Chapter 335

1959 REPLACEMENT PART

High Schools

GENERAL PROVISIONS

335.005 Establishment of district high schools
335.010 District school board to control district high school; use of district funds
335.015 High schools free to qualified pupils; admission of nonresident pupils
335.020 High school courses of study
335.025 High school diplomas and certificates
335.030 Establishment of high school military course
335.035 Credit for military courses
335.040 Requirements for establishment of military course
335.045 Arms furnished by state; bond
335.050 Uniforms and ammunition
335.055 Investigation of training by Governor; reports and compliance with rules; return of arms
335.060 Attendance at training voluntary; discharge upon violation of rules
335.065 Definition of "high school outside of the State of Oregon" for the purposes of ORS 335.065 to 335.085
335.070 Contract with district outside state
335.075 Payment of tuition
335.080 Use of school funds to pay tuition
335.085 Right of districts paying tuition to share in state school funds
335.090 After July 1, 1960, certain school districts not operating high schools are responsible for high school education

UNION HIGH SCHOOL LAW

335.205 Definitions for ORS 335.210 to 335.485
335.210 General school laws applicable
335.215 Formation of union high school districts
335.220 Election to form union high school district
335.225 Districts not to be included in union high school district against their will
335.230 Petitions to create union high school district
335.235 Notice and hearing of petitions
335.240 Procedure if no remonstrances filed
335.245 Remonstrances
335.250 Board action on remonstrance
335.255 Election after remonstrance
335.260 Election officers; duties
335.265 Ballot count; disposition
335.270 Canvass; board action after canvass
335.275 Unfavorable vote by island district; subsequent action
335.280 Withdrawal of island district
335.285 Formation of union high school district from districts not having standard high school
335.290 Change in regular districts not to affect union high school districts
335.295 Addition of adjoining regular school districts
335.300 Addition of contiguous regular school districts, one or more of which do not adjoin the union high school district
335.305 Consolidation of union high school districts; petition; notice
335.310 Election procedure for consolidation
335.315 Action after consolidation election
335.320 Petition to form consolidated union high school district
335.325 Election to form consolidated union high school district
335.330 Canvass; election results; boundary board action
335.335 Consolidated union high school site; school board; property; laws applicable
335.338 Withdrawal of territory upon school board's petition
335.340 Boundary change by addition of territory within regular school district part of which is in union high school district
335.342 Boundary change by addition of territory within regular school district no part of which is within union high school district
335.344 Boundary change by withdrawal of territory comprising regular school district entirely within union high school district
335.346 Boundary change by withdrawal of territory comprising part of regular school district not entirely within union high school district
335.348 Notices of election under ORS 335.342 or 335.344
335.350 Election for boundary change
335.355 Petition for dissolution of union high school districts
335.360 Dissolution elections; effective date of dissolution
335.365 Union of districts in different counties
335.370 Adjudication of regularity of proceedings and elections
335.375 Procedure to determine regularity of proceedings and elections
335.380 Property and indebtedness appraisal after consolidation
335.385 Disposition of property of dissolved districts
335.390 Transfer of building site by regular school district
335.400 Composition of union high school board
335.405 Nominations of directors
335.410 Canvass; election results
335.415 Selection of first board
335.420 Election of directors
335.425 Vacancies
335.430 Time and place of election of directors
335.435 Initial board meeting; clerk; bond; compensation; tie votes
335.440 Board meetings; notice; executive committee
335.445 Reports of clerks
335.450 Purchase of school site; building
335.455 Budget; tax levy
335.460 Contracting debts; bonds
335.465 Contracts with regular school districts
335.470 Nonresident high school pupils
335.475 Union high school principal as elementary school superintendent

335.480 Union high school course of study
335.485 Union high school industrial training
335.490 Extension of union high school course of study
335.495 Election to lengthen course
335.500 Procedure after election to lengthen course
335.502 Cost of educating elementary pupils after course lengthened to include elementary grades
335.505 Transformation of union high school district into regular school district

NON-HIGH SCHOOL DISTRICTS

335.605 Creation of non-high school district; purpose; tax liability of territory withdrawn from non-high school district
335.610 Zones; election of directors by zone
335.615 Board of education; members; vacancies
335.620 Nomination of candidates; recall
335.625 Fund custodian; audit of claims; reports and other duties of treasurer
335.630 Contracts for tuition; transportation
335.635 Tax levy
335.640 Issue of warrants
335.645 Contracting debts
335.650 Board duties regarding elections and payment of expenses
335.655 Reports
335.660 Payment of tuition and transportation after inclusion in a high school district
335.665 Necessity for tuition contracts
335.670 Expenditures included in computing tuition cost
335.675 Computation of tuition cost; payment
335.680 Records of expenditures, computations and audits to be kept by high school districts and copies furnished to non-high school districts
335.685 Review of expenditures; procedure after objection

COUNTY HIGH SCHOOL LAW

335.705 Definitions for ORS 335.705 to 335.850
335.710 Creation of county high school district by election after petition of voters or motion of county court
335.715 Creation of zones; election notice
335.720 County court action after election
335.725 Creation of county high school districts by consolidation
335.730 Limitation on date of elections
353.735 Effect of establishment of county high school district on other school districts and boards; adoption of county unit system
335.740 Nomination and election of directors
335.745 County high school board; members; term; clerk; organization meeting
335.750 Election of successors; vacancies; recall
335.755 County high school district elections
335.760 General powers and duties of county high school districts, boards and clerks
335.765 County high school board duties
335.770 County high school board powers
335.775 Expenses of board members
335.780 Purchase of property from school district
335.785 Prohibition against acquiring undivided interest in property
335.790 Bond issues
335.795 Borrowing against adopted budgets
335.800 Budget committee; budget preparation
335.805 Advance of funds by county court
335.810 Elections on budget exceeding constitutional limitations
335.815 Budget copy to county officials
335.820 Annual tax levy
335.825 Limitation on first tax levy of newly created or enlarged district
335.830 Custody and disbursement of funds
335.835 Transfer of high school functions and funds to county high school district
335.840 Disposition of non-high school district property
335.845 Superintendent of county high school district as rural school district superintendent of schools
335.850 Statutes applicable to county high schools, districts, boards and clerks

PENALTIES

335.990 Penalties

CROSS REFERENCES

Actions by and against school districts, 30.310

City zoning regulations, districts required to comply with, 227.285

Elections in union high school districts, 331.320

Giving notice concerning school matters, 331.005

Refund of taxes where property taxed twice for high school purposes, 311.825 to 311.845

Reorganization of school districts, 330.505 to 330.780

Validation of school district organization and consolidation, and acts and proceedings relating thereto, 1957 c.260

Validity of school district creation and subsequent proceedings, procedure to test, 33.710, 33.720

335.005

Acts or proceedings prior to January 1, 1958, not affected by 1957 amendment, 1957 c.310 §26

335.010

Control of district elementary schools, 332.110

335.015

Union high schools, general school laws applicable to, 335.210

335.020

Student driver training, 343.710 to 343.740

Vocational education, 344.060 to 344.150

335.055

Rules of state agencies, 183.310 to 183.410

335.205

Qualifications of school voters, 331.020

335.220

Acts or proceedings prior to January 1, 1958, not affected by 1957 amendment, 1957 c.310 §26

335.235

Acts or proceedings prior to January 1, 1958, not affected by 1957 amendment, 1957 c.310 §26

335.255

Acts or proceedings prior to January 1, 1958, not affected by 1957 amendment, 1957 c.310 §26

335.260

Challenging school voters, 331.040

335.305

Acts or proceedings prior to January 1, 1958, not affected by 1957 amendment, 1957 c.310 §26

Consolidation of union high school district and rural school district, 334.040

335.325

Acts or proceedings prior to January 1, 1958, not affected by 1957 amendment, 1957 c.310 §26

335.338

Acts or proceedings prior to January 1, 1958, not affected by 1957 amendment, 1957 c.310 §26

Continuing liability for pre-withdrawal debts, 328.555

Tax refund where assessor disregards reduction in boundaries, 311.825

335.344

Continuing liability for pre-withdrawal debts, 328.555

335.348

Acts or proceedings prior to January 1, 1958, not affected by 1957 amendment, 1957 c.310 §26

335.435

Allowance for surety bond expense, 747.110

335.455

Local Budget Law, 294.305

Rural school board power over district budgets, 334.380, 334.510

Tax notice to county officials, 310.060

335.470

Transportation of pupils, board may pay expense of, Ch. 338

335.495

Acts or proceedings prior to January 1, 1958, not affected by 1957 amendment, 1957 c.310 §26

335.500

Acts or proceedings prior to January 1, 1958, not affected by 1957 amendment, 1957 c.310 §26

335.605

Inclusion of area in Josephine County in Jackson County non-high school district, 1953 c.536 §4

335.800

Rural school board power over district budgets, 334.380

335.820

Collection of school district taxes, 311.255

GENERAL PROVISIONS

335.005 Establishment of district high schools. When one-third of the legal voters of any school district petitions the district school board, requesting that a high school be established in such district, at a place named in the petition, or whenever the district school board shall, at its discretion think proper, it shall give notice previous to the annual school meeting or to a special election called for that purpose, that they will submit to the legal voters of said district the question whether such high school shall be established and at the place specified. At the election, the electors of the district shall vote by ballot for or against establishing such high school. All notices contemplated in this section shall be given as provided in ORS 331.010. After the election, the ballots shall be canvassed by the district school board. If a majority of all votes cast favors establishing a high school, the board shall establish the high school, provide for its maintenance and select suitable teachers. [Amended by 1957 c.310 §16]

335.010 District school board to control district high school; use of district funds. (1) The district high school, being a part of the public school of the district, shall be under the control and management of the district school board, in the same way and to the same extent as it is provided by law that the lower grades of the district school shall be. The district school board may use any part of the county or state school funds, or any funds raised by taxation of the district for the necessary expenses of the high school, but no district funds shall be used for the purpose of maintaining a high school unless the district also maintains at least eight months' instruction each year in the lower grades of the school system.

(2) Nothing in this section shall prevent the principal of the high school from acting as the principal of the public school of any district in which a high school is located, if so desired by the directors of such district.

335.015 High schools free to qualified pupils; admission of nonresident pupils. (1) All district high schools are free to all pupils of school age in such district who have passed successfully the eighth grade uniform final examinations.

(2) All county high schools shall admit, free of charge, all pupils in such county who have completed the eighth grade.

(3) The school board of any regular district having a high school shall admit to the high school under its control, whenever the facilities of the school will warrant, a resident of any other school district in the county who is properly prepared to enter such school and whose school district does not provide the high school privileges offered by such high school. Persons thus admitted are entitled to the same privileges and are subject to the same rules and regulations as pupils who are residents of the regular high school district.

335.020 High school courses of study. The course of study for high schools shall embrace a period of four years above the eighth grade of the public schools, and shall contain two years of required work which shall be uniform in all high schools of the state. The course of study for the two years of required work shall be laid down by the Superintendent of Public Instruction after due consultation with all county and district high school boards in the state. The course of study for the two years of optional work in all high schools shall be laid down by the county high school board in the county, or the district school board in case of district high schools, after due consultation with the Superintendent of Public Instruction. The directors of any high school may provide that all or part of the two years of optional work in the high school course shall be devoted to industrial training. In high schools where industrial training is made part of the course, the required studies and industrial training may be interspersed throughout the four years' high school work, as may be deemed best by the directors of such school.

335.025 High school diplomas and certificates. Upon completion of the four years' course in any high school in this state and upon passing successfully the required examination, any pupil shall be granted a diploma or certificate to be known as a state high school diploma. This section shall not prevent any high school from issuing a certificate or diploma to its graduates who have attended such school less than four years; but on all such certificates or diplomas there shall be plainly written the number of years of high school work required for graduation by the school issuing the same.

335.030 Establishment of high school military course. Any high school district

may establish and maintain as a part of its course of instruction, military tactics and training subject to direction, supervision and inspection by the Governor.

335.035 Credit for military courses. The efficiency and accomplishment of military tactics and training shall be a subject for suitable credit on the same basis of all studies. The amount of such credit shall be determined by the State Board of Education.

335.040 Requirements for establishment of military course. Any high school district may establish and institute military tactics and training upon the action of its school board, by written request made to the Governor, showing that at least 20 boys of such high school district have made application to form a cadet squad therein. The board shall also satisfy the Governor that:

(1) It has secured a suitable person who is competent to teach and instruct any such military tactics and training.

(2) The board will cause to be set apart, during each school week, not less than three hours to be devoted by the squad to the study and drill of military tactics and training.

(3) The high school district will continue to employ and retain a competent instructor of military tactics and training for not less than eight months during each year, at the expense alone of such high school district, and will supply and so maintain a suitable place for such instruction during such period of time.

335.045 Arms furnished by state; bond. If the Governor approves the institution and continuing of military tactics and training within a high school district, the State of Oregon will secure, supply and furnish to the high school district the necessary rifles, accouterments and swords, necessary for use in the military squad. The school shall pay for the transportation thereof, without other expense to the high school district. Before the same are furnished, the high school district shall execute and deliver to the State of Oregon a good and sufficient bond to be approved by the Governor, conditioned that upon demand at any time, the rifles, accouterments and swords so furnished, will be delivered by the high school district without delay to the Governor, in as good condition as when received, except wear from the reasonable use thereof. When the condition is complied with, the bond shall be void, otherwise it shall be of force and effect.

335.050 Uniforms and ammunition. The high school district shall, without cost or expense to the State of Oregon, make such provisions as the school board thereof may determine for uniforms, wearing apparel, shells and cartridges, for the use of the military squad during the course of its training.

335.055 Investigation of training by Governor; reports and compliance with rules; return of arms. The Governor shall, from time to time, investigate whether the high school district is causing proper training and instruction to be had in military tactics and training. He may require such reports to be made and rules to be followed, to carry out the purpose of ORS 335.030 to 335.060 as he may deem proper. If the Governor considers the purposes of ORS 335.030 to 335.060 are not being carried out with fidelity and to a beneficial end he may at any time require the return of the rifles, accouterments and swords supplied to the military squad, to such place within the state as he may direct. The transportation thereof shall be paid by the school district.

335.060 Attendance at training voluntary; discharge upon violation of rules. (1) As to the individuals who form the membership of the military squad, there shall be no compulsory attendance nor obligation upon any of them, and their attendance to such drills shall be voluntary upon their part and with the consent of their respective parents or guardians. No member shall be compelled to do any military service or duty under any of the provisions of ORS 335.030 to 335.060.

(2) When any such member neglects to meet the requirements of any of the rules and regulations concerning such military tactics and training, the school board of the high school district may discharge and relieve him from his attendance to any such drills or training and discharge him as a member of the military squad, without any prejudice to any of the civil rights and privileges that he otherwise is entitled to enjoy under the law of this state.

335.065 Definition of "high school outside of the State of Oregon" for the purposes of ORS 335.065 to 335.085. As used in ORS 335.065 to 335.085, "high school outside of the State of Oregon" means a school having at least one course of not less than four years, properly equipped, teaching such sub-

jects as are required for admission to colleges, technical schools and normal schools and approved by the Superintendent of Public Instruction as complying with the requirements of the laws of this state relating to the course of study of high schools.

335.070 Contract with district outside state. The district school board of any school district in Oregon bordering on the state line, not having a high school, may make contracts for furnishing instruction to its pupils with school boards of high schools in adjoining districts located outside the state whenever by reason of distance and transportation facilities such high schools outside the state are more accessible to the pupils than those within Oregon, and may raise and appropriate money to carry such contracts into effect.

335.075 Payment of tuition. Any school district bordering on the state line, not maintaining a high school, shall pay for the tuition of any child who, with parents or guardian, resides in said district and attends a high school located outside the state, whenever, by reason of distance and transportation facilities, such high schools outside the state are more accessible to the pupils than those within the State of Oregon. The parents or guardian of such child shall notify the school board of the district in which the child resides of the high school in an adjoining district outside the State of Oregon which the child desires to attend. The approval of the school board shall be necessary in all cases arising under this section.

335.080 Use of school funds to pay tuition. The district school board of any school district bordering on the state line and not having a high school may use any part of county or state school funds apportioned to the district, or any funds raised by taxation of the district for the payment of tuition of any pupil attending a high school in an adjoining district outside the state, as provided in ORS 335.065 to 335.075.

335.085 Right of districts paying tuition to share in state school funds. School districts paying the tuition of any pupil in any high school outside the state, as provided in ORS 335.065 to 335.085, shall share in the annual appropriation of state school funds in the same manner as school districts paying the tuition of children attending a high school within the state.

335.090 After July 1, 1960, certain school districts not operating high schools are responsible for high school education. (1) The high school education of all children of school age resident within a school district which does not operate a district high school or which is not a component part of a union high school district or of a county high school district after July 1, 1960, shall be the responsibility of such district.

(2) Such district shall pay the tuition of all pupils resident within the district who are qualified to attend and are attending a standard public high school.

(3) Such district shall furnish transportation to the nearest standard public high school which such pupils may attend. Reasonable board and room may be furnished in lieu of transportation if desired.

(4) The estimated cost of tuition and transportation or board and room in lieu of transportation shall be included in and be a part of the budget submitted to the rural school district board under ORS 334.170. [1955 c.674 §3; 1957 c.583 §2]

Note: Effective June 30, 1960, ORS 335.605 to 335.685, relating to non-high school districts, are repealed by 1957 c.583 §1.

335.095 to 335.200 [Reserved for expansion]

UNION HIGH SCHOOL LAW

335.205 Definitions for ORS 335.210 to 335.485. When used in ORS 335.210 to 335.485:

(1) "Legal voter" means any citizen of this state who is eligible to vote at any school election.

(2) "Regular school district" means all districts organized by the district boundary board.

(3) "Union high school districts" means those formed in accordance with ORS 335.210 to 335.485.

335.210 General school laws applicable. All laws governing first class and regular school districts and officers apply to union high school districts and officers so far as applicable.

335.215 Formation of union high school districts. Whenever two or more contiguous school districts desire to consolidate for the purpose of forming a union high school district for high school purposes only, the procedure shall be as set forth in ORS 335.220 to 335.285.

335.220 Election to form union high school district. (1) When one or more districts to be united maintains a standard high school, and the district school board or boards have adopted a resolution declaring in favor of uniting, and if such district maintaining a high school proposes to furnish a site for the proposed union high school, such school district board or boards shall call an election in the district or districts maintaining a high school, at which election the question of uniting with certain other school districts for high school purposes only shall be submitted to the legal voters of such high school district.

(2) The notice for such election shall be given as provided in ORS 331.010 and shall contain a statement of what districts are proposed to be united, and if a site is proposed to be offered, the extent, terms and conditions of such offer.

(3) The vote upon the question shall be by ballot, and the ballots shall have written or printed thereon: "For union high school —Yes..... For union high school—No....." If a site is to be offered by such high school district, said ballot shall have written or printed thereon the words: "For transfer of property as a site—Yes..... For transfer of property as a site—No....."

(4) The ballots shall be tallied and counted as provided in ORS 335.260 and 335.265. If the majority vote is favorable to uniting, and the proposition of site also carries, the result shall be certified to the district boundary board of the county in which the most populous district proposed to be united is situated. No further election shall be required in such high school district or districts. [Amended by 1957 c.310 §17]

335.225 Districts not to be included in union high school district against their will. No district maintaining a standard high school shall be included in a union high school district against its will.

335.230 Petitions to create union high school district. After the election under ORS 335.220, petitions directed to the district boundary board from each of the districts proposed to be united, signed by 10 legal voters or not more than one-third of the legal voters residing in each of the districts, and specifying the districts or parts of districts proposed to be united and the site for the location of the union high school, and praying that the group of districts be united and organized into a union high school district, shall be filed with the district boundary board of the county in which the most populous school district is located. If any of the districts or parts of districts are located in another county from which the petitions are filed, the secretary of the district boundary board, upon filing of such petitions, shall immediately forward to the county school superintendent of the other county or counties, a copy of the petition from school districts or parts of school districts in that county. After the petitions are filed with the district boundary board no petitioner shall be permitted to withdraw his name from the petition nor shall his name be counted on a remonstrance.

335.235 Notice and hearing of petitions. Upon filing the petitions the district boundary board shall check the petitions, and, if they are found to be regular and signed by a sufficient number of legal voters in each of the districts, the board shall fix a date for hearing the petitions and remonstrances thereto, which date shall be such as to give time for notice to be given. They shall direct each clerk of such school districts to give notice of the time and place of the hearing as provided in ORS 331.010 for giving notice of school meetings. The secretary of the district boundary board shall prepare uniform notices for all the districts. The notices shall contain a statement that remonstrances may be filed as provided in ORS 335.245. [Amended by 1957 c.310 §18]

335.240 Procedure if no remonstrances filed. If, on the day of hearing, no remonstrance has been filed with the district boundary board against organizing a union high school district, the board shall declare the districts organized as a union high school district for high school purposes only, and shall certify to the clerks of the respective school districts that the territory embraced in the districts has been united in a union high school district.

335.245 Remonstrances. Ten or more legal voters in any one of the school districts may, at any time on or before the date of hearing the petitions, file with the district boundary board a remonstrance signed by them against the formation of the union high school district. No particular form of remonstrance shall be required.

335.250 Board action on remonstrance. If one or more remonstrances are filed with the boundary board within the time and in the manner provided in ORS 335.245, the board shall make an order within 10 days of the date of hearing the petition, directing the respective school boards of the districts proposed to be united, including the school board of the district where a part of the district is proposed to be united, to submit the question of forming a union high school district to the legal voters of each of the regular school districts, excluding the district maintaining a standard high school. Where only a part of a school district is proposed to be included in the union, only the legal voters residing in the portion to be included shall be permitted to vote.

335.255 Election after remonstrance. (1) The election held pursuant to ORS 335.250 shall be called and conducted by the regular school board of each district at the schoolhouse therein or at a place designated by the school board. These elections shall be held at the next succeeding annual school meeting or at a special election called at an earlier date by order of the district boundary board.

(2) The notices of election shall clearly state that the question of forming a union high school district for high school purposes only, specifying the districts to be united and the site, will be voted upon at such election. Such notices shall be given as provided in ORS 331.010.

(3) The vote on the question shall be by ballot, which shall have written or printed thereon the words: "For union high school —Yes..... For union high school—No....." [Amended by 1957 c.310 §19]

335.260 Election officers; duties. In all elections required by ORS 335.215 to 335.460, the district school board shall act as the election board, and the district clerk as clerk of election. The members of the school board present may fill all vacancies. The chairman shall appoint two tellers who shall receive the ballots cast by the legal voters. As each voter casts his ballot the teller shall announce his name which the clerk shall enter on the poll list, and if the voter is not challenged, the teller shall deposit the ballot in the ballot box.

335.265 Ballot count; disposition. When all have voted the ballots shall be counted by the tellers. The clerk shall keep tally on a sheet provided for that purpose. Upon completion of the count, the tellers and clerk shall certify over their signatures to the correctness of the poll list and tally sheet. The poll list, tally sheet and ballots shall be placed in a sealed package by the clerk. He shall indorse thereon over his signature, the number of the district and the date of election, and forward the same within five days, together with a certificate signed by the chairman and clerk showing the result of the election, to the district boundary board, addressed to the county superintendent as secretary thereof.

335.270 Canvass; board action after canvass. (1) Within 10 days after the receipt of the election returns from the districts, the boundary board shall open the sealed packages and canvass the votes. If the board determines that a majority of all votes cast and a majority of all districts voting at such election favor forming a union high school district for high school purposes only, it shall declare the union high school district regularly organized, immediately notify all the school boards concerned of the result and declare the territory comprising such districts to be a union high school district, numbered 1, 2, 3, etc., in the order of their formation.

(2) If the district boundary board determines that a majority of all votes cast and a majority of the districts voting at such election were not in favor of organizing a union high school district, it shall notify all school boards concerned that the proposition was defeated. The ballots, poll list and tally sheets shall be kept in the office of the county superintendent for one year thereafter.

335.275 Unfavorable vote by island district; subsequent action. If the board finds that in any district consisting of an island a majority of the vote was not in favor of forming a union high school district and yet by the provisions of ORS 335.270 such district has been made a part of the union high school district, such island district may, at any date after five years but not later than 15 years from the date of the formation of the union high school district, at a district election called as provided by law, vote upon the proposition of remaining as part of the union high school district. The district boundary board shall canvass the vote and determine the results thereof.

335.280 Withdrawal of island district. If the boundary board determines that a majority of the vote at an election held pursuant to ORS 335.275 is in favor of withdrawal, the withdrawal shall become effective at the end of the school year in which the election is held. This section shall not apply where withdrawal of the district will make any of the remainder of the union high school district noncontiguous. The withdrawal of a district from a union high school district under this section shall not relieve the district so withdrawn from liability for indebtedness contracted while it was a part of a union high school district, but a district so withdrawing shall not be liable for indebtedness of the union high school district incurred subsequent to the date of calling the election at which such district votes to withdraw.

335.285 Formation of union high school district from districts not having standard high school. If two or more contiguous school districts, in which no standard high school is included, desire to unite, thus forming a union high school district for high school purposes only, ORS 335.220 shall not apply but the petition for organization and the notices for election, if one is called, shall specify with reasonable exactness the site where the buildings of the proposed union high school shall be located. Nothing in this section shall affect any union high school organized prior to June 9, 1933.

335.290 Change in regular districts not to affect union high school districts. The creation of a regular school district out of territory included in a union high school district, or the changing of boundaries of any regular school district included in a union high school district, shall not dissolve, change the boundaries of, or affect the union high school district.

335.295 Addition of adjoining regular school districts. (1) When it is desired to change the boundaries of a union high school district by adding one or more regular school districts, each of which adjoins the union high school district, a petition signed by at least 10 percent or at least 100, whichever is the lesser number, of the legal voters residing in the union high school district, and also a petition from each of the regular school districts proposed to be united, signed by 10 legal voters, or not more than one-third of the legal voters residing within their respective districts, shall be filed with the district boundary board of the county in which the site of the union high school is located, which board shall have jurisdiction of the proceedings. The petition shall state the districts proposed to be united. If any of such districts are within an adjoining county, notice shall be given to the district boundary board of that county in like manner as is provided for notice in ORS 335.230.

(2) Within 10 days from the date of filing the petitions the district boundary board shall check them and, if found regular and signed by a sufficient number of legal voters in the districts, shall order an election to be held in the union high school district, considered as one district, and in each of the regular school districts proposed to be included.

(3) Notices of election shall be given, the elections conducted and returns thereof made to the district boundary board in the manner provided in ORS 335.255 to 335.265 for organization of union high school districts.

(4) Upon canvass of the returns, if the district boundary board determines that the proposition carried in the union high school district by a majority of votes cast, and also carried in one or more of the adjoining regular school districts by a majority of the votes cast in each district, it shall declare the proposition carried as to those regular districts only in which the proposition prevailed, and shall immediately proceed to change the boundaries of the union high school district to include those districts desiring to be added thereto.

335.300 Addition of contiguous regular school districts, one or more of which do not adjoin the union high school district. Whenever it is desired to change the boundaries of a union high school district by the addition of one or more contiguous regular school districts, one or more of which do not adjoin the union high school district, they shall proceed by petition and election in the same manner as set forth in ORS 335.295. Upon canvass of the returns, if the district boundary board determines that the proposition carried in the union high school district by a majority of the votes cast, and also the proposition carried in a majority of the regular school districts by a majority of the votes cast in each of said regular school districts, it shall declare the proposition carried as to all the districts included in such

proposition. The district boundary board shall immediately proceed to change the boundaries of such union high school district to include all said districts. The union high school district shall be considered one district for the purposes expressed in this section. If the district boundary board determines that the proposition failed to carry, the clerk thereof immediately shall notify the several school boards.

335.305 Consolidation of union high school districts; petition; notice. Whenever two or more contiguous union high school districts desire to consolidate, a petition from each of the districts, bearing signatures of not less than five percent of the legal voters in each such district and setting forth specifically the districts proposed to be consolidated, shall be presented to the district boundary board of the county in which the largest district is situated. Upon receiving the petition, the district boundary board shall set a date for the election thereon and shall so notify the board of each of the union high school districts designated in the petition. Each such board shall cause its clerk to give notice as provided in ORS 331.010 to the voters of their respective districts that a vote will be taken in the district upon the question of the consolidation of the union high school districts. [Amended by 1957 c.310 §20]

335.310 Election procedure for consolidation. The vote upon the question of consolidating union high school districts shall be by ballot in each of the districts and the ballots shall have written or printed thereon: "For consolidation—Yes..... For consolidation—No....." The chairman of the meeting in each district shall appoint two tellers who shall receive and count the ballots. The clerk of the school board shall act as judge of the election and shall keep a poll list and a tally sheet of the votes cast. The tally sheet, the poll list and the ballots shall be mailed or delivered by the school clerk, within five days, to the district boundary board of the county, which shall canvass the votes cast in each of the districts proposing to consolidate.

335.315 Action after consolidation election. If the district boundary board determines that a majority of all votes cast in each of such union high school districts is in favor of consolidation, it shall so notify the school board of each of such districts and the consolidation shall become effective on the day of the next annual school election in such union high school districts. The board of the largest union high school district shall make arrangements for the election of five directors from the territory included in the consolidation, which directors shall be elected in the manner provided in ORS 335.400 to 335.430, at the next annual school election following the consolidation.

335.320 Petition to form consolidated union high school district. (1) Whenever one or more school districts maintaining standard high schools and one or more union high school districts and/or one or more regular school districts or parts of school districts not maintaining high schools desire to consolidate with each other for the purpose of forming a consolidated union high school district for high school purposes only, and all such districts taken together are contiguous and within one common boundary, a petition from each of such districts or parts of districts may be presented to the district boundary board of the county in which the union high school district largest in number of students enrolled is situated. The petition shall set forth specifically the school districts maintaining standard high schools, union high school districts and school districts or parts of school districts proposed to be consolidated, the site for the location of the consolidated union high school and pray that the districts be consolidated and organized into a consolidated union high school district.

(2) If any of the districts or parts of districts are located in a county other than that from which the petitions are filed, the secretary of the district boundary board shall immediately upon the filing of the petitions forward to the county school superintendent of the other county a copy of the petitions from districts or parts of districts in that county. After the petitions are filed with the district boundary board no petitioner shall be permitted to withdraw his name from the petition.

(3) Petitions from a first class school district must contain the signatures of at least 50 legal voters residing in the district. Petitions from second and third class school districts must contain the signatures of at least 10 legal voters or not less than one-third of the legal voters residing in each of the districts. Petitions from a union high school district must contain the signatures

of legal voters residing in the union high school district in number not less than 10 times the number of school districts comprising the union high school district.

(4) Within 10 days after receiving such petitions, the district boundary board shall check them; if regular and signed by a sufficient number of legal voters in each of the districts, the district boundary board shall make an order directing the respective school boards of the districts proposed to be consolidated to submit the question of forming a consolidated union high school district to the legal voters of each of the districts. Where only a part of a school district is proposed to be included, only the legal voters residing in the portion to be included shall be permitted to vote.

335.325 Election to form consolidated union high school district. (1) The election held pursuant to ORS 335.320 shall be called and conducted by the regular school board of each district at the schoolhouse therein or at a place designated by the school board. These elections shall be held at the next succeeding annual school meeting or at a special election called at an earlier date by order of the district boundary board. The notices of election shall state clearly that the question of forming a consolidated high school district for high school purposes only will be voted upon at such election, shall specify the various districts and parts of districts to be consolidated and the site. The notices shall be given as provided in ORS 331.010 for regular school elections in each of the districts.

(2) The vote on the question shall be by ballot which shall have written or printed thereon the words: "For consolidated union high school—Yes..... For consolidated union high school—No....." If a site is to be offered by a school district maintaining a standard high school or by a union high school district, or both, the ballot within said district shall have written or printed thereon the words: "For transfer of property as a site—Yes..... For transfer of property as a site—No....."

(3) The respective school boards shall act as the election board and the respective clerks as clerks of election. The members of the school board present shall have power to fill all vacancies. The chairman shall appoint two tellers who shall receive the ballots cast. As each voter casts his ballot the teller shall announce his name which the clerk shall enter on the poll list, and if the voter is not challenged the voter shall deposit the ballot in the ballot box. When all have voted, the ballots shall be counted by the tellers and the clerks shall keep tally on a sheet provided for that purpose. Upon completion of the count the tellers and clerk shall certify over their signatures to the correctness of the poll list and tally sheet. The poll list, tally sheet and ballots shall be placed in a sealed package by the clerk who shall indorse thereon over his or her signature the number of the district and the date of the election, and shall forward the same within five days, together with a certificate signed by the chairman and clerk showing the result of the election, to the district boundary board, addressed to the county school superintendent as secretary thereof. [Amended by 1957 c.310 §21]

335.330 Canvass; election results; boundary board action. (1) Within 10 days after receipt of the election returns from the districts, the boundary board shall open the sealed packages and canvass the votes.

(2) If the district boundary board determines that a majority of all votes cast, not counting the vote within the school district or union high school district within which the site is located, and a majority of all districts, counting the vote of the union high school district as equal to the number of school districts or parts of school districts comprising the union high school district, voting at such election favor forming a consolidated union high school district for high school purposes only; and if it is further found that the vote on the transfer of property as a site carried by a majority vote within the school district maintaining a standard high school or union high school district offering a site and voting thereon; and if the proposition of consolidation carried by a majority vote in each school district maintaining a standard high school and each union high school district, then the district boundary board shall declare such consolidated union high school district regularly organized. Immediately after such declaration, the boundary board shall notify all school boards concerned of the result and declare the territory comprising such districts to be a consolidated union high school numbered 1, 2, 3, etc., in the order of their formation. The consolidation shall be effective on the day of the next annual school election.

(3) If the district boundary board determines that a majority of all votes cast or a majority of the districts voting at such election was not in favor of organizing a consolidated union high school district, and further finds that a majority of the vote within a school district maintaining a standard high school or union high school district was not in favor of organizing a consolidated union high school district, or further finds that a majority of the vote within the school district maintaining a standard high school or union high school district offering a site is unfavorable to the transfer of the site to the consolidated union high school district, then the district boundary board shall notify all school boards concerned that the proposition was defeated.

(4) The ballots, poll lists and tally sheets shall be kept in the office of the county school superintendent for one year thereafter.

335.335 Consolidated union high school site; school board; property; laws applicable. (1) Whenever a school district maintaining a standard high school or a union high school district has offered a site for the location of the consolidated union high school building proposing to transfer the title to said site to the consolidated union high school district and such proposition has been ratified by a majority of the legal voters of such district, then the transfer of the title thereto to the consolidated union high school district shall be effected as provided by ORS 335.390.

(2) The board of directors of consolidated union high school districts formed under ORS 335.320 to 335.330 shall consist of five members selected at large throughout the consolidated union high school district and who are qualified voters in such consolidated union high school district. At the election for the formation of a consolidated union high school district under ORS 335.325, there shall be elected five members of the consolidated union high school board. The nominations for the office of director, the election, canvass of votes and the declaring of results shall be made and conducted under the provisions of ORS 335.400 to 335.430.

(3) If the consolidated union high school district is formed, the property of any union high school district included in said consolidated union high school district shall be disposed of in accordance with ORS 335.380.

(4) The provisions of ORS 335.205 apply in ORS 335.320 to 335.335.

(5) The provisions of ORS 335.290 to 335.300, 335.365 to 335.375 and 335.400 to 335.485 apply to and govern the formation and operation of consolidated union high school districts formed pursuant to the provisions of ORS 335.320 to 335.335.

335.338 Withdrawal of territory upon school board's petition. (1) Notwithstanding the provisions of ORS 335.290 to 335.300, upon petition of a district school board of a common school district which maintains a district high school and after public hearing on the petition, the district boundary board may change the boundaries of a union high school district so that no part of the petitioning common school district is included in a union high school district.

(2) In each district affected by the proposed boundary change, notice of the hearing shall be given as provided in ORS 331.010 for giving notice of school meetings. [Amended by 1957 c.310 §22]

335.340 Boundary change by addition of territory within regular school district part of which is in union high school district. (1) Upon petition of three legal voters interested, the district boundary board may change the boundaries of a union high school district to include territory that is within a regular school district, a part of which regular school district is in the union high school district. At least 15 days before inclusion, the district boundary board shall cause notices to be posted in three public and conspicuous places within the territory to be included, and also in the union high school district and shall serve written notice on the district clerks of all school districts involved. The notices shall set forth the boundaries of such territory and shall specify the district boundary board session at which the proposed change is to be made.

(2) In the event that a remonstrance signed by 10 percent or at least 100, whichever is the lesser number, of the legal voters of the union high school district is presented by the board of such union high school district, the boundary board shall call and hold an election in conformity with ORS 335.348 and 335.350. If a majority of the votes cast in the union high school district and also in the area to be joined to the union high school district are in favor of including the territory within the union high school dis-

trict, the boundary board shall make the required change. [Amended by 1955 c.535 §1]

335.342 Boundary change by addition of territory within regular school district no part of which is within union high school district. (1) Whenever it is desired to change the boundaries of a union high school district by adding thereto territory of less extent than a regular school district, no portion of which is within the union high school district, a petition requesting such change shall be filed with the district boundary board. The petition shall be signed by 10 percent or at least 100, whichever is the lesser number, of the legal voters residing within the high school district and also signed by at least three legal voters residing within the territory proposed to be added.

(2) If, at an election called and held in conformity with ORS 335.348 and 335.350, a majority of votes cast in the union high school district and also a majority of votes cast in the territory proposed to be added to the union high school district, favor changing the boundaries of the union high school district by adding thereto the proposed territory, the boundary board shall make the required change. [Amended by 1955 c.535 §2]

335.344 Boundary change by withdrawal of territory comprising regular school district entirely within union high school district. (1) Whenever it is desired to change the boundaries of a union high school district by withdrawal of territory comprising a regular school district which is entirely within the union high school district from the union high school district, a petition requesting such change shall be filed with the district boundary board. The petition shall be signed by 10 percent or at least 100, whichever is the lesser number, of the legal voters residing within the union high school district.

(2) If, at an election called and held in conformity with ORS 335.348 and 335.350, a majority of votes cast in the union high school district and in the regular school district favor boundary change by withdrawal of territory from the union high school district, the boundary board shall make the required change.

(3) The withdrawal of territory from a union high school district shall not affect the validity of bonds theretofore issued by the union high school district. [Amended by 1955 c.535 §3]

335.346 Boundary change by withdrawal of territory comprising part of regular school district not entirely within union high school district. (1) Whenever it is desired to change the boundaries of a union high school district by withdrawal of territory comprising a part of a regular school district which is not entirely within the union high school district, a petition signed by at least 10 legal voters of the union high school district shall be presented to the district boundary board requesting such change.

(2) The district boundary board shall check the petition, and if it is found to be regular and signed by a sufficient number of legal voters of the union high school district, the board shall fix a date for hearing the petition and remonstrances thereto, which date shall be such as to give time for notices to be posted. The county school superintendent shall cause notices to be posted in at least three public and conspicuous places within the union high school district for a period of 15 days prior to the date of hearing and shall serve written notice on the district clerks of all school districts involved of such hearing at least 15 days prior to the date thereof.

(3) The boundary board shall meet at the time and place designated in the notices of hearing and hear the arguments for and against the change. After hearing such arguments the boundary board may order the change in boundary of the union high school district to be made except as provided in subsection (4) of this section.

(4) In the event that a remonstrance signed by 10 percent or at least 100, whichever is the lesser number, of the legal voters of the union high school district is presented by the board of such union high school district, the boundary board shall call and hold an election in conformity with ORS 335.348 and 335.350. If a majority of the votes cast in the union high school district and the part of the regular school district affected favor a boundary change by withdrawal of the territory from the union high school district, the boundary board shall make the required change. [1955 c.535 §4]

335.348 Notices of election under ORS 335.342 or 335.344. If the district boundary board finds a petition filed under ORS 335.342 or 335.344 to be regular and signed by a sufficient number of resident legal voters, it shall make an order directing the clerk of the union high school district to

give notice as provided in ORS 331.010; and, if the petition is filed under ORS 335.342, also make an order directing the clerk of the school board of the regular school district in which is located the territory proposed to be added to the union high school district to give notice as provided in ORS 331.010. The notices shall call an election for the purpose of voting upon the proposition submitted by petitioners. The election date shall be fixed by the district boundary board and may be at the annual meeting or a special election. [Amended by 1957 c.310 §23]

335.350 Election for boundary change. (1) The election pursuant to ORS 335.348 shall be held at the regular voting place in the union high school district and, if for addition of territory upon petition filed under ORS 335.342, also at a place designated by the district boundary board within the territory affected by the election. If necessary, the district boundary board may appoint an election board in any territory proposed to be added to the union high school district.

(2) The vote shall be by ballot prepared under direction of the district boundary board. The election, canvass of votes and the returns of such election shall be conducted in a manner similar to that provided in ORS 335.260 to 335.270.

335.355 Petition for dissolution of union high school districts. Whenever it is desired to dissolve a union high school district that has been regularly formed, a petition from the majority of the districts within the union district shall be presented to the district boundary board requesting the boundary board to direct the school board of each district in the union high school district to state in the notice for the next annual or special meeting or election that the question of dissolving the union high school district will be submitted. The petitions shall contain at least 10 percent of the legal school voters in the districts petitioning. Within 10 days after receiving the petitions the district boundary board shall direct, in writing, the respective school boards of the districts comprising the union high school district to give the notice as requested in the petitions. The vote on the question must be by ballot which has written or printed thereon the words: "For dissolution of union high school district No. ..... Yes..... For dissolution of union high school district No. ..... No....."

335.360 Dissolution elections; effective date of dissolution. (1) If the vote is taken in regular meeting, the clerk shall prepare a poll list and tally sheet. The chairman of the meeting shall appoint two tellers who shall receive the votes as the clerk calls the voters' names from the poll list. When all have voted, the tellers shall count the votes and the school clerk shall keep the tally. If the vote is taken in polling places previously designated by the school board, the election judges shall accept the votes and the election clerk shall record the voters' names. If the tally sheet is kept by the school clerk, he and the tellers shall certify over their signatures that it correctly indicates the votes cast. If the tally sheet is kept by an election clerk, the clerk and the judges shall certify to the school board the result of the vote on the question of dissolution, together with other questions that may be on the ballot. 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 and the date of election. The sealed package, together with a statement of the results of the election signed by the school clerk and chairman of the school board, shall be forwarded within five days to the district boundary board addressed to the county school superintendent as a member thereof.

(2) Within 10 days after receipt of the sealed returns from the districts, the district boundary board shall open the sealed packages and canvass the votes. If the board determines that a majority of all votes cast in the union high school district and a majority of votes cast in the majority of all districts voting at such election favor dissolving such district, it shall declare the union high school district dissolved and shall immediately notify the respective school boards concerned of the result. If the district boundary board determines that less than the majority of all votes cast in the majority of the districts voting at such election is in favor of dissolving said high school district, it shall declare the dissolution lost and shall immediately notify the school board that the proposition for dissolution has failed to carry.

(3) If the election favors dissolution of the union high school district such dissolution shall become effective on July 1 next following if the election is held between July 1 and December 31, inclusive; and on July 1

of the following year if the election is held between January 1 and June 30, inclusive.

(4) Whenever an election has been held in a union high school district under the provisions of this section, no election for the same purpose shall be held within a period of two years thereafter.

335.365 Union of districts in different counties. If districts to be united for high school purposes are in two or more counties, the district boundary board of the county in which the most populous district is located shall have jurisdiction in all matters pertaining to the organization and management of such districts. When so organized, a description of the boundaries shall be sent for record to the other county superintendents concerned.

335.370 Adjudication of regularity of proceedings and elections. The school board of a union high school district organized under the provisions of this chapter or Acts amendatory thereof or supplemental thereto, may by petition commence special proceedings in the circuit court for the county in which the high school is maintained for the purpose of having a judicial examination and judgment of the court as to the regularity and legality of the proceedings in connection with the organization of the district and the election and organization of the union high school board of such district.

335.375 Procedure to determine regularity of proceedings and elections. (1) The proceeding after petition under ORS 335.370 shall be in the nature of a proceeding in rem. Except as provided in this section, the practice and procedure therein shall follow the practice and procedure of suits in equity so far as the same is consistent with the determination sought to be obtained. The jurisdiction over the union high school district and all taxpayers and legal voters therein shall be obtained by the publication of notice directed to the district and to "all taxpayers and legal voters within said district" without naming such taxpayers and legal voters individually. The notice shall be served on all parties in interest by publication thereof for at least once a week for two successive weeks in some newspaper of general circulation published in the county where the proceeding is pending. Jurisdiction shall be complete within 10 days after the full publication of the notice as provided in this section. Any person interested may at any time before the expiration of such 10 days appear and contest the validity of the proceeding or of any of the acts or things therein enumerated.

(2) The proceedings shall be speedily tried and judgment rendered declaring the matter contested to be valid or invalid. Any order or judgment in the course of such proceeding, or any final decree therein, may be made and rendered by the judge of the court in vacation, and for the purpose of any such order, judgment or decree, the court is deemed at all times to be in session and the act of the judge in making such order, judgment or decree shall be the act of the court. Either party may have the right to appeal to the Supreme Court at any time within 20 days after the rendition of the final judgment or decree, which appeal must be heard and determined within three months from the time of taking such appeal. The court, in inquiring into the regularity, legality or correctness of any of the proceedings must disregard any error, irregularity or omission which does not affect the substantial rights of the parties to the special proceedings. The court may approve the proceedings in whole or in part and disapprove and declare illegal or invalid other or subsequent proceedings in whole or in part and may approve the proceedings in part and disapprove the remainder thereof. The costs of the special proceedings may be allowed and apportioned between the parties, in the discretion of the court.

335.380 Property and indebtedness appraisal after consolidation. After consolidation under ORS 335.305 to 335.315 and within 30 days after their election, the new union high school district board shall have an appraisal made of all real and personal property owned by each of the original union high school districts, estimate the total value of all unpaid taxes and determine the total indebtedness of each such district. The appraisal shall be made in conformity with the rules and regulations of the State Tax Commission. Any original union high school district shown by the appraisal to have assets in excess of liabilities shall be allowed a credit equal to the amount of the excess. The credit shall be deducted from the taxes levied by the consolidated union high school district against the property within such area and shall be distributed annually over a period, not to exceed five years, in the

discretion of the board of the consolidated union high school district. If any original union high school district is shown by the appraisal to have liabilities in excess of assets, the union high school board shall collect the amount of such excess liabilities by levying a special tax annually upon the property in said original union high school district for a period not to exceed five years, in the discretion of the union high school district board.

335.385 Disposition of property of dissolved districts. If any union high school district is dissolved in accordance with ORS 335.360, the property of the union high school district shall be disposed of in accordance with ORS 329.760.

335.390 Transfer of building site by regular school district. Whenever a regular school district has offered a site for the location of the union high school buildings, proposing to transfer the title of the site to the union high school district and the proposition has been ratified by a majority of the legal voters of such district, the district school board of such school district shall transfer such property to the union high school district upon the terms set out in the notice of election. When the transfer is made subject to the debts of the regular school district contracted for the property so transferred, the union high school district shall assume and pay such indebtedness. Thenceforth the property shall be under the control of the union high school board.

335.395 [Reserved for expansion]

335.400 Composition of union high school board. (1) If a union high school district is formed by uniting two common school districts, the members of the school boards of each of such district shall be ex officio members of the union high school board of directors and shall constitute such board, and the other provisions of ORS 335.400 to 335.430 shall not apply thereto.

(2) If a union high school district is formed by uniting more than two districts or by uniting two or more districts and parts of other districts, there shall be a board of five members selected at large throughout the high school district who are qualified voters in such high school district.

(3) Upon formation by petition and without an election of a union high school district by uniting more than two districts, or by uniting two or more districts and a part of any other district or districts, the district boundary board shall appoint from the directors of the common school districts, or parts thereof, embraced within the union high school district, a board of five directors to serve until July 1 next succeeding. At the first annual election of a union high school district formed by petition and without an election by uniting two or more districts or by uniting two or more districts and parts of other districts, there shall be elected five directors to constitute the union high school board.

(4) At the election for the formation of a union high school district by uniting more than two districts or by uniting two or more districts and parts of other districts, there shall be elected five members of the union high school board.

335.405 Nominations of directors. (1) Nominations for directors to be elected under subsection (4) of ORS 335.400 shall be made by petition signed by at least 10 electors in the proposed union high school district and filed with the county school superintendent at least 30 days before the election. The county school superintendent shall report the names of all persons so nominated by petition to the respective school boards of each district or part of a district designated in the petition for organization of a union high school district at least 27 days before the election. The school board shall cause the names of all persons so nominated to be placed on the ballot as candidates.

(2) Nominations for the office of director at all elections, except that mentioned in subsection (1) of this section, shall be by petition signed by at least 10 legal voters of the union high school district filed with the union high school district clerk at least 30 days before the election. The clerk shall cause the names of all persons so nominated to be placed on the ballot as candidates.

(3) Each ballot shall have a blank line under the name or names thereon, wherein any voter may write the name of a person not regularly nominated but for whom he desires to vote. [Amended by 1959 c.456 §1]

335.410 Canvass; election results. (1) The votes cast for directors at the election for organization of union high school districts shall be certified to and canvassed by

the district boundary board at the time and in the manner provided for canvassing the vote taken on the question of organization. After canvass of the election returns, the district boundary board shall issue certificates of election to the persons elected.

(2) The vote cast for director at subsequent elections shall be certified immediately by the judges and clerks of election to the clerk of the union high school district board. The board shall, at a meeting to be held for that purpose, within 10 days after the annual school election, canvass the votes for directors and declare the result of such election.

335.415 Selection of first board. Under the elections provided for in subsections (3) and (4) of ORS 335.400, the persons elected as directors shall be determined as follows:

(1) The person receiving the highest number of votes shall be declared elected director for a term of five years.

(2) The person receiving the next highest number of votes, and who does not reside in the same common school district as the person elected under subsection (1) of this section, shall be declared elected director for a term of four years.

(3) The person who receives the next highest number of votes, and who does not reside in either of the common school districts from which the directors mentioned in subsections (1) and (2) of this section have been chosen, shall be declared elected director for a term of three years.

(4) The person who receives the next highest number of votes, and who does not reside in the common school district from which the directors mentioned in subsections (1) to (3) of this section have been chosen, shall be declared elected for a period of two years. If no person voted for possesses such qualifications, or if there are not more than three districts or parts of districts in the union high school district, then the person receiving the highest number of votes after the elimination of the directors elected under the provisions of subsections (1) to (3) of this section shall be declared elected director for a term of two years.

(5) The person who receives the next highest number of votes, and who does not reside in the common school districts from which the directors mentioned in subsections (1) to (4) of this section have been chosen, shall be declared elected for a period of one year. If no person voted for possesses such qualifications, or if there are not more than four districts or parts of districts in the union high school district, then the person receiving the highest number of votes, after the elimination of the directors elected under the provisions of subsections (1) to (4) of this section, shall be declared elected director for a term of one year.

335.420 Election of directors. (1) At all elections held after those provided for in subsections (3) and (4) of ORS 335.400, there shall be elected one director to take the place of the one whose term of office expires that year, and who shall hold office for a period of five years.

(2) At all annual elections except that mentioned in subsection (3) of ORS 335.400, the person receiving the highest number of votes and who does not reside in the same common school district as any of the directors whose terms of office do not expire that year shall be elected. If there is no such person voted for, or if there is no common school district or part of district in the union high school district which is not so represented on the board of directors, then the person receiving the highest number of votes shall be elected. If any component district or part district comprises 50 percent or more of the school population and 50 percent or more of the assessed valuation of the union high school district, two members of the union high school board may be elected from such district or part district.

335.425 Vacancies. Vacancies in the board of directors shall be filled through appointment by the remaining members of the board. The directors so appointed shall serve until the next annual election, when a successor shall be elected to serve for the remainder of the unexpired term. A director who changes his permanent residence from one component district of the union high school district to another component district in which another director resides shall continue to serve as director until the next annual election, when a successor shall be elected to serve for the remainder of the unexpired term. The provisions of subsection (2) of ORS 335.420 apply in selection of a director to fill an unexpired term.

335.430 Time and place of election of directors. The annual election of union high school directors shall be held on the first Monday of May of each year. The election shall be conducted in the manner provided by ORS 331.320. [Amended by 1955 c.460 §1; 1957 c.622 §9]

335.435 Initial board meeting; clerk; bond; compensation; tie votes. The county school superintendent shall forthwith set a time for the first meeting of the union high school board after its formation at which time the board shall meet and organize by electing one of their number chairman and appointing a clerk from the qualified voters of the high school district from without their number to serve one year or until his successor is appointed and qualified. At each annual election thereafter in union high school districts the union high school board shall appoint one of its own number as chairman of the board and also appoint a clerk from the qualified voters of the district to serve for one year or until his successor is appointed and qualified. The board and clerk shall qualify by taking oath to perform the duties of their offices. The clerk shall give a bond in such an amount as the board may determine but not less than the amount of funds that may come into his hands at any one time. Clerks of union high school districts shall receive such compensation for their services as in the judgment of their respective boards shall be adequate. In case of a tie in the election of a chairman or a clerk the county school superintendent shall cast the deciding vote. In case of a tie on any other question the school clerk shall cast the deciding vote.

335.440 Board meetings; notice; executive committee. The union high school board shall hold regular monthly meetings at the high school building at such time as may be provided in the rules and regulations adopted by it for its own government. A meeting of the union high school board may be called at any time, by two members of the board serving a written notice on the other members and the clerk, at least 48 hours before such meeting is to be held, such notice to be left at the residence or usual place of business of such other members and clerk or may be called by the common consent of members of such board. Board action shall not be lawful unless every member has been duly notified. The union high school board may appoint an executive committee representing at least two regular districts, one of whom shall be the chairman of the board, to attend to the routine business of the board and to report their action to the board for ratification at its first regular meeting.

335.445 Reports of clerks. Union high school district clerks shall make such reports to the county school superintendent as may be required by the State Board of Education, which reports shall be included in the reports from the county superintendent to the Superintendent of Public Instruction.

335.450 Purchase of school site; building. The union high school board shall select and purchase necessary land for a school site, when bonds for a new school building have been legally authorized at a legally called meeting in the union high school district, and pay for the same out of funds authorized in such bond issue or from other funds available for that purpose. When legally authorized, the board shall secure land and cause to be erected thereon a suitable building. [Amended by 1953 c.147 §3]

335.455 Budget; tax levy. Each union high school board shall prepare annually an estimate of the amount of funds necessary to carry out the purposes for which the union high school district was established, and levy a tax upon all assessable property in the district.

335.460 Contracting debts; bonds. (1) When a tax is levied, although not yet extended on the assessment roll, the union high school board may contract a debt in the name of the district, either by borrowing money or by issuing warrants of the district not to exceed the amount of the levy.

(2) When authorized by a majority vote of the legal voters present at any legally called meeting in a union high school district, the board of such district may contract a district debt not to exceed five percent of the value of the taxable property of the district, for the purpose of building a school building or repairing school buildings, or for the purchase of land for school purposes, issue negotiable interest-bearing warrants and fix the payment for the same. The board shall, not oftener than once a year, levy a tax upon the taxable property of such district to pay the interest thereon, or principal when due.

(3) The board shall call a bond election, when petitioned so to do, in accordance with the provisions of the bonding Act for bonding regular school districts.

335.465 Contracts with regular school districts. The union high school board may for high school purposes contract with a regular school board for the use of any property belonging to the regular school district and may purchase an undivided interest in the property of a regular school district for the purpose of operating a high school thereon.

335.470 Nonresident high school pupils. The union high school board shall admit to the high school under its control whenever the facilities of the school will warrant, a resident of any school district of any county concerned in such union high school district, who is properly prepared to enter such school and whose school district does not of itself or in connection with other school districts provide the high school privileges afforded by such high school. Persons thus admitted shall be entitled to the same privileges and be subject to the same rules and regulations as pupils who are residents of regular high school districts. The union high school district may determine who are nonresident pupils and fix the rates of tuition of such pupils.

335.475 Union high school principal as elementary school superintendent. Nothing in ORS 335.205 to 335.505 shall prevent the principal or superintendent of the union high school from acting as principal or superintendent of the elementary school of the regular school district in which the high school is located and to supervise the elementary school in a regular school district which is a part of the union high school district, if so desired by the regular school district board.

335.480 Union high school course of study. The course of study for union high schools shall be prepared by the State Board of Education and shall be for not less than two years.

335.485 Union high school industrial training. Any union high school board may establish and maintain a department of industrial training in connection with the school under its management. The expense of maintaining the department shall be provided for in the same manner as other expenses of maintaining union high schools. The department shall be under the management, direction, and control of the board. The State Board of Education shall, so far as its other duties may warrant, give such information and assistance as may seem necessary in organizing and maintaining the department and in arranging plans and outlines of work.

335.490 Extension of union high school course of study. Any union high school district may, when authorized by the legal voters of the district, extend the course of study in the district to include five years above the seventh grade or six years above the sixth grade, and in like descending order may extend its course to include any or all grades of the schools of the union high school district in the manner provided in ORS 335.495 to 335.505.

335.495 Election to lengthen course. Any union high school board may, whenever a majority thereof so decides, or shall upon petition of 100 legal voters thereof, submit to the legal voters of the district at the annual election or at a special election called by the union high school board, the question of lengthening the course of study in the district. The union high school board shall send written notice to the clerks of affected elementary school districts who shall give notice to the legal voters as provided in ORS 331.010. The election shall be held in each elementary school district at the schoolhouse therein or at a place designated by the elementary school board, and shall be conducted, in so far as applicable, as are elections for the formation of union high school districts except that the union high school board shall perform all duties charged to the district boundary board in such elections. All necessary expenses shall be borne by the union high school district. [Amended by 1957 c.310 §24]

335.500 Procedure after election to lengthen course. Upon receipt of the election returns pursuant to ORS 335.495, the school board shall canvass the votes. If the board determines that a majority of votes cast in the union high school district, and a majority of votes cast in a majority of all districts voting are for the proposal, it shall declare the proposal carried and certify the result to the district boundary board. If the proposal is carried, the union high school board shall submit to the Superintendent of Public

Instruction for his approval the complete course of study in the district. The lengthened course of study shall become effective following approval by the Superintendent of Public Instruction. [Amended by 1957 c.310 §25]

335.502 Cost of educating elementary pupils after course lengthened to include elementary grades. Whenever the course of study in a union high school district is extended to include grades below the ninth grade, the union high school district shall be responsible for providing for the education of the pupils in the included grades and the cost of educating such pupils shall be included in the union high school district budget and not in the budgets of the component elementary school districts. [1953 c.390 §1]

335.505 Transformation of union high school district into regular school district. Where all grades of the elementary schools within the union high school district come under the jurisdiction of the union high school board or when all districts within the union high school district are consolidated, the union high school district as such shall be abolished and the area included shall be a regular school district of class determined by its school census. The union high school board shall continue as the board of such district until the next annual meeting when the proper number of board members shall be elected for the class of district in which the district belongs. The term of all board members in all elementary districts shall terminate at the time the union high school board becomes the district school board. All property and obligations of the individual districts included shall become the property and obligation of the newly constituted district unless it was otherwise provided where such district is formed by consolidation.

335.510 to 335.600 [Reserved for expansion]

NON-HIGH SCHOOL DISTRICTS

335.605 Creation of non-high school district; purpose; tax liability of territory withdrawn from non-high school district. (1) In each county in which there is no county high school, all territory not included in a district maintaining a standard high school is hereby organized into a non-high school district for the purpose of levying a tax to defray the cost of the tuition and transportation of the high school pupils of the non-high school district holding an eighth grade diploma from some county in this state or an equivalent thereto to be approved by the county school superintendent of the county in which the pupil attends high school.

(2) If any territory embraced within a non-high school district ceases to be a part of such district, such withdrawn territory shall not be relieved of liability for any unpaid indebtedness of the non-high school district incurred prior to withdrawal of such territory, but shall be included in the levy of taxes by the non-high school district for the payment of such indebtedness as if the withdrawal had not occurred.

NOTE: ORS 335.605 to 335.685 are repealed effective June 30, 1960, by 1957 c.583 §1. See also, 1955 c.674 and ORS 335.090.

335.610 Zones; election of directors by zone. (1) The district boundary board at a meeting held not less than 20 days before the election of directors of the non-high school district, shall divide the district into five zones as approximately equal in population as practicable and measured along elementary school district boundary lines. The district boundary board may make necessary readjustments of the zone boundaries once every three years.

(2) Only one director shall be elected from any one of the zones. The vote for any candidate for director shall be held in only the zone in which the candidate is a resident. The candidate receiving the largest number of the votes cast in his zone shall be declared elected.

NOTE: See note for ORS 335.605.

335.615 Board of education; members; vacancies. (1) The board of education of the non-high school district shall consist of five members. They shall be elected at an election held on the third Monday of June in the appropriate zone.

(2) At the expiration of the term of any member, a successor from that zone shall be elected by the qualified voters thereof to serve for a term of five years. Any vacancy on the board from any zone shall be filled by the remaining members of the board from among the qualified residents of that zone, the appointee to serve until the next annual election when his successor shall be elected for the remainder of the unexpired term.

(3) The county school superintendent shall be secretary of the board but shall have no vote.

NOTE: See note for ORS 335.605.

335.620 Nomination of candidates; recall. (1) The nomination for candidates for membership on the non-high school board of education shall be made only by petition filed with the county school superintendent at least 15 days prior to the date of election and signed by not less than 30 legal voters of the zone in which such candidate is a resident. Unless the nominee files an acceptance of nomination with the county school superintendent at least 10 days prior to the election, the nomination shall be void. A candidate so nominated must be a qualified school election voter.

(2) Any director may be recalled as provided in ORS 331.410 to 331.450.

NOTE: See note for ORS 335.605.

335.625 Fund custodian; audit of claims; reports and other duties of treasurer. (1) The county treasurer shall be the treasurer of the non-high school district and shall receive and hold all district moneys. All claims against the non-high school district funds shall be audited by the non-high school district board of education and shall be paid by the county treasurer upon the board's order.

(2) By June 30 of each year the county treasurer shall make a complete report to the county school superintendent regarding receipts and expenditures of district funds, including therein whatever statistics may be required by the board of education or county school superintendent, and shall perform such other duties in connection with the non-high school district not inconsistent herewith as are performed by clerks of regular school districts.

NOTE: See note for ORS 335.605.

335.630 Contracts for tuition; transportation. (1) Each non-high school board shall enter into contracts in writing not later than September 1 of any year for a term of not to exceed three years with the district school board of any district maintaining a standard high school for the tuition of the high school pupils of the non-high school district qualified for entrance into grades above the eighth; and may furnish transportation or enter into contracts with districts or join with districts in contracts for the transportation of such high school pupils.

(2) No school district may contract for tuition or transportation under the provisions of this section unless the standard maintained in its high schools is the standard prescribed or approved by the State Board of Education.

NOTE: See note for ORS 335.605.

335.635 Tax levy. In accordance with the local budget law, each non-high school board shall levy a tax annually not later than November 1 upon all taxable property in the non-high school district sufficient to pay the total cost of the tuition and transportation for the current fiscal school year of the pupils residing within the non-high school territory attending any standard high school as provided in ORS 335.630.

NOTE: See note for ORS 335.605.

335.640 Issue of warrants. Each non-high school board may issue warrants on the county treasurer for the payment of claims for the tuition and transportation of high school pupils residing in the non-high school district attending a standard high school as provided in the written contracts under ORS 335.630. The warrants must be drawn and signed by the chairman of the board and countersigned by the county school superintendent as secretary. If there is no money in the non-high school district fund, the warrants shall be indorsed by the county treasurer "not paid for want of funds" and shall draw interest at the legal rate from the date of indorsement until paid.

NOTE: See note for ORS 335.605.

335.645 Contracting debts. Each non-high school board may incur indebtedness in the name of the district by contracting short-term loans for the purpose of paying claims for tuition or transportation, or both. Loans so made shall not exceed the total of estimated receipts and taxes levied and remaining uncollected in the budget for the current year plus the total amount of outstanding indorsed warrants.

NOTE: See note for ORS 335.605.

335.650 Board duties regarding elections and payment of expenses. Each non-high school board shall provide for polling places in each elementary school district for all school elections, appoint judges and clerks, arrange for all such elections and thereafter canvass all votes and declare the results thereof. The board shall pay election expenses and

other necessary incidental expenses, as authorized by the board, out of any funds belonging to the non-high school district.

NOTE: See note for ORS 335.605.

335.655 Reports. Each non-high school board shall make an annual written report to the taxpayers of the non-high school district. The board shall make such reports as may be required by the Superintendent of Public Instruction and by the county school superintendent.

NOTE: See note for ORS 335.605.

335.660 Payment of tuition and transportation after inclusion in a high school district. Every non-high school district whose territory or any portion thereof has been included within a high school district shall continue to pay the tuition or transportation expenses, or both, for high school pupils resident within the territory so included during the remainder of the fiscal year in which such inclusion occurs.

NOTE: See note for ORS 335.605.

335.665 Necessity for tuition contracts. No high school district board shall admit non-high school district students into the high school grades unless a contract covering the payment for the tuition of such pupils has been completed.

NOTE: See note for ORS 335.605.

335.670 Expenditures included in computing tuition cost. The determination of tuition cost of non-high school district pupils in high school districts shall be based upon items of expenditure listed in the divisions of the standard budget and accounting forms prescribed by the State Board of Education for use in school districts and shall include the following expenditures:

(1) General control. Items under this heading shall be prorated to the expense of maintaining the high school in the proportion that the average daily attendance in the four high school grades bears to the total average daily attendance for all grades in the district, except that the full amount shall be used in the case of union high school districts and county high school districts and high schools maintained in a school district in which all the elementary schools are under the direct management and jurisdiction of a state normal school.

(2) Instructions; supervision. The items under this heading shall include the proportionate share of the expenditures directly chargeable to the expense of the supervision of the high school grades.

(3) Instructions; teaching. The items under this heading shall include the proportionate share of the expenditures directly chargeable to the expense of the teaching in the high school grades. If the superintendent teaches classes in high school, that part of his salary allocated for such teaching shall be chargeable to the high school grades.

(4) Operation of plant. The items under this heading shall include the proportionate share of the expenditures directly chargeable to the high school grades.

(5) Maintenance and repair. The items under this heading shall include the proportionate share of the expenditures directly chargeable to the high school grades, but shall not include any amount for the purchase of new furniture or new equipment. The cost of alterations and building of additions may be included by mutual agreement of contracting boards.

(6) Auxiliary agencies. The items under this heading shall include the proportionate share of the expenditures directly chargeable to the high school grades, but shall not include any amount for the transportation of pupils.

(7) Insurance. The items under this heading shall include the proportionate share of the expenditures directly chargeable to the high school grades.

(8) Rent. This item shall be used only in case the high school district is renting equipment, rooms, buildings or ground for the high school grades and the amount charged shall be the amount of the rent paid by the board of the high school district.

(9) Depreciation of buildings owned by the high school district. This item shall be computed annually for the different types of buildings used for the high school grades according to the following rates for the specified building classifications, and such charge shall cease at the expiration of the estimated life of the building on which each of such depreciation rates is based:

(a) Two and one-half percent of the original cost of any completely fireproof construction building with fully reinforced floors, walls and roof.

(b) Three percent of the original cost of any stone, concrete or brick building.

(c) Four percent of the original cost of any stone, concrete or brick veneer building.

(d) Five percent of the original cost of any wood-frame building.

(10) Deduction of grants. The amount of any federal or state grant used in payment of the expense of the construction of any such building or any part thereof shall be deducted in computing the cost of such building as classified in paragraphs (a), (b), (c) and (d) of subsection (9) of this section. The grants specified in this section do not include any funds received in relation to, in connection with or in lieu of the Oregon and California land grants.

(11) Furniture and equipment. This item shall be the actual expenditures of the district made for furniture and equipment during the year and used for high school purposes.

(12) Debt service. This item shall be computed annually and shall include the proportionate share of the interest on bonds, warrants or other indebtedness and directly chargeable to the high school grades.

(13) General. Items not specifically mentioned in this section may be included or deducted by mutual agreement of contracting boards.

NOTE: See note for ORS 335.605.

335.675 Computation of tuition cost; payment. (1) The amount of high school tuition chargeable to the board of education of a non-high school district shall be computed in the following manner: The total amount of high school expenditures for the year under the budget headings set forth in ORS 335.670 shall be divided by the total days' attendance of all high school pupils. The amount thus derived shall be multiplied by the total days' attendance of pupils from the non-high school district whose attendance at such high school has been designated or approved by the board of education of the non-high school district.

(2) The time of payment of the costs of tuition by the board of education of the non-high school district shall be specified in the contracts made with the board of the high school district and shall be at such times as the high school district may request so as to recompense the high school district, as nearly as possible, for interest on the amount of registered warrants issued for current high school expenditures chargeable to the cost of educating non-high school district pupils authorized to attend such high school; provided, that payment shall not be required at less than quarterly intervals nor for more than the proportionate amount then due on the basis of the annual per pupil cost as estimated by mutual agreement of the two boards. The final 20 percent of the estimate for the year may be retained by the non-high school district board until after the final audit and actual per pupil cost for the year has been computed.

NOTE: See note for ORS 335.605.

335.680 Records of expenditures, computations and audits to be kept by high school districts and copies furnished to non-high school districts. Each high school district board shall require the school clerk to keep, in addition to the regular financial records for all grades, a separate set of records for the high school grades showing the expenditures for high school purposes under each of the budget headings prescribed in ORS 335.670 for use in computing the cost of high school tuition. The board of each high school district which has contracted to educate pupils from any non-high school district shall furnish the board of education of such district, on or before July 1 of each year, with a copy of the computations used in figuring the amount of high school tuition due from the non-high school district, together with a copy of the clerk's record showing the expenditures made by the high school district for all purposes during the year. A certified copy of the regular audit of the financial records of each such high school district for the year also shall be furnished to the board of education of the non-high school district as soon as the same has been completed by the auditor.

NOTE: See note for ORS 335.605.

335.685 Review of expenditures; procedure after objection. (1) Each non-high school district board of education shall review carefully all records of expenditures for high school purposes used in computing the cost of high school tuition by any high school district board with which it has contracted. Unless the computation as disclosed by such records is questioned as provided in this section, prior to July 15 of each year, it shall be conclusively deemed correct.

(2) If the board of education of the non-high school district objects to the amount of any item included in the computation submitted by the high school district board, it shall do so in writing and file the same with the clerk of such high school district. If the contracting school boards are unable to agree on the amount of any item to which

objections have been made, either of the boards may petition the circuit court of the county in which the high school is situated for the appointment of a referee to decide such controversy. The controversy shall be submitted to the referee, who shall hear all the evidence submitted by either board, examine the records of the board of the high school district which may be material to the case and make a finding thereon based upon the method prescribed for computing tuition costs in ORS 335.670 and 335.675. The finding, upon being approved by the circuit court, is final and conclusive upon the boards. The expense of the review of the evidence by the referee and his decision thereon shall be divided equally between the two contracting school boards.

NOTE: See note for ORS 335.605.

335.690 to 335.700 [Reserved for expansion]

COUNTY HIGH SCHOOL LAW

335.705 Definitions for ORS 335.705 to 335.850. As used in ORS 335.705 to 335.850:

(1) "School voter" means a person qualified to vote at school elections.

(2) "County court" includes board of county commissioners.

335.710 Creation of county high school district by election after petition of voters or motion of county court. Upon receipt of a petition signed by at least 100 school voters of the county requesting formation of a county high school district to include all territory within the county or upon the county court's own motion, the county court shall submit the questions of establishing a county high school district including the entire county and electing a county high school board to the school voters at any special, primary or general election. The county court may order a special election for the purpose of this section.

335.715 Creation of zones; election notice. (1) After having made the motion permitted by ORS 335.710, or, if a petition has been filed, upon determination by the county court and the county clerk that the petition has been signed by the required number of qualified voters, the court shall certify such fact to the district boundary board. The district boundary board shall forthwith divide the county into five zones as nearly equal in population as may be practicable and give each zone a number and descriptive geographical name. The district boundary board may readjust the boundaries of such zones when necessary.

(2) A notice of the time, place, purpose of the election, general description of the zones and descriptive geographical names of each and inviting the filing of nominations for the directors shall be published by the county court at least 30 days prior to the election in at least one issue of each newspaper published within the county. Three notices containing the same information as the published notices shall be posted by the county court at least 30 days prior to the election in three public places in each school district within the proposed county high school district.

335.720 County court action after election. (1) Within 10 days after the results of the election have been determined, the county court shall send written notice of such results to each school district concerned.

(2) If the county court determines upon canvass that, of all the votes cast, a majority favors formation of a county high school district including all the territory in the county, the county court shall notify the successful candidates and shall make an order establishing the entire county as a single county high school district no later than the beginning of the next fiscal school year.

335.725 Creation of county high school districts by consolidation. With the exception that no county shall contain more than one county high school district, whenever the school voters of two or more school districts of any type or class desire to consolidate such districts for the purpose of forming a county high school district consisting of part of a county or desire to consolidate with an existing county high school district, such consolidation shall be accomplished in the manner prescribed in ORS 330.110 to 330.140.

335.730 Limitation on date of elections. Elections under ORS 335.710 or 335.725 shall not be held within 60 days prior to the close of a fiscal school year.

335.735 Effect of establishment of county high school district on other school districts and boards; adoption of county unit system. (1) For high school purposes only, all territory within the county high school

district is withdrawn from any type or class of school district of which such territory is a part at the time the county high school district is established.

(2) At the end of the fiscal school year in which a county high school district is established, the authority of any type or class of school district included within the newly formed high school district to operate high schools or provide for high school education shall cease.

(3) In any county adopting the county unit school system, the county high school district's existence shall cease upon establishment of a county unit which includes the entire county high school district. In such case, the county school board shall assume all powers and duties of the county high school board.

335.740 Nomination and election of directors. (1) Any school voter residing in the territory within the county high school district for more than six months prior to an election of county high school directors may become a candidate for such position by filing a written declaration of candidacy with the county clerk no later than 15 days prior to such election. The declaration shall state the zone from which the nominee is a candidate.

(2) In any election of directors, each school voter may vote for one candidate from each zone.

(3) A plurality of votes over other candidates from the same zone is sufficient to elect a candidate.

335.745 County high school board; members; term; clerk; organization meeting. (1) The county high school board shall consist of five directors who, with the exception of the first board, shall hold office for five years. The county school superintendent shall be ex officio clerk until a clerk is employed by the board. The board shall compensate the superintendent for his services as clerk.

(2) Within 15 days after the election of the first county high school board in a newly formed district, the county school superintendent shall call a board meeting for the purpose of organizing, electing a chairman and determining by lot who shall receive the five-year term, the four-year term, the three-year term, the two-year term and the one-year term.

335.750 Election of successors; vacancies; recall. (1) At the expiration of the term of any director, a successor from the same zone shall be elected by the school voters of the entire county high school district.

(2) Any vacancy on the board shall be filled by appointment by the remaining directors. The appointee shall be a qualified person residing in the same zone as his predecessor. He shall serve until the next election, at which time his successor shall be elected for the remainder of the unexpired term.

(3) Directors may be recalled as provided in ORS 331.410 to 331.450.

335.755 County high school district elections. (1) The county high school board shall arrange for subsequent elections of directors and on other district matters, canvass the votes and declare the election results. The county high school board may cooperate with school districts or counties for the purpose of coordinating elections.

(2) So far as practicable, elections of directors and elections on other county high school district matters shall be held in conjunction with annual school meetings or elections held by school districts within the county high school district. At such meetings or elections, the polls shall be kept open during the hours prescribed for first class districts by ORS 331.320. The county high school board shall provide for the compensation of second and third class district election judges and clerks for periods during which this subsection requires polls to be kept open beyond the normal voting period in such districts.

335.760 General powers and duties of county high school districts, boards and clerks. With the exception of the power to operate schools other than high schools, and unless otherwise specifically provided in ORS 335.705 to 335.850 and amendments thereto, all powers and duties conferred by law upon first class school districts, boards and clerks are conferred upon county high school districts, boards and clerks.

335.765 County high school board duties. The county high school board may:

(1) Employ a district school clerk.

(2) Employ a district superintendent who may also be employed as district school clerk. The county school superintendent may

be employed as county high school district superintendent.

(3) Provide transportation, by contract or district owned and operated equipment, for high school students residing in the district.

(4) Pay tuition or board in lieu of transportation for such students.

(5) Pay tuition or board upon mutual agreement between the board and parents of a student desiring to attend a high school located outside the county high school district.

(6) Do such other things as are necessary for the proper management of the high schools and the school district.

335.770 County high school board powers. The county high school board may:

(1) When authorized by a majority of the school voters of the district, establish and operate more than one county high school.

(2) Enter into non-interest bearing contracts, not exceeding 15 years in duration, for the purchase or lease of existing school facilities within the county high school district. If any district with which such contract was made is consolidated or abolished during the contract period, payments shall be made to the consolidated district or appropriate taxing unit. If the sum required to meet such obligation is not budgeted, the county court shall levy a tax for the required amount on all taxable property in the county high school district.

(3) Acquire, by purchase or gift, land, buildings and equipment for construction and operation of high schools.

(4) When authorized by a majority of the legal voters of the district, purchase or build and operate dormitories. All services provided students under this subsection shall be paid for in advance. The members of a county high school board permitting a student or parent to become indebted to the district for such services shall be personally liable to the district for all such indebtedness.

335.775 Expenses of board members. County high school board members shall receive seven cents per mile traveling expenses to and from board meetings and other necessary expenses incurred in performances of their duties.

335.780 Purchase of property from school district. If the county high school district purchases property from a school district, the purchase price shall be adjusted to compensate the seller for the value of its interest in the property. The county high school district shall be liable for the payment of any outstanding indebtedness against such property according to the terms under which the indebtedness was incurred, in like manner and to the same extent as though it had contracted the same in the first instance.

335.785 Prohibition against acquiring undivided interest in property. A county high school district shall not acquire title to an undivided interest in any real or personal property.

335.790 Bond issues. County high school districts may issue bonds. Bond issues of county high school districts shall conform to the provisions of ORS 328.205 to 328.220 and 328.230 to 328.295.

335.795 Borrowing against adopted budgets. County high school boards may borrow money upon adopted budgets for the purpose of obtaining operating funds until tax funds are received.

335.800 Budget committee; budget preparation. By April 15 following the establishment of the county high school district, the county high school board shall select a budget committee in the manner provided by ORS 294.410 and prepare a budget for the next fiscal year in like manner as first class school districts. The first budget shall include a sufficient sum to reimburse the county court for all advances made.

335.805 Advance of funds by county court. If no opportunity exists for the county high school board to budget for its costs, the county court shall advance the sums necessary to defray organization and administrative costs until the county high school board makes its first budget.

335.810 Elections on budget exceeding constitutional limitations. The county high school board may arrange elections on budgets in excess of constitutional limitations which have been rejected at prior elections. Whenever such rejected budget is resubmitted, its amount shall be reduced by at least five percent of the amount submitted at a prior election. When the election on the resubmitted budget is held, the county high school board shall appoint judges and clerks to conduct the election at all polling places maintained in the prior election, and provide

for payment of the entire cost of such election.

335.815 Budget copy to county officials. The county high school board shall furnish by July 15 of each year to the county assessor, county clerk, county treasurer and county school superintendent a budget for the county high school district which shall set forth the amount of money needed as a tax levy.

335.820 Annual tax levy. The county high school board shall, under the provisions of ORS 294.305 to 294.415, levy an annual tax on all taxable property of the county high school district sufficient to raise the amount necessary for school district purposes. The county assessor shall extend the levy on the assessment rolls.

335.825 Limitation on first tax levy of newly created or enlarged district. Except if a tax levy in excess of constitutional limitations has been authorized by the voters of the county high school district, the county high school board of a newly created or enlarged county high school district shall not levy during the first year of such district's existence a tax greater than the sum of the taxes levied for high school purposes by all school districts included in the county high school district in any one of the three years next preceding formation or enlargement of the county high school district, plus six percent of such sum.

335.830 Custody and disbursement of funds. The custody and disbursement of county high school district funds shall be handled in the manner provided by law for the custody and disbursement of first class school district funds.

335.835 Transfer of high school functions and funds to county high school district. (1) All school districts located within a county high school district which are furnishing high school instruction when the county high school district is established, shall continue to furnish such instruction and to levy a tax therefor until the end of the fiscal school year. At the end of the fiscal school year, the county high school board shall supplant, for high school purposes only, the district school boards of all school districts located within the county high school district.

(2) When districts within a county high school district discontinue providing high school instruction, all moneys in their custody or control which were raised for high school purposes and all uncollected tax levies or other anticipated revenues for high school purposes shall be transferred by their district school boards to the county high school district.

335.840 Disposition of non-high school district property. Upon establishment of a county high school district, the non-high school district within such district shall settle its affairs at the close of the fiscal school year in conformity with ORS 335.835, sell any district property at the best obtainable price and pay the proceeds to the county high school district or transfer such property to the county high school district.

335.845 Superintendent of county high school district as rural school district superintendent of schools. In counties in which the rural school district includes all school districts in the county and upon mutual agreement by the county high school board and the rural school board, the superintendent employed by the county high school board may also function as rural school district superintendent of schools.

335.850 Statutes applicable to county high schools, districts, boards and clerks. Unless the context of ORS 335.705 to 335.850 and amendments thereto specifically provide otherwise, and so far as applicable to high schools and high school districts, general laws applicable to first class school districts, boards and clerks apply to county high schools, county high school districts, boards and clerks.

335.855 to 335.900 [Reserved for expansion]

335.905 [Repealed by 1957 c.723 §1 (ORS 335.906 enacted in lieu of ORS 335.905)]

335.906 [1957 c.723 §2 (enacted in lieu of ORS 335.905); repealed by 1959 c.641 §38]

335.908 [1957 c.723 §14; repealed by 1959 c.641 §38]

335.910 [Amended by 1957 c.723 §3; repealed by 1959 c.641 §38]

335.915 [Amended by 1957 c.723 §4; repealed by 1959 c.641 §38]

335.920 [Amended by 1957 c.723 §5; repealed by 1959 c.641 §38]

335.925 [Amended by 1957 c.723 §6; repealed by 1959 c.641 §38]

335.930 [Amended by 1957 c.723 §7; repealed by 1959 c.641 §38]

335.935 [Amended by 1957 c.723 §8; repealed by 1959 c.641 §38]

335.938 [1957 c.723 §12; repealed by 1959 c.641 §38]

335.940 [Amended by 1957 c.723 §9; repealed by 1959 c.641 §38]

335.945 [Amended by 1957 c.723 §10; repealed by 1959 c.641 §38]

335.949 [1957 c.723 §13; repealed by 1959 c.641 §38]

335.950 [Repealed by 1957 c.723 §28]

335.955 to 335.960 [Reserved for expansion]

335.962 [1957 c.723 §15; repealed by 1959 c.641 §38]

335.964 [1957 c.723 §16; repealed by 1959 c.641 §38]

335.966 [1957 c.723 §17; repealed by 1959 c.641 §38]

335.968 [1957 c.723 §18; repealed by 1959 c.641 §38]

335.970 [1957 c.723 §19; repealed by 1959 c.641 §38]

335.972 [1957 c.723 §20; repealed by 1959 c.641 §38]

335.974 [1957 c.723 §22; repealed by 1959 c.641 §38]

335.976 [1957 c.723 §21; repealed by 1959 c.641 §38]

335.978 [1957 c.723 §23; repealed by 1959 c.641 §38]

335.980 [1957 c.723 §24; repealed by 1959 c.641 §38]

335.982 [1957 c.723 §25; repealed by 1959 c.641 §38]

335.984 [1957 c.723 §26; repealed by 1959 c.641 §38]

335.986 [1957 c.723 §27; repealed by 1959 c.641 §38]

335.988 [Reserved for expansion]

PENALTIES

335.990 Penalties. Violation of any of the provisions of ORS 335.005 to 335.085, 335.205 to 335.335, 335.340 to 335.344, 335.348 to 335.655 and 335.665 to 335.685 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