the 30-day period as authorized by this paragraph, the committee shall proceed with the preparation of a new comprehensive reorganization plan in the manner provided in ORS 330.610.

(d) The cost of conducting the elections provided for in this subsection shall be charged in the manner provided in subsection (2) of ORS 330.585.

(3) Except as provided in ORS 330.720, when a district is organized in the manner provided in ORS 330.650 to 330.780:

(a) If the last election on the formation of the district is held between July 1 and April 30, inclusive, the new administrative school district shall come into existence effective on July 1 next following the election.

(b) If the last election on the formation of the district is held between May 1 and

June 30, inclusive, the new administrative school district shall come into existence effective on July 1 of the following year. [1957 c.619 §22; 1959 c.423 §5]

330.605 [Reserved for expansion]

330.610 Procedure where proposal for formation of administrative school district is rejected by voters. If a proposal for the formation of a new administrative school district is rejected by the voters as provided for in ORS 330.585:

(1) The committee may direct the county superintendent to resubmit the same plan at a special election called and conducted in the same manner to be held not earlier than one year from the date of the election at which the plan was rejected, except that there shall be no more than two special elections held on the same plan of reorganization without the approval of the State Board of Education; or

(2) The committee may devise a new plan of reorganization which the committee believes will be more acceptable to the legal school voters of the territory affected and submit the new plan to the State Board of Education for approval in the same manner as the original plan was submitted. If the new reorganization plan is approved by the State Board of Education, a special election shall be held as provided in ORS 330.585 to 330.595, and if the new plan is approved by the legal school voters at the election the new administrative school district shall be organized in the manner provided in ORS 330.650 to 330.780. Except as provided in ORS 330.720:

(a) If the election is held between July 1 and April 30, inclusive, the new administrative school district shall come into existence effective on July 1 next following the election.

(b) If the election is held between May 1 and June 30, inclusive, the new administrative school district shall come into existence effective on July 1 of the following year. [1957 c.619 §23]

330.615 [Reserved for expansion]

330.620 Appeal from decision of committee or board. (1) Any person feeling aggrieved by the decision of the committee after the hearing provided for in ORS 330.550 may appear before the State Board of Education or its representative at the public hearing held on the reorganization plan pursuant to ORS 330.560.

(2) Any person feeling aggrieved by the decision of the State Board of Education, after the hearing provided for in ORS 330.560, may appeal from such decision to the circuit court for that county on any question of adjustment of property, assets, debts and liabilities among the districts involved. Notice of the appeal shall be given to the chairman or secretary of the committee 10 days before the appeal is filed with the court. The court has jurisdiction to determine the constitutionality and equity of the adjustment or adjustments proposed and to direct the committee to alter such adjustment or adjustments found by the court to be inequitable or violative of any provision of the Constitution of Oregon or of the United States.

(3) Any determination by the court with respect to the adjustment of property, assets, debts and liabilities among the districts or areas involved shall not otherwise affect the validity of the reorganization or creation of any district or districts under the provisions of ORS 330.505 to 330.780.

(4) No proceedings shall lie in any court on any issue in the reorganization of school districts under ORS 330.505 to 330.780 except the adjustment of property, assets, debts and liabilities or where the legality of the formation of the district is in question and in no case may an appeal be taken later than 60 days from the date of the last election on the formation of the district. [1957 c.619 §24]

330.625 Changing existing districts into administrative school districts without election where no change in boundaries. When the voters residing within the territory of any proposed administrative school district in a county have approved the establishment of such administrative school district in those cases where an election is required, the county superintendent shall notify the State Board of Education of that fact. Thereafter, the State Board of Education shall notify the county superintendent that each school district that existed when the comprehensive reorganization plan was proposed and which was approved without any change in its boundaries as a part of the comprehensive reorganization plan approved by the State Board of Education shall be organized as an administrative school district in the manner

provided in ORS 330.650 to 330.780; and, subject to ORS 330.720, each new administrative school district organized pursuant to this section shall come into existence effective on July 1 following the notice from the State Board of Education under this section. [1957 c.619 §25]

330.630 Procedure for further reorganization after entire county has been reorganized or after committee dissolved. (1) When the entire county has been reorganized in the manner and using the procedure provided in ORS 330.505 to 330.780, or on July 1, 1962, whichever is the earlier, the committee shall be dissolved and the functions of the committee shall devolve upon the county school superintendent.

(2) After the committee has been dissolved, if the county school superintendent considers further reorganization necessary to improve educational opportunities for the pupils in the county, or upon petition signed by not less than 10 legal school voters residing within territory to be affected by a proposed change, the county school superintendent shall submit proposed changes to the State Board of Education. If the changes submitted by the county school superintendent are approved by the State Board of Education and the changes do not affect in any way an administrative school district, the proposal shall be submitted to the legal school voters of the districts affected in the same manner as is provided in ORS 330.585 to 330.600 so far as applicable, and if approved the change shall become effective on July 1 following the date of the election. If the changes submitted by the county superintendent are approved by the State Board of Education and affect an administrative school district, the county superintendent shall fix a date for hearing on the proposed change and remonstrances thereto, which date shall be such as to give time for notices to be posted. The county superintendent shall cause notices to be posted in at least three public and conspicuous places within each school district involved in the change, for a period of 15 days prior to the date of the hearing, and shall serve written notice on the district clerks of all school districts involved in the hearing at least 15 days prior to the date thereof. The county superintendent, at the time and place designated in the notices of hearing, shall hear the arguments for and against the change. After hearing such arguments the county superintendent shall order the change to be made effective the following July 1, except as provided in subsection (3) of this section.

(3) If a remonstrance signed by 10 percent or at least 100, whichever is the lesser number, of the legal voters of any school district involved in the change, is presented to the county superintendent, he shall call an election to be held in each school district involved in the change. The votes cast in each school district shall be separately counted and if a majority of the votes cast in each one of the school districts involved in the change is in favor of the change, the change shall become effective on July 1 following the date of the election. [1957 c.619 §28]

330.632 Changes in boundaries of administrative school districts. Notwithstanding any provision of ORS 330.505 to 330.780, before July 1, 1962, changes in the boundaries of administrative school districts may be made in the manner prescribed in ORS 329.730 when such changes do not conflict with the reorganization plan of the county or counties concerned. [1959 c.423 §15]

330.635 Notices. (1) Whenever notice by publication of any convention, meeting or election is expressly required by the provisions of ORS 330.505 to 330.780, it shall be given in a newspaper published in the county and of general circulation in the county or district in which the convention, meeting or election is to be held. The notice shall be published in at least two issues of the newspaper. The first publication shall be not more than 25 days nor less than 15 days preceding the convention, meeting or election and the last publication shall be not more than 14 nor less than 8 days preceding the convention, meeting or election.

(2) In addition to publication under subsection (1) of this section, at least 15 days prior to the convention, meeting or election, the person responsible for publication shall also post the notice in at least three conspicuous public places in the county or district in which the convention, meeting or election is to be held. If the notice is of:

(a) A convention or meeting, one such notice shall be posted at the place of the convention or meeting.

(b) An election, one such notice shall be posted at each polling place. [1957 c.619 §41]

330.640 Canvassing election returns and proclaiming results. (1) Except as provided in subsection (2) of this section, in all elections under ORS 330.505 to 330.780, the returns of the election shall be canvassed and the results proclaimed by the county committee, or by both county committees jointly where the election involves more than one county.

(2) The returns of the elections provided in ORS 330.630 shall be canvassed and the results proclaimed by the county superintendent. [1957 c.619 §41a]

330.645 Exclusive procedure for reorganization; exception. The procedure provided in ORS 330.505 to 330.780 is the exclusive procedure for effecting reorganization of school districts after August 20, 1957, except that consolidation, reorganization or boundary changes may be made under the procedures existing prior to August 20, 1957, when the committee created pursuant to ORS 330.505 to 330.780 for the county in which the affected districts lie finds that such consolidation, reorganization or boundary change is desirable and is not likely to conflict with any contemplated reorganization under the provisions of ORS 330.505 to 330.780. A school district created by or affected by a consolidation, reorganization or boundary change made pursuant to the authority of this section does not thereby become an administrative school district. [1957 c.619 §42]

330.650 Rights, powers, duties and obligations of administrative school district. Each administrative school district, when validly organized and existing, is a body corporate and may sue and be sued and may acquire, hold and convey real and personal property necessary to its functions. Except as otherwise provided in ORS 330.505 to 330.780, an administrative school district shall have all the rights, powers, duties and obligations of first class districts as provided by law and as provided under the general school laws applicable to school districts of all classes. If the provisions of any other law are inconsistent with any of the provisions of ORS 330.505 to 330.780, the provisions of ORS 330.505 to 330.780 shall prevail with respect to administrative school districts. [1957 c.619 §29]

330.660 Identification of administrative school district; function of school board for split district; liability of annexed district. (1) As used in this section, "most populous district" means the school district:

(a) Which maintained an elementary school;

(b) More than one-half of which is included in the administrative school district; and

(c) Which had a larger number of children of school age at the school census next preceding the inclusion of such district in the administrative school district than any other school district of the type described in paragraphs (a) and (b) of this subsection which is included in the administrative school district.

(2) When an administrative school district is formed:

(a) The administrative school district shall retain the same number which was previously assigned to the most populous district.

(b) Subject to the provisions of ORS 328.555, the school districts, or parts thereof, included in the administrative school district shall be deemed to be annexed to the most populous district (or the part of the most populous district included in the administrative school district) and to become identified with it; and the employes of the school districts included in the administrative school district (or if only part of a district is included in the administrative school district, the employes who were employed in schools included within the administrative school district) shall be deemed to be employes of the most populous district, which shall succeed the other districts in such administrative school district as a party to their respective contracts of employment.

(3) Notwithstanding any other law, when an administrative school district comes into existence all territory included in the administrative school district is withdrawn from any other type of school district, except the rural school district, of which it may have been a part and becomes a part of the administrative school district. If part only of an existing school district is included in an administrative school district and the other part of such existing school district is not included in some other administrative school district, the school board of such existing school district shall continue to serve

as the school board for the part of such existing school district that is not included in an administrative school district until the expiration of the terms of such school board members and any vacancies on such school board shall be filled in the manner provided by law for such type of school district.

(4) This section does not alter the effect of any law relating to the liability of an administrative school district or of any school district or part thereof included in an administrative school district. [1957 c.619 §30; 1959 c.423 §6]

330.670 Application of ORS 330.680 to 330.720. ORS 330.680 to 330.720 do not apply to an administrative school district having a population of over 40,000 on the date the administrative school district comes into existence. [1957 c.619 §36; 1959 c.423 §7]

330.680 Zones in district with not over 40,000 population on date district was created. Immediately after the creation of an administrative school district, if the reorganization plan provided for the division of the district into zones, the committee shall divide the district into from five to nine zones, one zone for each member of the board as provided in the reorganization plan for the administrative school district. The zones shall be as nearly equal in school census population as is feasible, except that in urban areas two or more zones may have a common boundary. Thereafter, the district school board may adjust the boundaries of the zones not more often than once each year. [1957 c.619 §31; 1959 c.423 §8]

330.690 School board in district with not over 40,000 population on date district was created. (1) The school board of an administrative school district shall consist of a number of members equal to the number of zones in the administrative school district or, if the district is not zoned, the board shall consist of seven members.

(2) If the district is divided into zones:

(a) At the expiration of each member's term of office a successor shall be elected from the same zone for a period of five years.

(b) Only one director shall be elected from any one of the zones.

(c) Each director shall be a resident of the zone from which he is elected.

(d) The directors shall be elected as provided in the plan under ORS 330.530.

(3) If the district is not zoned, the directors shall be elected at large in the district.

(4) Any vacancy on the board shall be filled by the remaining members of the board by appointment. The appointee shall serve until the next annual election, when his successor shall be elected as prescribed in this section. The successor shall serve for a full term or for the remainder of the unexpired term, if any.

(5) Except as otherwise provided in ORS 330.505 to 330.780 board members shall be nominated and elected in the same manner as school board members are nominated and elected in other school districts under the general laws applicable to school districts of all classes. [1957 c.619 §32; 1959 c.423 §9]

330.700 Election of first board in district with not over 40,000 population on date district was created. (1) Immediately following the first division of the district into zones under ORS 330.680 or, if the district is not to be zoned, immediately following the creating of the administrative district, the county superintendent shall call a special election in the district at which time there shall be elected the members of the first administrative school board. Except as otherwise provided in subsection (2) of this section, the election shall be held in the same manner as elections for school board members are held in other school districts under the general laws applicable to school districts of all classes.

(2) The county superintendent shall divide the district into school election precincts and designate a schoolhouse or some other place in each precinct as a polling place. The county superintendent shall appoint one election board for each school election precinct and the provisions of subsection (2) of ORS 331.320 apply to such election board. Notice of the election shall be given as prescribed by ORS 330.635. The name of any qualified elector may be placed on the ballot as a candidate for the office of school director upon filing with the county superintendent, at least seven days prior to the date of the election, a certificate of nomination signed by not less than 10 persons qualified to vote for the office of school director. However, unless an acceptance of nomination by the nominee is filed with the county superintendent at least five days prior to the date

of such election, such nomination is void. Subsection (2) of ORS 331.330 applies to the election of the first board members.

(3) In the first election of board members, the candidate in each zone, or, if the district is not zoned, the candidates receiving the highest number of votes shall be elected. Notwithstanding ORS 330.690, the members of the board first elected shall serve for terms determined as provided in the reorganization plan for the administrative school district. [1957 c.619 §33; 1959 c.423 §10]

330.710 When first board assumes powers and duties. Except as provided in ORS 330.720, the school board elected pursuant to ORS 330.700 shall not assume its powers and duties until the date when the administrative school district comes into existence. [1957 c.619 §34]

330.720 Powers of first board before administrative school district comes into existence. During the period following their election and prior to the date the administrative school district comes into existence, the school board for the administrative school district may take such action as is essential in order that the administrative school district may carry out its required functions when it comes into existence, including the preparation and adoption of a budget for the administrative school district and the reference of questions relating to the budget to the legal school voters of the district. Expenditures of the board under this section shall be charged to each common school district in the manner provided in subsection (2) of ORS 330.585. [1957 c.619 §35]

330.730 School board of district having more than 40,000 population. (1) The school board of an administrative school district having a population of more than 40,000 according to the latest United States census, shall consist of seven members. No person is eligible for election as a member of such school district who at the time of election is not a legal school voter and a resident within such district for one year immediately preceding his election.

(2) In administrative school districts having a population of more than 40,000 and not more than 100,000, according to the latest United States census, the two additional members of the board required by subsection (1) of this section shall be elected from the district at large at the first regular school election following the formation of the administrative school district. Of the members elected pursuant to this subsection, the person receiving the highest vote shall serve for a term of three years and the other person elected shall serve for a term of one year. [1957 c.619 §37(1),(3)]

330.740 Terms, nomination and election of board members in district having a population between 40,000 and 100,000. In an administrative school district having a population of more than 40,000 and not more than 100,000, according to the latest United States census, at the expiration of each member's term of office a successor shall be elected at large from the district for a term of five years and any vacancy on the board shall be filled by the remaining members of the board by appointment. The appointee shall serve until the next annual election, when his successor shall be elected. Except as otherwise provided in ORS 330.505 to 330.780, board members in such districts shall be nominated and elected in the same manner as school board members are nominated and elected in other school districts under the general laws applicable to school districts of all classes. [1957 c.619 §37a]

330.750 Elections in district with over 100,000 population. The provisions of ORS 331.110 to 331.180 are applicable to administrative school districts having a population of more than 100,000. [1957 c.619 §37(2)]

330.760 Termination of term of members of preexisting board when administrative district comes into existence; board of administrative school district in district having a population of more than 40,000 on date district was created. (1) Subject to subsection (2) of this section, notwithstanding any other provisions of law, the term of office of existing school board members of a preexisting school district shall terminate on the date when all the territory in such preexisting district is included in one or more administrative school districts which come into existence.

(2) In an administrative school district having a population of more than 40,000 when the district comes into existence, the board of the most populous district, as defined in ORS 330.660, shall be the board of the administrative school district. [1957 c.619 §38; 1959 c.423 §11]

330.770 First tax levy. (1) The school board of a newly created administrative

school district may levy during the first year of such district's existence a tax not exceeding the sum of the taxes levied in any one of the three years next preceding the formation of the administrative school district for school purposes upon the property included in the administrative school district by all school districts included in whole or in part in the administrative school district, plus six percent of such sum.

(2) This section does not prohibit an administrative school district from:

(a) Establishing a new tax base as authorized by the Constitution.

(b) Making a tax levy in excess of the tax base when authorized by the legal school voters of the administrative school district as provided in the Constitution. [1957 c.619 §40; 1959 c.423 §12]

330.775 Administrative school district that includes all territory within county. When an administrative school district comes into existence and includes all of the territory within a county, exclusive of joint territory that reports in another county but including joint territory that reports within the county:

(1) The district superintendent of the administrative school district shall act as the county school superintendent of the county.

(2) The rural school district in the county is abolished. [1959 c.423 §14]

330.780 Attendance units; transportation. (1) The school board for the administrative school district shall divide the district into such attendance units as may be proper and shall promulgate rules and regulations with respect to the particular school which each child shall attend. For the purposes of this section, an attendance unit is the geographical area which is served by a single school, consisting of part, or all, of a local administrative unit; and a local administrative unit is a geographical area which for purposes of operating schools or contracting for school services, is under the supervision or control of a single school board.

(2) Whenever any reorganization plan provides for the transportation of pupils from one part of a new administrative school district to a central point, and such plan is approved by the voters of the administrative school district, it is mandatory upon the school board of the administrative school district to provide adequate and practical transportation or a reasonable allowance for board and room in lieu thereof. [1957 c.619 §39]

330.790 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 November 1, 1959.

Sam R. Haley
Legislative Counsel