

# Chapter 330

## 1963 REPLACEMENT PART

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**ORGANIZATION**

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

**330.020 Classification of districts.** All common school districts shall be classified and known as first class, second class and third class. The classification shall be made according to the number of children of school age as shown by the last school census. All districts with 1,000 or more children of school age shall be known as first class districts. Any district which has been classified as a first class district shall retain that classification unless the number of children of school age, as shown by the school census, falls below 800 for two consecutive years. All districts with more than 200 and less than 1,000 children of school age shall be known as second class districts. All districts with less than 200 children of school age shall be known as third class districts. Whenever the number of children of school age in any district, as shown by the last school census, requires a change in classification, the new classification shall become effective at the beginning of the next fiscal year. All districts organized pursuant to ORS 330.505 to 330.555, 330.560 to 330.595 and 330.610 to 330.780, including districts organized pursuant to ORS 330.625, shall be known as administrative districts.

[Amended by 1963 c.282 §1]

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

**330.040** [Amended by 1955 c.386 §1; 1957 c.310 §7; repealed by 1963 c.282 §16]

**330.050 Division of assets and liabilities upon changes in boundaries.** (1) When changes in school district boundaries are made by the detachment of territory or annexation of less than an entire school district to another as provided in ORS 330.090 to

330.100 and subsections (1) and (2) of 330.105, or in ORS 335.353, the district school boards of all the districts concerned shall immediately after the change make an equitable division of the then existing assets and liabilities between the old and the new, or between the districts already existing and affected by such change and provide the manner of consummating such division.

(2) In case of failure to agree within 20 days from the time of such change, the matter shall be decided by a board of arbitrators chosen by the directors of the several districts concerned. The arbitrators' decision shall be final, except that it may be reviewed by writ of review as the decisions of other inferior tribunals are reviewed. The board of arbitrators shall consist of one member appointed by each of the school districts affected and a third member appointed by the other two appointees.

(3) In the event one or more of the school boards involved fail to appoint an arbitrator within 30 days, the Superintendent of Public Instruction shall appoint an arbitrator who shall be a legal resident and freeholder of the affected district. In the event the two arbitrators selected by the school district boards fail to appoint the third arbitrator within 30 days after the appointment of the school district board arbitrator last selected, the school district boards shall notify the senior judge of the circuit court of the county in which the administrative office of the most populous school district is located. Within 10 days after receiving notice from the arbitrators the judge shall appoint the third arbitrator.

(4) Each member of the board of arbitrators shall be entitled to the sum of \$20 per day for each day's service, and necessary traveling expenses, while sitting in his official capacity. Expenses thus incurred shall be equally apportioned among the several districts concerned.

(5) Assets include all school property and moneys belonging to the district at the time of the division. Liabilities include all debts for which the respective districts in their corporate capacities are liable at the time of division. In determining the assets, school property shall be estimated at its fair value. The assets and liabilities shall be divided between the districts in proportion to the last assessed value of the real and personal property. The district retaining the real

property shall pay the other districts concerned such sums as are determined in accordance with the provisions of this section. All funds to be apportioned during the current school year, after such division, shall be made in proportion to the number of persons in each district between the ages of 4 and 20 years who are actual residents of such parts of the districts divided, as shown by the clerk's last annual report of such districts.

[Amended by 1961 c.522 §6; 1963 c.282 §14]

**330.060 Districts as bodies corporate; notice of suit.** All school districts existing on May 13, 1963, or which may be legally organized after May 13, 1963, are bodies corporate, competent to transact all business coming under their jurisdiction and sue and be sued.

[Amended by 1963 c.282 §2]

**330.070** [Reserved for expansion]

**DISTRICT BOUNDARY BOARD**

**330.080 Composition, purpose and organization.** The intermediate education district board shall constitute the district boundary board for laying off the county in convenient school districts. The board shall make alterations and changes in the school districts in the manner specified by law. The board shall make a record showing the boundaries and numbers of all the districts in the county so established and organized.

[Formerly 329.710]

**330.085 County unit board composition.** In any county where there is no intermediate education district board, the district boundary board shall consist of the governing body of the county.

[Formerly 329.720]

**330.090 Creation, alteration or abolition of school districts by board or by petition.**

(1) The district boundary board on its own motion or on petition of three persons residing or owning or occupying real property within territory embraced within a proposed merger or consolidation, annexation or boundary change may alter the boundaries of districts, annex territory to districts or merge or consolidate smaller districts into larger districts in the manner provided in ORS 330.090 to 330.105 if it finds:

(a) The proposed change will have no substantial adverse effect upon the ability of

the districts affected to provide the educational program required by law.

(b) The proposed change will result in improvement of the educational facilities available to the children in the area affected by the proposed change or will result in substantial operating economies in the districts affected.

(c) The proposed change is not made solely for tax advantages to the property owners in the district or area affected by the proposed change.

(d) The proposed change is not likely to adversely affect any contemplated reorganization under the provisions of ORS 330.505 to 330.555, 330.560 to 330.595 and 330.610 to 330.780.

(2) No change shall be made which results in a district having less than 20 children of school age.

[1963 c.282 §13 (1), (8)]

**330.095 Petition; procedure when two or more counties involved.** (1) The petition for proposed change in school districts shall:

(a) Be directed to the district boundary board of the county or counties wherein the affected school districts lie; and

(b) Contain a concise statement of the type of change requested; and

(c) Contain the signatures and resident addresses of the petitioners and the names of the school districts in which they reside; and

(d) Contain a legal description of the territory to be annexed or detached, if an annexation or detachment of territory of less than a school district is requested and the school districts affected thereby; or

(e) Contain the names and numbers of the school districts affected if a consolidation or merger of districts is requested but no proposed consolidation or merger shall affect more than two school districts.

(2) The petition for proposed change may also petition for any of the matters set forth in ORS 330.250 to 330.280.

(3) When any proposed change affects any school district lying in two or more counties or districts lying in separate counties, the proposed change shall first be acted upon by the district boundary board of the county in which lies the greater part of the joint district proposed to be changed or the larger of the separate districts affected by the proposed change, but must be concurred in by

the district boundary board of the other county.

[1963 c.282 §13 (2)]

**330.100 Notice; hearing; remonstrance; election; effective date of change.** (1) Before the proposed change is made the district boundary board shall cause notice of the proposed change and the session of the board when the same will be considered to be published in at least two issues of a newspaper designated by it and having circulation in the school districts or areas affected by the proposed change. The first publication shall be not more than 25 days nor less than 15 days preceding such session of the board and the last publication shall be not more than 14 days nor less than eight days preceding such session of the board. If no remonstrance is submitted requiring an election as provided in subsection (2) of this section, the district boundary board upon making the findings set forth in subsection (1) of ORS 330.090 shall declare that the change shall become effective at the end of the fiscal year.

(2) If a remonstrance signed by five percent or 500 persons, whichever is less, of the legal voters in a school district or area affected by the proposed change is filed with the district boundary board within 20 days after the date set to consider the proposed change, the district boundary board, upon making the findings set forth in subsection (1) of ORS 330.090, shall submit the question of the proposed change to the voters of the affected district or area from which the remonstrance was submitted in the manner in which the annual school meetings or elections are held in such school district or area. The question first shall be submitted to the voters of the district or area having the least population from which such a remonstrance was submitted and if the majority of votes are in favor of the proposed change the same thereafter shall be submitted to the voters of the larger district from which a remonstrance is filed. If no remonstrance has been filed in the larger district, the board shall declare the change to be effective at the end of the fiscal year without further elections.

(3) If a majority of the votes cast at each election required in ORS 330.090 to 330.105 are in favor of the proposed change, the district boundary board shall declare that the change shall become effective at the end of the fiscal year. If the majority of votes cast at any election required in ORS 330.090

to 330.105 oppose the proposed change, the change shall not become effective. The same or a substantially similar change shall not be considered by the boundary board again until 12 months have elapsed after the election at which the proposed change was defeated.

(4) Notwithstanding the provisions of subsections (2) and (3) of this section, if a petition signed by 100 percent of the resident taxpayers and 100 percent of the qualified voters of an area requesting that the area be changed to another school district is presented to the district boundary board, the boundary board shall order the change to be made effective at the end of the fiscal year, provided that the area is contiguous to the school district to which it is changed and that the boundary board makes the findings set forth in subsection (1) of ORS 330.090.

(5) Unless a petition for a writ of review to review the action taken is filed with the circuit court within 60 days after the date on which the boundary board takes action declaring the change, it shall be conclusively presumed that the change was validly made. [1963 c.282 §13 (3), (4), (5), (6), (10)]

**330.105 Effect of change.** (1) A school district created by or affected by a change made pursuant to the authority of this section does not thereby become an administrative school district. When territory is withdrawn from an administrative school district, the part remaining shall continue to constitute an administrative school district. When territory is added to an administrative school district or an administrative or other school district is merged or consolidated into an administrative school district, the enlarged district shall continue to be an administrative school district.

(2) When any district is divided into two or more parts for school purposes, the existing board of directors shall continue to act for both or all the new districts or parts of districts until such districts or parts of districts have been regularly organized as provided by law. When any district is merged or consolidated into another district, the existing board of directors of the most populous district shall constitute the board of directors of the enlarged district.

(3) Except as otherwise provided in ORS 330.020, 330.050, 330.060, 330.080, 330.090 to 330.105, 330.505, 330.530, 330.550 and 330.555 to 330.570, when the changes in ORS 330.090

to 330.105 consist of the annexation of an entire school district to another, or the consolidation or merger of school districts, the provisions of ORS 330.170 and 330.210 to 330.300 shall apply.

[1963 c.282 §13 (7), (9), §15]

**330.110** [Amended by 1957 c.310 §8; repealed by 1963 c.282 §16]

**330.115 Notice of creation or alteration of districts.** When the district boundary board has established a new district, the superintendent shall notify three petitioners in the district, who petitioned for establishment. The notice shall be in writing and shall show the number and boundaries of the district. When alterations are made by the district boundary board the superintendent shall notify immediately, in the manner aforesaid, the directors of all districts concerned.

[Formerly 329.740]

**330.120** [Repealed by 1963 c.282 §16]

**330.125 Districts to be contiguous.** With the exception that contiguous and noncontiguous districts may be consolidated when authorized by the legal voters of the districts concerned, all school districts formed by the district boundary board shall be formed of contiguous territory.

[Formerly 329.750]

**330.130** [Repealed by 1963 c.282 §16]

**330.135 Assigning numbers to districts.** Except as otherwise provided in ORS 330.300, no district boundary board shall assign to any school district a number which has been previously assigned to another school district which became nonexistent on or after January 1, 1953, because of dissolution, abandonment or for any other reason.

[Formerly 329.755]

**330.140** [Repealed by 1963 c.282 §16]

**330.145 Abandoned districts.** (1) Whenever any duly organized school district ceases to maintain and operate a public school for two years from any annual school meeting, or suspends school for more than two successive years without approval of the State Board of Education, or when such district for two years ceases to contain at least six children of school age, the district boundary board shall declare such district abandoned and the territory of the district shall be annexed to one or more adjoining districts maintaining standard schools.

(2) After the boundary board's declaration of abandonment, all moneys in the hands of the district clerk or district school board shall be turned over to the county treasurer of the county in which the district is situated. The district boundary board then shall take charge of all other district property. Thereafter, the county treasurer and district boundary board, respectively, shall take care of the moneys and other district property. The boundary board shall sell the property of the district at public auction for the best obtainable price, in the same manner as personal property or real estate is sold on execution. The boundary board shall give a bill of sale or execute a deed for the same, as the case may be, and shall turn over the sale proceeds to the county treasurer. The county treasurer shall apply such proceeds, and any other moneys in his hands belonging to the district, to the satisfaction of any debts of the district other than bonded indebtedness. If the sum received from the sale, together with the moneys on hand belonging to the district, is insufficient to pay all the nonbonded indebtedness of the district, the district boundary board shall levy a tax upon all taxable property of the district sufficient to pay such nonbonded indebtedness. If any sum remains thereafter, the county treasurer shall divide the same among the districts to which said territory has been annexed in proportion to the last assessed valuation of the various portions so annexed.

(3) If the abandoned district is a joint district, the moneys and other district property shall be controlled, respectively, by the county treasurer and district boundary board of the county in which the schoolhouse is located. When the property has been disposed of as provided for in this section, the net proceeds shall be turned over to the county treasurer for apportionment between the counties concerned in proportion to the assessed valuation of the parts of counties contained in such joint district.

[Formerly 329.760]

**330.150** [Repealed by 1963 c.282 §16]

**330.155 Condemnation of realty for school purposes.** (1) Whenever it is necessary for any school district to acquire any real property for necessary school purposes, and the owner of the real property and the district school board cannot agree upon the price to be paid therefor, and the damage for

the taking thereof, if any, the district school board may request in writing that the district boundary board of the county in which such real property lies, commence and prosecute in the circuit court for that county the same as other actions and suits are brought, in the name of such school district, any necessary or appropriate suit, action or proceeding for the condemnation of the real property required for school purposes, and for the assessment of the value and the damage for the taking thereof. Upon receipt of the written request, the district boundary board is authorized to take such requested action. The title acquired by any school district by any such suit, action or proceeding shall be a fee simple title.

(2) The district attorney of the judicial district in which the property to be condemned lies, shall act as attorney for the district boundary board in all proceedings in the circuit court, as in other causes in which the state or county is a party or interested; provided, however, that any school district may commence and prosecute such suit, action or proceeding in its own name and by attorneys of its own selection without the necessity of proceeding through the district boundary board. The procedure in the suit, action or proceedings shall be, as far as applicable, the procedure provided by the laws of this state for condemnation of land or rights of way by public corporations or quasi-public corporations for public use or for corporate purposes.

(3) The expenses of such condemnation proceedings, the value of the real property and the damage for the taking, shall be paid by the school district for which the real property is condemned in the same manner as other expenses for like purposes are paid. [Formerly 329.770]

330.160 [Reserved for expansion]

### CONSOLIDATION

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

stitutional limitation when such excess levy is authorized by a vote of the people of the consolidated district as provided in ORS 310.360.

330.180 [Reserved for expansion]

330.190 [Amended by 1955 c.386 §2; repealed by 1963 c.282 §16]

330.200 [Repealed by 1955 c.386 §8]

**330.210 Expiration of terms of district officers upon consolidation.** When consolidation of two or more districts has been effected according to the provisions of ORS 330.110, 330.120, 330.130 and 330.140, the terms of the school officers of all included districts except those of the most populous district shall expire on the date of consolidation.

**330.220 Powers and duties of consolidated districts.** All districts formed under the provisions of ORS 330.110, 330.120, 330.130 and 330.140 are bodies corporate and have all the powers and duties and are subject to the same restrictions now provided by law for the class to which the districts belong in consequence of the number of children of school age within the consolidated district.

**330.230 Special apportionment of funds to consolidated and administrative school districts.** (1) For five years immediately following consolidation, and for five years immediately following the formation of an administrative school district, the intermediate education district board shall, on the second Monday in November of each year, apportion to all consolidated districts formed under ORS 330.110, 330.120, 330.130 and 330.140, and to administrative school districts formed by uniting two or more school districts or parts of districts under ORS 330.505 to 330.555, 330.560 to 330.595 and 330.610 to 330.780, as many times \$100 as there were districts consolidated and the county treasurer shall pay such apportionment to the respective districts. For the purposes of this section a school district shall be deemed to have been consolidated if more than 50 percent of its territory lies within the consolidated district, or the newly formed administrative school district.

(2) The provisions of this section shall not apply to any consolidated district or any administrative school district formed after September 1, 1961.

(3) As of June 30, 1966, this section shall stand repealed.

[Amended by 1957 c.626 §6; 1961 c.148 §1; subsection (2) enacted as 1961 c.148 §3; subsection (3) enacted as 1961 c.148 §4; 1963 c.544 §25]

**330.240 Disposition of assets and liabilities upon consolidation; special tax for park or other recreational facility.** (1) All real and personal property belonging to the districts within the newly consolidated district shall become the property of the consolidated district.

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

(3) Whenever a district (referred to in this subsection as the "donee district") has acquired a park or other recreational facility by gift which limits the use thereof to the residents of the district, and the district subsequently becomes a part of a consolidated district, the donee district, after February 14, 1958, may provide for the expense of operating and maintaining the park or other recreational facility as though it had not been consolidated. The board of the consolidated district is empowered to levy annually a special tax on the property in the donee district for the purpose of operating and maintaining the park or other recreational facility. The board of the consolidated district shall prepare a budget for such expenses of operating and maintaining such park or other recreational facility pursuant to ORS 294.305 to 294.520, separate from the budget for the school district. The amount of the levy so determined shall be deemed for all purposes to be in excess of the amount limited by the Constitution. An election on the question of such levy shall be held in the donee district as provided in ORS 310.360. In the preparation of such budget and in the holding of such election, the board of the consolidated district shall proceed in the same manner as though the donee district were a municipal corporation. The levy so made shall not be considered for any purpose as part of the levy of the school district and shall be extended on the roll solely on the property constituting the donee district. The receipts from the special tax levied on the property in the donee district shall be ex-

pendent by the board of the consolidated district in accordance with the budget adopted pursuant to this subsection.

[Amended by 1957 (s.s.) c.12 §1]

**330.250 Petition to share outstanding debts.** When school districts in the original petition for consolidation also petition for a sharing of outstanding debts and the school meeting or election notices state that the sharing of debts is included in the question of consolidation, an affirmative vote on the question of consolidation under such circumstances authorizes the consolidated district school board to levy an annual tax on all taxable property within the consolidated district for the purpose of paying the interest on and retiring such debts.

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

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

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

**330.290 Sharing liabilities after consolidation.** At any time after consolidation, at an election duly and regularly called by the consolidated district school board and held for such purpose in each of the districts affected as they existed prior to consolidation, a consolidated school district may adopt a plan for sharing any remaining outstanding indebtedness which was incurred by the districts prior to consolidation. The plan of debt sharing shall not be contrary to a plan or pattern permitted by ORS 330.250 to 330.280. If a majority of votes cast at the election in each of the districts as they existed prior to consolidation favor the plan submitted at the election, the consolidated district school board shall declare the measure adopted and proceed to make it effective.

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

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

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

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

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

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

(3) If, prior to April 3, 1957, a new number was assigned to a consolidated school district as provided in ORS 330.135, the district boundary board, in its discretion, may change the number of such consolidated school district to the number previously as-

signed to the most populous district included in the consolidation.

(4) This section does not alter the effect of any law relating to the liability of a consolidated school district or of any school district included in the consolidation.

[1957 c.89 §1]

**330.310 to 330.500** [Reserved for expansion]

### **SCHOOL DISTRICT REORGANIZATION; ADMINISTRATIVE SCHOOL DISTRICTS**

**330.505 Definitions for ORS 330.505 to 330.555, 330.560 to 330.595 and 330.610 to 330.780.** As used in ORS 330.505 to 330.555, 330.560 to 330.595 and 330.610 to 330.780, unless the context clearly requires otherwise:

(1) "Administrative school district" means a district organized pursuant to ORS 330.505 to 330.555, 330.560 to 330.595 and 330.610 to 330.780 including districts organized pursuant to ORS 330.625.

(2) "Committee" means the intermediate education district board. In any county where there is no intermediate education district, "committee" means the governing body of the county.

(3) "County superintendent" includes county district superintendent of schools and superintendent of schools appointed by the intermediate education district board.

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

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

(b) The subdivision of one or more districts.

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

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

(e) The transfer of an established district.

(f) The continuance of an established district.

(g) Any combination of the methods mentioned in paragraphs (a) to (f) of this subsection.

[1957 c.619 §1; 1963 c.282 §3; 1963 c.544 §26]

**330.510** [1957 c.619 §2; 1961 c.625 §4; repealed by 1963 c.282 §16]

**330.515** [1957 c.619 §4; repealed by 1963 c.282 §16]

**330.520** [1957 c.619 §5; repealed by 1963 c.282 §16 and 1963 c.544 §52]

**330.523 School board members to act in advisory capacity.** The school board members in each school district in the county shall act in an advisory capacity to the committee until all of their school district is included within an administrative school district.

[1957 c.619 §8]

**330.526 Director and other assistants; board to assist committees.** The State Board of Education shall employ a director and such other assistants and personnel on the staff of the Superintendent of Public Instruction as may be necessary to enable the board to carry out the powers and duties vested in and imposed upon it by ORS 330.505 to 330.555, 330.560 to 330.595 and 330.610 to 330.780. The State Board of Education shall aid the committees in carrying out the powers and duties vested in and imposed upon the committees by ORS 330.505 to 330.555, 330.560 to 330.595 and 330.610 to 330.780 by furnishing the committees with the assistance of the employed staff of the State Board of Education and with plans of procedure, standards, data, maps, forms and such other materials and services as may be necessary.

[1957 c.619 §27]

**330.528 Public officers to supply information.** State and county officers shall make available to the committees and the State Board of Education such information from public records in their possession as is essential to the committees and the board in the performance of their duties under ORS 330.505 to 330.555, 330.560 to 330.595 and 330.610 to 330.780.

[1957 c.619 §26]

**330.530 Committee to prepare plan for reorganization of school districts into administrative school districts.** (1) In accordance with ORS 330.530 to 330.555 and 330.560 to 330.570, the committee may prepare further reorganization plans for the formation of administrative school districts within the county. A plan for the reorganization of school districts involving territory lying in two or more counties shall be prepared by the joint action of the committees of the respective counties.

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

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

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

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

(d) The transportation requirements under the plan.

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

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

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

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

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

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

(i) Such other reports, records and materials as the State Board of Education may require.

(j) Notwithstanding the provisions of

ORS 334.020, a designation of the intermediate education district in which the proposed administrative school district is to be included if such proposed administrative school district is a joint district.

[1957 c.619 §7; 1959 c.423 §1; 1961 c.317 §1; 1963 c.282 §4]

**330.533 Local school committees.** (1) For any proposed administrative school district having a population of less than 100,000, the reorganization plan may provide for a local school committee for any school attendance unit as defined in ORS 330.780 which the committee considers desirable.

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

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

(4) By unanimous vote the local school committee may, not later than March 1 of

each year, reject for the ensuing year any teacher assigned to the school by the administrative school district board. The rejection shall be delivered to the clerk of the district in writing and shall specify the reason for the action taken.

(5) The school board of an administrative school district may submit the question of establishing additional local school committees or abolishing existing local school committees to the voters at any annual school election, and must submit either question upon petition of 50 legal school voters or a number of legal school voters equal to 10 percent of the votes cast at the last annual school election in the district, whichever is the lesser number.

[1959 c.423 §3; 1961 c.285 §1]

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

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

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

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

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

(5) Natural community areas.

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

(7) Transportation of pupils.

(8) Geographic and economic conditions within the county.

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

[1957 c.619 §9]

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

[1957 c.619 §10]

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

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

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

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

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

[1957 c.619 §11]

**330.550 Hearings on reorganization plan.**

(1) When the committee has prepared a re-

organization plan, including maps and charts, the committee shall fix the dates and places for hearings on the reorganization plan. The county superintendent shall give notice of the hearings by publication as provided in ORS 330.635.

(2) At the hearing the committee shall explain the reorganization plan, with the advantages and any disadvantages resulting therefrom. The committee shall show the cost of the current and the proposed programs of education as nearly as may be estimated. A statement of the adjustment proposed in the reorganization plan for property, assets, debts and other liabilities shall be made at the hearing. At the hearing, any resident of the county or any affected district in an adjacent county may be heard with reference to the changes proposed by the reorganization plan.

[1957 c.619 §12; 1963 c.282 §5]

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

[1959 c.423 §4]

**330.555 Revision of reorganization plan; hearing; adoption of final plan; submission to State Board of Education.** After the public hearing held as required by ORS 330.550, the committee shall consider any suggestions made at the hearing and shall make such revisions or modifications in the reorganization plan as it considers necessary and shall fix the dates and places for hearings on the revised or modified plan, give notice of the hearings by publication as provided in ORS

330.635 and hold such hearings and thereafter shall adopt its final reorganization plan. Within 10 days after adoption of the final plan, the committee shall submit at least two copies of its final reorganization plan to the State Board of Education. The committee shall cause notice of its action adopting a final plan of reorganization to be published in at least two issues of a newspaper designated by it and having circulation in the school districts or areas affected by the proposed change. The first publication shall be not more than eight days after the date of the committee's action, and the last publication shall be not less than nine days nor more than 15 days after the date of its action.

[1957 c.619 §13; 1963 c.282 §6]

**330.557 Petition to revise or modify plan; hearing on petition; review of denial of petition.** (1) Any person residing or owning or occupying real property within the area affected by any final plan of reorganization adopted by the committee for the organization of an administrative school district may petition the State Board of Education to have the plan revised or modified in particulars set forth in such petition. Such petition shall be filed with the secretary of the State Board of Education and a copy thereof shall be delivered to the secretary of the committee in person or by certified mail within 30 days after adoption of such plan by the committee. The petitioner shall have the right to be heard at the hearing provided by ORS 330.560 and to be represented by counsel and to offer evidence and argument in support of such petition. The committee likewise shall be entitled to be heard at such hearing and to be represented by counsel and to offer evidence and argument in opposition to such petition.

(2) Any petitioner may petition the circuit court for writ of review in the manner provided by ORS 34.010 to 34.100 to review the decision or determination of the State Board of Education denying or overruling the petition of such petitioner to revise or modify the final plan of reorganization in the particulars set forth in the petition, provided that such petition for writ of review shall be filed with the circuit court within 30 days after the State Board of Education approves the final plan of reorganization.

[1963 c.282 §12]

**330.560 Hearing plan by State Board of Education or its representative.** The State Board of Education shall receive and examine the plans for the reorganization of school districts submitted to it by the committees. If within 30 days after adoption of a final reorganization plan by the committee the State Board of Education receives any petition or petitions for revisions or modifications of such plan, it shall set such petition or petitions for hearing before the State Board of Education or an authorized representative of the board. The secretary to the State Board of Education shall give notice of the hearing by publication as provided in ORS 330.635.

[1957 c.619 §14; 1963 c.282 §7]

**330.565 Approval of plan by State Board of Education.** Within 60 days after the hearing held as required by ORS 330.560 or, if no hearing is required, within 60 days after adoption of the final reorganization plan by the committee, the State Board of Education shall approve the plan if the board finds that the plan provides for a satisfactory school districting system. If the plan is approved the State Board of Education shall notify the committee or committees concerned and each petitioner referred to in ORS 330.560 within 10 days of such approval. One copy of the final reorganization plan, marked "Approved by State Board of Education," shall be returned to the committee, together with maps, reports, records and all other pertinent material submitted to the State Board of Education by the committee. The second copy of the final reorganization plan shall be filed in the files of the State Board of Education as a permanent record.

[1957 c.619 §15; 1963 c.282 §8]

**330.570 Revision by committee of plan found unsatisfactory or inequitable by board.** If the State Board of Education finds that a final reorganization plan submitted by a committee is unsatisfactory, or that the adjustment of property, assets, debts and liabilities is inequitable, the State Board of Education shall so notify the committee within 60 days after the hearing held as required by ORS 330.560 or, if no hearing is required, within 60 days after adoption of the final reorganization plan by the committee, stating the reasons for nonapproval. A revised plan shall be prepared by the committee within 90 days from the date of notification of nonapproval. Upon request of the committee, the State

Board of Education shall assist the committee in revising the plan so as to make it satisfactory. The revised plan shall be subject to the same procedures as are provided by ORS 330.550, 330.555 and 330.560 with respect to the original plan.

[1957 c.619 §16; 1963 c.282 §9]

**330.575 Preparation of plan by State Board of Education if committee fails to prepare plan or provide information.** The State Board of Education shall make surveys and prepare comprehensive reorganization plans for the reorganization of school districts in any county in which the committee fails or refuses to submit plans, records, reports and other data to the State Board of Education as required by ORS 330.523, 330.530 to 330.555 and 330.560 to 330.570 or 330.610. A comprehensive reorganization plan prepared by the State Board of Education under this section shall be subject to approval or rejection by the legal school voters in the same manner as a comprehensive reorganization plan approved by the board under ORS 330.565.

[1957 c.619 §17]

**330.580** [1957 c.619 §18; 1961 c.414 §7; repealed by 1963 c.282 §16]

**330.585 Special election in proposed administrative school districts.** (1) Within 30 days after the date the committee receives an approved plan from the State Board of Education, the county superintendent shall call a special election of the legal school voters residing within the territory of each administrative school district proposed to be formed under the approved plan, except that in an approved district where no change in boundary is involved no election is required. The election shall be held within 60 days from the date the committee receives the approved plan at the place or places within each proposed administrative school district which are determined by the county superintendent to be convenient for the voters. The county superintendent shall appoint the judges and clerks of such election who shall be legal school voters of the territory of the proposed administrative school district. Except as otherwise provided in ORS 330.585 to 330.595 and 330.610, the election shall be held according to the laws governing special school elections.

(2) The cost of conducting the election shall be charged to each common school district embraced in the proposed administrative school district in the same proportion

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

[1957 c.619 §19]

**330.587 Counting votes when unification of union high school district involved.** If the reorganization plan submitted in accordance with ORS 330.585 involves the unification of a single union high school district with the elementary districts, all or part of which are included in the union high school district, the votes shall be counted under the method specified in ORS 335.500.

[1961 c.435 §2]

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

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

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

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

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

(5) Contain a statement of the place where a summary of the studies and surveys upon which the reorganization plan is based is on file and may be examined.

[1957 c.619 §20]

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

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

[1957 c.619 §21]

**330.598 Definitions for ORS 330.598 to 330.609.** As used in ORS 330.598 to 330.609:

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

(2) "Rejecting school district" means a common school district within which a majority of the votes cast were against the formation of the administrative school district.

[1961 c.414 §1]

**330.600** [1957 c.619 §22; 1959 c.423 §5; repealed by 1961 c.414 §9]

**330.601 Procedure where majority of votes in each district favor formation of district.** The votes cast in each common school district shall be counted separately and if a majority of the votes cast by the legal school voters residing in each common school district

within the boundaries of a proposed administrative school district is in favor of the formation of the district, the new administrative school district shall be organized in the manner provided in ORS 330.650 to 330.780.

[1961 c.414 §2]

**330.603 Procedure where majority of votes in a common school district oppose formation of district.** (1) If a majority of the votes cast within any one or more of the common school districts participating in the election under ORS 330.585 are against the formation of the administrative school district, the organization of the new administrative school district shall be delayed for a period of 30 days.

(2) During the 30-day period a petition for inclusion in the new administrative school district may be filed by the legal school voters of any rejecting school district with the county superintendent. If such a petition is filed with the county superintendent within the 30-day period and is signed by a number of legal school voters equal to 50 percent or more of the legal school voters who voted in the rejecting school district in the election on the formation of the administrative school district, another election shall be held in such rejecting school district in the manner provided in ORS 330.585 to 330.595 within 60 days after the date of the election on the formation of the administrative school district.

(3) If no such petition is filed within the 30-day period, the rejecting district shall be omitted from further consideration in the formation of an administrative school district and the committee shall proceed as provided in ORS 330.605. A rejecting district which does not file a petition shall not be required to vote again on the question of its inclusion in the same administrative school district within a period of one year from the date of the election at which the rejecting district voted against such inclusion.

(4) If such petitions are filed by the legal school voters of more than one rejecting school district, a separate election shall be held within each such rejecting school district. If a majority of the votes cast at the election provided for in this subsection by the legal school voters in each of the rejecting school districts approve inclusion in the administrative school district, the organization of the administrative school district shall proceed in the manner provided in ORS 330.650 to 330.780. If a majority of the votes cast at the election provided for in this subsection by the

legal school voters in any of the rejecting school districts again reject inclusion in the administrative school district, the rejecting district shall be omitted from further consideration in the formation of an administrative school district and the committee shall proceed as provided in ORS 330.605.

[1961 c.414 §3]

**330.605 Proposal for new district excluding rejecting district.** (1) If the committee believes that the proposal for the formation of a new administrative school district is still feasible without the inclusion of the rejecting districts, the committee shall review the plan for the adjustment of assets and liabilities, deleting the rejecting districts, and shall submit the revised plan to the State Board of Education for approval as provided in ORS 330.607. If the plan is approved by the board, the committee shall, after giving notice as provided in ORS 330.635, hold a hearing on the revised plan.

(2) If a remonstrance, signed by at least 50 legal school voters or a number of legal school voters in the accepting districts equal to 10 percent of the legal school voters who voted in the election on the proposed administrative school district in the accepting district, whichever is the lesser, is filed with the committee within 10 days following the hearing, a special election shall be held as provided in ORS 330.585 to 330.595.

(3) If no such remonstrance is filed or if such a remonstrance is filed but the result of the election is approval of the revised plan as provided in ORS 330.601, the new administrative district shall be formed forthwith.

[1961 c.414 §4]

**330.607 Approval of revised plan by state board.** (1) Within 30 days after the revised plan is received by it, the State Board of Education shall approve the plan if it finds that the plan:

(a) Provides for a satisfactory school districting system.

(b) Adjusts property, assets, debts and liabilities in an equitable manner.

(2) If the revised plan is not submitted to the board or if the board does not approve the revised plan, the committee shall proceed with the preparation of a new comprehensive reorganization plan in the manner provided in ORS 330.610.

[1961 c.414 §5]

**330.609 When new district comes into existence.** Except as provided in ORS 330.720, when a district is organized in the manner provided in ORS 330.650 to 330.780:

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

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

[1961 c.414 §6]

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

(1) The committee may direct the county superintendent to resubmit the same plan at a special election called and conducted in the same manner and subject to ORS 330.598 to 330.609, to be held not earlier than one year from the date of the election at which the plan was rejected, except that there shall be no more than two special elections held on the same plan of reorganization without the approval of the State Board of Education; or

(2) The committee may devise a new plan of reorganization which the committee believes will be more acceptable to the legal school voters of the territory affected and submit the new plan to the State Board of Education for approval in the same manner as the original plan was submitted. If the new reorganization plan is approved by the State Board of Education, a special election shall be held as provided in ORS 330.585 to 330.595, subject to ORS 330.598 to 330.609. If the new plan is approved by the legal school voters at the election the new administrative school district shall be organized in the manner provided in ORS 330.650 to 330.780. Except as provided in ORS 330.720:

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

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

[1957 c.619 §23; 1961 c.414 §8]

**330.615** [Reserved for expansion]

**330.620** [1957 c.619 §24; repealed by 1963 c.282 §16]

**330.625 Changing existing districts into administrative school districts without election where no change in boundaries.** When the voters residing within the territory of any proposed administrative school district in a county have approved the establishment of such administrative school district in those cases where an election is required, the county superintendent shall notify the State Board of Education of that fact. Thereafter, the State Board of Education shall notify the county superintendent that each school district that existed when the comprehensive reorganization plan was proposed and which was approved without any change in its boundaries as a part of the comprehensive reorganization plan approved by the State Board of Education shall be organized as an administrative school district in the manner provided in ORS 330.650 to 330.780; and, subject to ORS 330.720, each new administrative school district organized pursuant to this section shall come into existence effective on July 1 following the notice from the State Board of Education under this section. [1957 c.619 §25]

**330.630** [1957 c.619 §28; 1961 c.625 §2; subsections (4) and (5) enacted as 1961 c.625 §3; subsections (6) and (7) formerly part of 327.069; repealed by 1963 c.282 §16]

**330.632** [1959 c.423 §15; repealed by 1963 c.282 §16]

**330.635 Notices.** (1) Whenever notice by publication of any convention, meeting or election is expressly required by the provisions of ORS 330.505 to 330.555, 330.560 to 330.595 and 330.610 to 330.780, it shall be given in a newspaper published in the county and of general circulation in the county or district in which the convention, meeting or election is to be held. The notice shall be published in at least two issues of the newspaper. The first publication shall be not more than 25 days nor less than 15 days preceding the convention, meeting or election and the last publication shall be not more than 14 nor less than 8 days preceding the convention, meeting or election.

(2) In addition to publication under subsection (1) of this section, at least 15 days prior to the convention, meeting or election, the person responsible for publication shall also post the notice in at least three conspicuous public places in the county or dis-

trict in which the convention, meeting or election is to be held. If the notice is of:

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

(b) An election, one such notice shall be posted at each polling place.

[1957 c.619 §41]

**330.640 Canvassing election returns and proclaiming results.** (1) Except as provided in subsection (2) of this section, in all elections under ORS 330.505 to 330.555, 330.560 to 330.595 and 330.610 to 330.780, the returns of the election shall be canvassed and the results proclaimed by the county committee, or by both county committees jointly where the election involves more than one county.

(2) The returns of the elections provided in ORS 330.630 shall be canvassed and the results proclaimed by the county superintendent.

[1957 c.619 §41a]

**330.645** [1957 c.619 §42; repealed by 1963 c.282 §16]

**330.650 Rights, powers, duties and obligations of administrative school district.** Each administrative school district, when validly organized and existing, is a body corporate and may sue and be sued and may acquire, hold and convey real and personal property necessary to its functions. Except as otherwise provided in ORS 330.505 to 330.555, 330.560 to 330.595 and 330.610 to 330.780, an administrative school district shall have all the rights, powers, duties and obligations of first class districts as provided by law and as provided under the general school laws applicable to school districts of all classes. If the provisions of any other law are inconsistent with any of the provisions of ORS 330.505 to 330.555, 330.560 to 330.595 and 330.610 to 330.780, the provisions of ORS 330.505 to 330.555, 330.560 to 330.595 and 330.610 to 330.780 shall prevail with respect to administrative school districts.

[1957 c.619 §29]

**330.660 Identification of administrative school district; function of school board for split district; liability of annexed district.**

(1) As used in this section, "most populous district" means the school district:

(a) Which maintained an elementary school;

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

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

(2) When an administrative school district is formed:

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

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

(3) Notwithstanding any other law, when an administrative school district comes into existence all territory included in the administrative school district is withdrawn from any other type of school district, except the rural school district or the area education district, of which it may have been a part and becomes a part of the administrative school district. If part only of an existing school district is included in an administrative school district and the other part of such existing school district is not included in some other administrative school district, the school board of such existing school district shall continue to serve as the school board for the part of such existing school district that is not included in an administrative school district until the expiration of the terms of such school board members and any vacancies on such school board shall be filled in the man-

ner provided by law for such type of school district.

(4) This section does not alter the effect of any law relating to the liability of an administrative school district or of any school district or part thereof included in an administrative school district.

[1957 c.619 §30; 1959 c.423 §6; 1961 c.602 §17]

**330.670 Application of ORS 330.680 to 330.720.** ORS 330.680 to 330.720 do not apply to an administrative school district having a population of over 40,000 on the date the administrative school district comes into existence.

[1957 c.619 §36; 1959 c.423 §7]

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

[1957 c.619 §31; 1959 c.423 §8]

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

(2) If the district is divided into zones:

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

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

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

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

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

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

(5) Except as otherwise provided in ORS 330.505 to 330.555, 330.560 to 330.595 and 330.610 to 330.780 board members shall be nominated and elected in the same manner as school board members are nominated and elected in other school districts under the general laws applicable to school districts of all classes.

[1957 c.619 §32; 1959 c.423 §9]

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

(2) The county superintendent shall divide the district into school election precincts and designate a schoolhouse or some other place in each precinct as a polling place. The county superintendent shall appoint one election board for each school election precinct and the provisions of subsection (2) of ORS 331.320 apply to such election board. Notice of the election shall be given as prescribed by ORS 330.635. The name of any qualified elector may be placed on the ballot as a candidate for the office of school director upon filing with the county superintendent, at least seven days prior to the date of the election, a certificate of nomination signed by not less than 10 persons qualified to vote for the office of school director. However, unless an acceptance of nomination by the nominee is filed with the county superintendent at least five days prior to the date of such election, such nomination is void. Subsection (2) of ORS 331.330 applies to the election of the first board members.

(3) In the first election of board members, the candidate in each zone, or, if the district is not zoned, the candidates receiving the highest number of votes shall be elected. Notwithstanding ORS 330.690, the members of the board first elected shall serve for terms determined as provided in the reorganization plan for the administrative school district.

[1957 c.619 §33; 1959 c.423 §10]

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

[1957 c.619 §34]

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

[1957 c.619 §35]

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

(2) In administrative school districts having a population of more than 40,000 and not more than 100,000, according to the latest United States census, the two additional members of the board required by subsection (1) of this section shall be elected from the district at large at the first regular school election following the form-

ation of the administrative school district. Of the members elected pursuant to this subsection, the person receiving the highest vote shall serve for a term of three years and the other person elected shall serve for a term of one year.

[1957 c.619 §37(1), (3)]

**330.740 Terms, nomination and election of board members in district having a population between 40,000 and 100,000.** In an administrative school district having a population of more than 40,000 and not more than 100,000, according to the latest United States census, at the expiration of each member's term of office a successor shall be elected at large from the district for a term of five years and any vacancy on the board shall be filled by the remaining members of the board by appointment. The appointee shall serve until the next annual election, when his successor shall be elected. Except as otherwise provided in ORS 330.505 to 330.555, 330.560 to 330.595 and 330.610 to 330.780, board members in such districts shall be nominated and elected in the same manner as school board members are nominated and elected in other school districts under the general laws applicable to school districts of all classes.

[1957 c.619 §37a]

**330.750 Elections in district with over 100,000 population.** The provisions of ORS 331.110 to 331.180 are applicable to administrative school districts having a population of more than 100,000.

[1957 c.619 §37(2)]

**330.760 Termination of term of members of preexisting board when administrative district comes into existence; board of administrative school district in district having a population of more than 40,000 on date district was created.** (1) Subject to subsections (2) and (3) of this section, notwithstanding any other provisions of law, the term of office of existing school board members of a preexisting school district shall terminate on the date when all the territory in such preexisting district is included in one or more administrative school districts which come into existence.

(2) In an administrative school district having a population of more than 40,000 when the district comes into existence, the board of the most populous district, as defined in ORS 330.660, shall be the board of the administrative school district.

(3) (a) Notwithstanding the provisions of ORS 330.690, in an administrative school district formed without an election entirely from a school district which maintains, over its entire area, both elementary and secondary education in grades 1 through 12 under the administration of a single school board, the members of the board of such district may be the members of the board of the administrative school district until the expiration of their respective terms of office if the reorganization plan so provides.

(b) The school board of the administrative school district may submit the question of increasing the number of board members to seven or nine members to the voters at any annual school election and must submit such question upon petition of 50 legal school voters or a number of legal school voters equal to 10 percent of the votes cast at the last annual school election in the district, whichever is the lesser number.

(c) If the question of the increase in the size of the board is approved, at the next annual school election the additional members of the board shall be elected for staggered terms so established by the school board of the administrative school district that no more than two members' terms shall expire in any one year.

[1957 c.619 §38; 1959 c.423 §11; 1961 c.229 §1]

**330.770 First tax levy.** (1) The school board of a newly created administrative school district may levy during the first year of such district's existence a tax not exceeding the sum of the taxes levied in any one of the three years next preceding the formation of the administrative school district for school purposes upon the property included in the administrative school district by all school districts included in whole or in part in the administrative school district, plus six percent of such sum.

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

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

(b) Making a tax levy in excess of the tax base when authorized by the legal school voters of the administrative school district as provided in the Constitution.

[1957 c.619 §40; 1959 c.423 §12]

**330.775 Administrative school district that includes all territory within county.** When an administrative school district comes into existence and includes all of the territory within a county, exclusive of joint ter-

ritory that reports in another county but including joint territory that reports within the county:

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

(2) The intermediate education district in the county is abolished.

[1959 c.423 §14]

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

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

[1957 c.619 §39]

**330.790 Attendance at high schools outside administrative school district; payment of tuition.** (1) Notwithstanding the provisions of ORS 330.780, where a resident pupil

of an administrative school district had been attending a standard junior high or high school outside of the administrative school district prior to its organization, the parent or guardian of such pupil shall have the option of continuing the pupil's education until graduation at such standard junior high or high school outside the administrative school district upon written notice being given to the board of directors thereof prior to May 1 preceding the school year for which the tuition is requested.

(2) The administrative district shall pay the tuition of all such pupils resident within the district who are attending the junior high or high schools outside the administrative district, but transportation shall be the responsibility of the parent or guardian. The estimated cost of tuition shall be included in and be a part of the budget of the administrative district. The school district at which such pupils are completing their education shall accept such pupils on a tuition basis. Such tuition shall not exceed the current average per pupil cost of operation in the school attended.

(3) This section shall apply to administrative school districts organized and formed on or after July 1, 1963.

[1963 c.262 §§1, 2, 3]

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

**PENALTIES**

**330.990 Penalties.** (1) Violation of any of the provisions of ORS 330.010 to 330.150 and 330.190 to 330.280 is a misdemeanor.

(2) Violation of any of the provisions of ORS 329.040 to 329.130, 330.080 to 330.125, 330.145 and 330.155 is a misdemeanor.

[Subsection (2) formerly 329.990]

**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 December 1, 1963.

**Sam R. Haley**  
Legislative Counsel

