

Chapter 332

1973 REPLACEMENT PART

Local Administration of Education

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DEFINITIONS

332.002 Definitions. As used in ORS 332.002 to 332.017, 332.020 to 332.435, 332.445 to 332.505, 332.525 and 332.745 to 332.790, unless the context requires otherwise:

(1) "District school board" means the board of directors of a common school district or a union high school district.

(2) "School district" means a common or union high school district.

[1965 c.100 §126]

BOARD OF DIRECTORS

332.005 Directors as district school board; taking office; oath. (1) The directors of a school district in their official capacity shall be known as the district school board.

(2) The term of office of all directors shall begin on July 1 next following the date of election. Directors shall serve until their successors are elected and qualified.

(3) Directors must qualify by taking the oath of office within 30 days after their election and before assuming the duties of office. [1965 c.100 §127]

332.010 [Amended by 1955 c.386 §7; 1957 c.634 §1; 1961 c.281 §1; repealed by 1965 c.100 §128 (332.011 enacted in lieu of 332.010)]

332.011 Directors of districts under 300,000; term; qualifications; expenses. (1) Except as otherwise provided for an administrative school district, the board of directors of a school district with a population of less than 300,000, according to the latest federal census, shall consist of five members. The term of office of a director is four years. The number of directors required to replace those whose terms expire on June 30 of that year shall be elected at each annual school election.

(2) No person shall be eligible to become a member of a district school board described in subsection (1) of this section who is not at the time of his election a qualified voter in the district.

(3) No director shall receive any compensation for services as a member of a district school board described in subsection (1) of this section other than reimbursement for reasonable and necessary expenses actually incurred on school business.

[1965 c.100 §129 (enacted in lieu of 332.010); 1965 c.243 §1; 1967 c.605 §14; 1971 c.47 §1]

332.015 Directors of districts of 300,000 or more; term; qualifications; expenses. (1) The board of directors of a school district with a population of 300,000 or more, ac-

ording to the latest federal census, shall consist of seven members. The term of office of such directors is four years.

(2) No person shall be eligible to become a member of a district school board described in subsection (1) of this section who is not at the time of his election a citizen of the United States and of Oregon and a resident of the district for the period of one year immediately preceding the election.

(3) No director shall receive any compensation for services as a member of a district school board described in subsection (1) of this section other than reimbursement for expenses actually incurred.

[1965 c.100 §131 (enacted in lieu of 332.077); 1967 c.605 §15; 1973 c.796 §41]

332.017 Directors of union high school districts. In a union high school district the person receiving the highest number of votes, 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 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.

[1965 c.100 §132]

332.019 Limitation on number of directors to be elected at any election. Except for the requirements for filling vacancies in unexpired terms, no more than two school board members shall be elected at any annual election in any school district which conducts annual elections for members of the district school board.

[1973 c.796 §77]

Note: Section 78, chapter 796, Oregon Laws 1973, provides:

Sec. 78. (1) If more than two positions on a district school board are vacant and are to be filled for the full term at the same annual election, the district school board shall determine prior to the election which of the positions must be filled for a shorter term in order to meet the requirements of section 77 of this Act. The members whose terms are expiring on July 1 next following the date of the election shall determine by lot which positions are to be filled for the lesser term.

(2) If necessary the district school board shall repeat the procedures described in subsection (1) of

this section prior to each subsequent election until the district meets the requirements of section 77 of this Act.

(3) Members elected under the procedures prescribed in this section shall serve for the term specified by the board notwithstanding any other term fixed by law but such members shall be eligible for reelection for the full term specified by law if they continue to be qualified to serve on the district school board.

332.020 Removal of director. A director guilty of misfeasance or malfeasance in office may, by the appropriate proceeding, be removed from office by a court of competent jurisdiction.

332.030 Vacancies in office of director.

(1) The district school board shall declare the office of a director vacant upon the happening of any of the following:

(a) The death or resignation of the incumbent.

(b) When an incumbent is removed from office or his election thereto has been declared void by the judgment or decree of any competent court.

(c) Subject to the provisions of subsections (2) and (3) of this section, when an incumbent ceases to be a resident of the district or zone from which nominated.

(d) When an incumbent ceases to discharge the duties of his office for two consecutive months unless prevented therefrom by sickness or other unavoidable cause.

(e) When an incumbent is recalled.

(2) A director of a union high school board who changes his permanent residence from one component common school district to another component common school 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.

(3) A director of a common school district nominated from a zone who changes his permanent residence from one zone to another zone 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.

(4) When a vacancy is declared under subsection (1) of this section, the remaining member or members of the board shall meet and elect a person to fill the vacancy from any of the qualified voters of the district who must, if the district is zoned, reside in the zone in which the vacancy occurs.

(5) If the offices of a majority of the

directors of any district are vacant at the same time, the governing body of the county or the intermediate education district board, if any, shall elect persons to fill the vacancies from qualified voters of the district or zones in which vacancies occur. If the vacancies occur in a joint district, the intermediate education district board of the county containing the greater number of persons in such district between the ages of 4 and 20 years, as shown by the latest school census, shall elect the directors.

(6) The director elected under subsection (4) or (5) of this section to fill the vacancy shall serve until the next annual school election or, in a school district having a population of 300,000 or more, according to the latest federal census, until the next regular biennial election, at which time his successor shall be elected by the qualified voters to fill the remainder of the unexpired term.

[Amended by 1955 c.234 §4; 1961 c.281 §2; 1965 c.100 §133; 1967 c.605 §16; 1969 c.202 §5; 1973 c.796 §42]

BOARD ORGANIZATION AND MEETINGS

332.040 Chairman. Immediately after July 1, the district school board shall meet and organize by electing a chairman and a vice chairman from its members. No member shall serve as chairman for more than two years in succession.

[Amended by 1957 c.634 §2; 1961 c.281 §3; 1965 c.100 §134]

332.045 Board meetings. The district school board must provide for the time and place of its regular meetings, at any of which it may adjourn to the next succeeding regular meeting or to some specified time prior thereto. The meeting may be convened upon written or printed notices by order of the chairman, upon the request of three members of the board at least 24 hours before such meeting is to be held or by common consent of the board members.

[Formerly 332.410; amended by 1965 c.100 §135]

332.050 [Amended by 1953 c.299 §2; 1957 c.634 §3; 1961 c.281 §4; renumbered 332.105]

332.055 Quorum; transaction of business; executive committee. (1) A majority of the members of the district school board shall constitute a quorum. A less number may meet and adjourn from time to time and compel the presence of absent members. The affirmative vote of the majority of

members of the board is required to transact any business.

(2) Subject to ORS 332.057, the union high school board may appoint an executive committee with members from at least two component common school districts, one of whom must be chairman of the board, to attend to the routine business of the board and to report its action to the board for ratification. Such ratification must be by a majority of the members of the board.

[Formerly 332.420; 1965 c.100 §136; 1973 c.725 §1]

332.057 Duties to be performed at meetings. Any duty imposed upon the district school board as a body must be performed at a regular or special meeting and must be made a matter of record. The consent to any particular measure obtained of individual members when the board is not in session is not an act of the board and is not binding upon the district.

[Formerly 332.060 and then 332.108]

332.060 [Renumbered 332.108 and then 332.057]

332.065 Meeting rules; journal. A district school board may adopt rules for the government of the conduct of its members and its proceedings. It must keep a journal, and, on the call of any one of its members, must cause the yeas and nays to be taken and entered upon its journal upon any question before it.

[Formerly 332.430; 1965 c.100 §138]

332.070 [Renumbered 332.255]

STATUS, GENERAL POWERS AND DUTIES

332.072 Legal status of school districts.

All school districts are bodies corporate, and the district school board is authorized to transact all business coming within the jurisdiction of the district and to sue and be sued. Pursuant to law, district school boards have control of the district schools and are responsible for educating children residing in the district.

[1965 c.100 §139]

332.075 Powers of board. Any district school board may:

(1) Subject to applicable provisions of law, establish and maintain kindergartens, elementary schools, high schools, manual training schools, vocational schools, schools of trades, adult education programs, evening schools and schools for deaf and eligible

mentally retarded children or, subject to ORS 336.010, 336.015 to 336.072, 336.105 to 336.175 and 336.375 to 336.630 and ORS chapter 343, maintain other services needed to meet individual differences not otherwise met by special programs.

(2) Fix the days of the year and the hours of the day when schools shall be in session.

(3) Prescribe textbooks as provided in ORS 337.141 and courses of study for the use of such schools as provided in ORS 336.035.

(4) Authorize the use of the schools for purposes of training students of an approved teacher educational institution, as defined in ORS 342.120, and for such purposes may enter into contracts with the Department of Higher Education on such terms as may be agreed upon. Such contracts as they relate to student teachers shall have the same effect and be subject to the same regulations as a contract between a certificated teacher and a district school board.

(5) Develop and operate with other school districts or community college districts secondary vocational education programs for pupils of more than one district and fix by agreement the duration of the district's obligation to continue such activity, subject to the availability of funds therefor.

[Formerly 332.440; 1965 c.100 §140; 1967 c.67 §25; 1967 c.200 §5; 1969 c.311 §1; 1973 c.270 §1]

332.077 [Formerly 332.450; repealed by 1965 c.100 §130; (332.015 enacted in lieu of 332.077)]

332.080 [Repealed by 1957 c.634 §13]

332.085 [1953 c.424 §2 (332.085 enacted in lieu of 332.390); 1955 c.357 §1; renumbered 332.125 and then 328.565]

332.090 [Repealed by 1957 c.634 §13]

332.100 [Amended by 1953 c.474 §7; renumbered 336.045 and then 336.630]

332.105 General duties of board. (1) The general duties of district school boards are:

(a) To cause to be used in the district state blanks, registers and other forms, whenever supplied and required by the state.

(b) To perform such other duties as the wants of the district may from time to time demand.

(2) The district school board may participate in the activities of and may become members of associations of school boards. When provided for in an approved school district budget, the board may pay from

school district funds annual dues to such association.

[Formerly 332.050; 1965 c.100 §141; 1967 c.326 §1; 1969 c.541 §2]

332.107 Rules for school government.

Each district school board may establish rules for the government of the schools and pupils consistent with the rules of the State Board of Education.

[Formerly 336.030]

332.108 [Formerly 332.060; 1965 c.100 §137; renumbered 332.057]

332.110 [Renumbered 332.145]

332.111 Auxiliary services. A district school board in a school district having a population of 300,000 or more according to the latest federal census may enter into agreements to provide auxiliary services and facilities to students, including but not limited to forms of residential care, medical and dental services and transportation. Any facility used for residential purposes under this section must meet the applicable standards of the State Board of Health and the State Fire Marshal.

[1967 c.200 §2; 1969 c.218 §1]

332.115 [Repealed by 1957 c.634 §13]

332.120 [Renumbered 332.165]

332.125 [Formerly 332.085; 1965 c.100 §62; renumbered 328.565]

332.130 [Amended by 1965 c.100 §169; renumbered 332.770]

332.135 [Formerly 332.320; 1965 c.100 §158; renumbered 332.505]

332.140 [Amended by 1959 c.526 §1; 1963 c.544 §27; renumbered 336.085]

332.145 [Formerly 332.110; repealed by 1965 c.100 §456]

332.150 [Amended by 1957 c.310 §11; repealed by 1957 c.634 §13]

DISTRICT PROPERTY

332.155 Land; buildings; equipment and services. A district school board:

(1) May furnish, equip, repair, lease, purchase and build schoolhouses, including high schools, junior high schools, vocational schools, technical schools, gymnasiums, houses for teachers and other employes, and like buildings; and locate, buy and lease lands for all school purposes. May also enter into agreements to lease such properties for a term not to exceed 10 years, with or without an option to purchase the property.

(2) May construct or cooperate in the

construction of schools for training of student teachers on state or district owned lands, for any state institution of higher education in or contiguous to the district, and to expend district funds in so doing.

(3) May lease, sell and convey all property of the district as may not in the judgment of the district school board be required for school purposes.

(4) Shall furnish their schools with supplies, equipment, apparatus and services essential to meeting the requirements of a standard school and may furnish such other supplies, equipment, apparatus and services as the board considers advisable.

(5) May construct, purchase or lease in cooperation with other school districts or community college districts facilities for secondary vocational education programs for pupils of more than one district and may furnish or cooperate in furnishing supplies and equipment for such facilities, to be financed in the same manner as other school buildings and supplies are financed.

[Formerly 332.380; 1965 c.100 §143; 1969 c.311 §2; 1969 c.434 §1]

332.160 [Repealed by 1953 c.56 §2]

332.162 Purchase of real property on contract. The district school board may purchase real property upon a contractual basis when the period of time allowed for payment under the contract does not exceed five years.

[1965 c.130 §2]

332.165 [Formerly 332.120; repealed by 1965 c.100 §456]

332.170 [Renumbered 332.175]

332.172 Use of school buildings and grounds for civic and recreational purposes.

(1) Subject to ORS 330.665, the district school board may permit the use of school buildings and grounds by residents of the district for civic and recreational purposes, including use for:

(a) Supervised recreational activities;

(b) Meeting places for discussion of all subjects and questions which in the judgment of the residents may relate to the educational, political, economic, artistic and moral interests of the residents, giving equal rights and privileges to all religious denominations and political parties; and

(c) Such other proper purposes as may be determined by the board.

(2) The district school board may appoint a special supervising officer to have

charge of the buildings and grounds, preserve order, protect school property and do all things necessary in the capacity of a peace officer to carry out the provisions of this section.

(3) The district school board may establish a schedule of fees and collect fees pursuant to the schedule for use of school buildings and grounds and other facilities, including but not limited to gymnasium equipment, swimming pools, athletic fields and tennis courts.

(4) Expenses for light, heat, janitor services and services of the special supervising officer provided in connection with use of buildings and grounds under this section which are not covered by the fees charged under subsection (3) of this section shall be paid out of the county or special school funds of the district in the same manner that other similar services are paid.

(5) The district school board shall make rules governing the use of school buildings and grounds under this section.

[1965 c.100 §144]

332.175 [Formerly 332.170; repealed by 1965 c.100 §456]

332.180 [Amended by 1961 c.575 §5; renumbered 332.235 and then 332.435]

332.182 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 commence and prosecute any necessary or appropriate action for the condemnation of the real property required for school purposes. The title acquired by any school district by any such action shall be a fee simple title.

(2) The procedure for condemnation shall be the procedure provided by law for condemnation of land or rights of way by public corporations or quasi-public corporations for public use or for corporate purposes.

[1965 c.100 §145]

332.190 Inspection of school buildings by Labor Commissioner. Any district school board may, through the Superintendent of Public Instruction, request the Commissioner of the Bureau of Labor to inspect any building under its jurisdiction. Upon receiving the

request, the commissioner shall make such inspection and file a report with the district school board and the Superintendent of Public Instruction. The actual expense of the inspection shall be paid to the commissioner by the school district so inspected.

[Amended by 1965 c.100 §146]

Note: Section 69, chapter 832, Oregon Laws 1973, provides:

Sec. 69. The functions of the Commissioner of the Bureau of Labor under ORS 332.190 are transferred to and vested in the Department of Commerce.

332.200 [Amended by 1957 c.310 §12; renumbered 336.055 and then 336.105]

332.205 [Formerly 332.400; amended by 1965 c.100 §156; renumbered 332.445]

332.210 Districts controlling cemeteries.

(1) Any school district may own, possess, manage, operate, control, improve, sell and convey real property used for cemetery purposes where such property is within the school district boundaries and a deed of conveyance was executed and delivered conveying in fee such real property from the owners thereof to such school district prior to 1923 and such district accepted such deed and improved such real property for cemetery purposes.

(2) Any school district owning and possessing real property described in subsection (1) of this section may receive, own, expend and issue moneys, notes and other evidences of indebtedness for improvement, maintenance, operation, care and management of such real property used for cemetery purposes.

[Amended by 1967 c.67 §3]

332.215 [Formerly 332.370; repealed by 1965 c.100 §456]

332.220 [Renumbered 332.265]

332.225 [Formerly 332.240; repealed by 1965 c.100 §456]

332.230 [Amended by 1963 c.136 §1; renumbered 332.275]

332.235 [Formerly 332.180; 1965 c.100 §155; renumbered 332.435]

332.240 [Renumbered 332.225]

332.245 [Formerly 332.330; repealed by 1965 c.100 §456]

332.248 [1953 c.626 §1; renumbered 332.285]

332.250 [Repealed by 1953 c.626 §9]

332.252 [1953 c.626 §2; renumbered 332.290]

CONTRACTS, PURCHASING, BIDS

332.255 Duties and liabilities relating to contracts. All contracts must be approved by the district school board before an order can

be drawn for payment. If a contract is made without the authority of the district school board, the individual making such contract shall be personally liable.

[Formerly 332.070; amended by 1965 c.100 §147; 1971 c.98 §2]

332.256 [1953 c.626 §3; 1957 c.310 §13; renumbered 332.295]

332.260 [Repealed by 1953 c.626 §9]

332.262 [1953 c.626 §4; renumbered 332.300]

332.265 [Formerly 332.220; repealed by 1965 c.100 §456]

332.266 [1953 c.626 §5; renumbered 332.305]

332.270 [Repealed by 1953 c.626 §9]

332.272 [1953 c.626 §6; renumbered 332.315]

332.275 Pecuniary interest in school contracts; commissions to members and employes. (1) Notwithstanding ORS 279.360, 279.362 or any other statute relating to the interest of public officers and employes in public transactions, except as qualified by subsections (3) to (5) of this section, no director and no employe of a school district shall:

(a) Have any pecuniary interest in the construction, maintenance or repair of any building owned or used by the district.

(b) Have any pecuniary interest in any contract, services or supplies, including but not limited to insurance, purchased by or for the district.

(c) Have any pecuniary interest in the sale of any district property except as a purchaser at a public sale or auction.

(d) Demand or receive any commission or compensation for purchase or sale of any supplies or services by or to the district.

(2) No dealer or supplier of equipment, supplies or services or his representative shall knowingly offer or give any commission or compensation to any director or employe of a school district for services, favors or other activities rendered in the sale or purchase of equipment, supplies or services by or to the district for which he is a director or by which he is employed.

(3) A director or employe of a school district may act as a dealer or supplier's agent to a district in which he is not a director or by which he is not employed.

(4) Except as provided in subsection (5) of this section, no district school board shall purchase or sell any equipment, supplies or services from or to any director of the district, from or to any partnership of which a

director of the district is a member or from or to any corporation in which a director of the district owns, directly or indirectly, more than five percent of the capital stock.

(5) Subsections (1), (2) and (4) of this section do not apply to a director of a district with less than 1,000 children in average daily membership. However, the director must reveal to the district school board his pecuniary interest in any purchase or sale and must abstain from voting on any board action that affects the disposition of the purchase or sale. The director's action must be recorded in the journal of the board.

[Formerly 332.230; 1965 c.100 §148; 1967 c.350 §1]

332.280 [Repealed by 1953 c.626 §9]

332.285 Necessity of advertising for bids on school purchases. Except for services provided by its regular employes, district school boards shall provide their school districts with school buildings, improvements, maintenance and repairs, transportation and other school materials or services by advertising for sealed bids thereon as follows:

(1) In any school district with 1,000 or more children, according to the latest school census, when in the opinion of a majority of the board the cost of any lot of furniture, stationery, apparatus, transportation facilities, including school busses and parts, fuel, buildings, improvements, repairs or expenditures for materials or services amounts to at least \$2,000. The amount specified in this subsection applies to lease-purchase agreements under ORS 332.425 and to rentals with options to purchase school busses.

(2) In all school districts having less than 1,000 children, according to the latest school census, when in the opinion of a majority of the board the cost of materials or services listed in subsection (1) of this section amounts to at least \$1,000. The amount specified in subsection (1) of this section applies to lease-purchase agreements under ORS 332.425 and to rentals with options to purchase school busses.

[Formerly 332.248; 1965 c.100 §149; 1965 c.123 §1]

332.290 Emergency purchases without advertising for bids. In cases of emergency and where the interest or property of the district probably would suffer material injury by delay, or would be materially benefited by immediate purchase or contract, the district school board, by unanimous declaration of

such fact entered in the record of board proceedings, may make such immediate purchase or contract without first advertising for bids.

[Formerly 332.252]

332.295 Method of advertising for bids.

District school boards required to advertise for bids shall give notice of their intention to receive written, sealed bids in the manner provided in ORS 331.010. The notice shall fully describe the action to be taken or the material or facilities to be purchased. Notice shall not be given prior to the completion of plans or specifications or both as required. If specifications are required, they shall be either included in the notice itself or where they are on file in a public office, they may be incorporated by appropriate reference to the exact place where the specifications may be inspected. The language of the notice shall fully inform bidders of the subject matter.

[Formerly 332.256; 1965 c.100 §150]

332.300 Filing of sealed bids; limitation on time of opening bids. All bids shall comply with the requirements of the notice, shall be sealed and filed with the district school board and shall not be opened prior to the time fixed in the notices, which shall not be less than 15 days after the initial advertisement for the bids.

[Formerly 332.262; 1965 c.100 §151]

332.305 Opening of bids; action on bids.

(1) The district school board or its authorized representatives shall meet at the time and place specified in the notice and publicly open all bids filed.

(2) The district school board shall not consider any bid which does not fully comply with the terms and conditions fixed by the notice. The board may postpone final consideration of the bids to some other time and place, or reject all bids and call for new bids in the manner required for original bids. If it neither postpones nor rejects, the board shall award the contract or purchase to the lowest responsible bidder, taking into consideration quality, probability of performance, and in the case of lease and rental agreements, condition and location of the premises.

[Formerly 332.266; 1965 c.100 §152]

332.310 [Repealed by 1957 c.634 §13]

332.315 Effect of noncomplying bids.

Bids, purchases or contracts which do not

conform to the requirements of ORS 332.285 to 332.295 shall be void.

[Formerly 332.272]

332.320 [Amended by 1957 c.634 §4; renumbered 332.135 and then 332.505]

332.325 Purchase of relocatable structures. Subject to ORS 332.285, a district school board may purchase relocatable classrooms and other relocatable structures in instalment transactions in which deferred instalments of the purchase price are payable over not more than 10 years from the date such property is delivered to the district for occupancy and are secured by a security interest in such property. Such transactions may take the form of, but are not limited to, lease-purchase agreements.

[1971 c.234 §2]

332.330 [Amended by 1957 c.634 §5; renumbered 332.245]

332.340 [Amended by 1957 c.634 §6; renumbered 336.225 and then 336.035]

332.350 [Amended by 1957 c.634 §7; renumbered 336.285 and then 336.125]

332.360 [Amended by 1957 c.634 §8; renumbered 336.073]

332.370 [Amended by 1957 c.634 §9; renumbered 332.215]

GIFTS

332.375 Board's authority to accept gifts. Consistent with the laws of this state, the district school board may accept money or property donated for the use or benefit of the school district and use such money or property for the purpose for which it was donated.

[1965 c.147 §2]

332.380 [Amended by 1957 c.634 §10; 1963 c.131 §1; renumbered 332.155]

332.385 Gifts for scholarships. If the district school board accepts money and property donated for the purpose of establishing scholarship and loan funds for the post-high school education of students of the district, then, subject to the conditions of the gift, the board may appoint a scholarship committee which, subject to the rules of the board, shall determine the eligibility of applicants for scholarships and loans, award scholarships and loans and fix the amounts to be awarded and the terms and conditions of the awards.

[1965 c.132 §2; 1967 c.67 §4]

332.390 [Repealed by 1953 c.424 §2 (332.085 enacted in lieu of 332.390)]

332.400 [1961 c.570 §§1, 2, 4, 5; renumbered 332.205 and then 332.445]

TRANSPORTATION

332.405 Transportation. The district school board may provide transportation for pupils when considered advisable by the board. Instead of transportation, the board may furnish board and room for pupils when reasonable board and room can be provided at equal or less expense than transportation. The transportation costs or expenses for board and room may be paid from district funds.

[Formerly 338.010]

332.410 [Amended by 1957 c.634 §11; renumbered 332.045]

332.415 Transportation of students attending private or parochial schools. Whenever any district school board lawfully provides for transportation for pupils attending public schools, all children attending any private or parochial school under the compulsory school attendance laws shall, where the private or parochial school is along or near the route designated by said board, be entitled equally to the same rights, benefits and privileges as to transportation so provided for.

[Formerly 338.060]

332.420 [Renumbered 332.055]

332.425 Rental or lease-purchase agreements for vehicles. Subject to ORS 332.285, any district school board may enter into rental or lease-purchase agreements covering motor vehicles operated by the district.

[Formerly 338.070]

332.427 Availability of district vehicles for public transportation purposes. (1) A district school board may enter into contracts whereby motor vehicles operated by, or under lease with, the district for transportation of school children may be leased or otherwise made available to qualified persons or agencies, public or private, or may use such motor vehicles, as agreed upon by the Mass Transit Division, for public transportation purposes, subject to such terms and conditions as the district school board considers consistent with district use of such vehicles.

(2) Transportation provided pursuant to subsection (1) of this section shall only serve points along a route where the transportation provided will not be in competition with any passenger carrier operated under provisions of ORS chapter 767 or with any

mass transit district organized under ORS chapter 267.

(3) Motor vehicles used for public transportation purposes pursuant to this section shall not be subject to ORS chapter 767.

(4) Only those vehicles operated by the district that comply with rules adopted by the Department of Education under ORS 485.050 relating to standards of vehicle construction and equipment may be used for public transportation purposes. Drivers of the vehicles shall be at least 21 years of age and shall comply with rules adopted by the Department of Education under ORS 485.050 relating to qualifications of school bus drivers. [1971 c.559 §4; 1973 c.690 §1]

332.430 [Amended by 1957 c.634 §12; renumbered 332.065]

INSURANCE

332.435 Liability insurance; medical and hospital benefit insurance for students. Any district school board may enter into contracts of insurance for liability covering all activities engaged in by the district for medical and hospital benefits for students engaging in athletic contests and in traffic patrols and may pay the necessary premiums thereon. Failure to procure such insurance shall in no case be construed as negligence or lack of diligence on the part of the district school board or the members thereof.

[Formerly 332.235; 1967 c.627 §13]

332.437 Insurance reserve fund. Any school district board or board of education of a community college district by resolution may establish an insurance reserve fund by making transfers from the district's general fund. Transfers to the insurance reserve fund shall be included in the district budget prepared and published in accordance with ORS 294.305 to 294.520. If at any time conditions arise which dispense with the necessity for further transfers to or expenditures from a fund established pursuant to this section, the district board shall so declare by resolution. The resolution shall order the balance remaining in such fund to be transferred to the general fund of the district and shall declare the insurance reserve fund closed.

[1971 c.599 §1]

332.440 [Renumbered 332.075]

REGULATION OF VEHICLES

332.445 Regulation of vehicles on school property. (1) As used in this section, "vehicles" means and includes all motor vehicles as defined in ORS 481.040 and every other mechanical device in or on which a person or thing is or may be carried and which is intended for such use.

(2) A district school board by resolution may make, modify or abolish rules prohibiting, restricting or regulating the operation and parking of vehicles, or particular classes or kinds of vehicles, upon property controlled by the district, as the board considers convenient or necessary for the policing of such property.

(3) The rules promulgated under subsection (2) of this section shall become effective when appropriate signs giving notice thereof are erected upon such property.

(4) Every peace officer may enforce the rules promulgated under subsection (2) of this section.

(5) The district and any municipal corporation or any department, agency or political subdivision of this state may enter into agreements or contracts with each other for the purpose of providing a uniform system of enforcement of the rules promulgated under subsection (2) of this section.

[Formerly 332.205]

332.450 [Renumbered 332.077]

332.460 [Repealed by 1953 c.56 §2]

RECORDS

332.470 Maintenance and destruction of school records. (1) As used in this section, "records" means papers, correspondence, documents, files and other records, and includes records made by microphotography and similar means.

(2) Notwithstanding the provisions of ORS 192.140 the Superintendent of Public Instruction, with the advice and assistance of the State Archivist, shall establish schedules of the permanent records created, to be created and maintained by all school districts, and schedules of records of temporary value which will authorize the destruction of old records and the future periodic destruction of similar records by order of the district school boards. Such schedules may be reviewed, expanded, amended, and deleted by the Superintendent of Public Instruction with the advice and assistance of the State Archivist upon the application of a school

district board, of any auditor of a school district, of three voters in a school district, or on the determination of the superintendent or suggestion of the State Archivist.

(3) Upon the receipt of a schedule authorizing the destruction of records, district school boards may order records to be destroyed as authorized by the schedule, but shall keep a record of such destruction as evidence of the act.

[Formerly 336.500]

PERSONNEL

332.505 Employment and compensation of personnel. A district school board may:

(1) Employ a superintendent of schools and necessary assistant superintendents for the district and fix the terms and conditions of employment and the compensation.

(2) Employ principals, teachers, supervisors, athletic coaches, supervisors of summer playground and recreation activities, office assistants, truant officers, attendance supervisors, health attendants, architects, janitors, carpenters and similar employes necessary to carry out the duties and powers of the board and define the duties, terms and conditions of employment and fix the compensation.

(3) Compensate district employes in any form which may include, but shall not be limited to, insurance, tuition reimbursement, and salaries.

[Formerly 332.320 and then 332.135; 1971 c.519 §1]

332.510 [Amended by 1953 c.135 §3; repealed by 1965 c.100 §159 (332.511 enacted in lieu of 332.510)]

332.511 [1965 c.100 §160 (enacted in lieu of 332.510); repealed by 1969 c.541 §4]

332.515 Chief administrative officer as district school clerk; deputies. The district school board shall designate the chief administrative officer of the district as district school clerk, but if there is no such officer the board shall designate an individual to perform the function. The board may appoint qualified persons as deputies to the chief administrative officer in performing the duties required of the district school clerk by law or by the board.

[1969 c.541 §1]

332.520 [Amended by 1953 c.135 §3; repealed by 1965 c.100 §456]

332.525 Bonds for personnel. (1) The persons authorized to handle district funds,

including the person designated to be custodian of district funds under ORS 328.441, shall be bonded in an amount to be determined by law and by the district school board. The board may require bonds on such other persons as the board may determine.

(2) The district school board shall require the district school clerk to be bonded in an amount not less than \$2,000 in districts with a school census of less than 500, \$5,000 in districts with a school census of more than 500 but less than 1,000, \$10,000 in districts with a census of less than 20,000 and \$50,000 in districts having a school census in excess of 20,000. The board of a union high school district may require the district clerk to be bonded in an amount determined by the board but in no event less than the amount needed to cover the amounts usually handled by the clerk.

(3) The costs of bonds under subsections (1) and (2) of this section shall be paid by the district school board in the same manner as other expenses of the district are paid. All bonds shall be justified by a surety company authorized to do business in this state.

[1965 c.100 §161]

332.530 [Repealed by 1965 c.100 §456]

332.535 Written personnel policies required. (1) All school districts shall maintain written personnel policies.

(2) At least one copy of the written personnel policies shall be placed in the library and in the business office of every school in the district and shall be available for inspection by any school employe or member of the public.

(3) The superintendent of each school district shall cause each employe to be specifically informed of the existence and availability of the personnel policies.

[1973 c.357 §1]

Note: 332.535 takes effect July 1, 1974. See 1973 c.357 §2.

332.540 [Amended by 1953 c.512 §2; 1957 c.198 §1; 1963 c.544 §28; 1963 c.570 §1b; renumbered 332.705]

332.545 [Amended by 1957 c.198 §2; renumbered 332.710]

332.550 [Renumbered 332.715]

332.570 [Renumbered 332.720]

CENSUS

332.575 Determination of school census by state and county offices. (1) The Superintendent of Public Instruction shall prorate the

annual estimate of census as provided in ORS 327.410 and 327.420 in proportion as the resident average daily membership of each intermediate education district or county school district bears to the total resident average daily membership of the state and certify such to the administrative officer of each intermediate education district or county office.

(2) Subject to guidelines approved by the Superintendent of Public Instruction, the administrative officer of each intermediate education district or county school officer shall apportion the census so certified to those common school districts reporting to the intermediate education district or county school office. The estimated district census determined by this manner shall be deemed applicable to all statutory references to the term "census" or "school age child" in Oregon Revised Statutes.

[1971 c.294 §9]

332.580 [Repealed by 1953 c.234 §2]

332.585 Determination of school census by school districts. The district school board may conduct a student census to determine the number of pupils between the ages of 4 and 20 resident therein.

[1971 c.294 §8]

332.590 [Amended by 1957 c.198 §3; 1963 c.570 §1c; renumbered 332.725]

332.595 Determination of residency for school purposes. (1) Except as provided in subsection (3) of this section, children between the ages of 4 and 18 shall be considered resident for school purposes in the school district in which their parents, guardians or persons in parental relationship to them reside.

(2) Nonemancipated individuals between the ages of 4 and 18 living outside the geographic area of the school district for such reasons as attending college, military service, hospital confinement or employment away from home shall be considered resident in the district in which their parents, guardians or persons in parental relationship to them reside.

(3) Those individuals considered legally emancipated from their parents shall be considered resident in the district in which they actually reside, irrespective of the residence of their parents, guardians or persons in parental relationship.

(4) Wards of public or private agencies shall be considered resident in the school district in which they reside by placement of the public or private agency.

(5) Persons living temporarily in a school district for the primary purpose of attending a district school shall not be considered legally resident of the district in which they are living temporarily, but shall be considered resident in the district in which they, their parents, guardians or persons in parental relationship to them maintain residency.

[1971 c.294 §10; 1973 c.827 §28]

332.600 [Amended by 1957 c.198 §4; renumbered 332.730]

332.610 [Amended by 1957 c.622 §4; repealed by 1963 c.544 §52]

332.620 [Repealed by 1965 c.100 §456]

332.630 [Repealed by 1965 c.100 §456]

332.640 [Repealed by 1965 c.100 §456]

332.650 [Repealed by 1965 c.100 §456]

332.660 [Repealed by 1965 c.100 §456]

332.670 [Repealed by 1963 c.544 §52]

332.680 [Repealed by 1965 c.100 §456]

332.705 [Formerly 332.540; amended by 1965 c.100 §162; repealed by 1971 c.294 §12]

332.710 [Formerly 332.545; repealed by 1965 c.100 §456]

332.715 [Formerly 332.550; amended by 1965 c.100 §163; repealed by 1971 c.294 §12]

332.720 [Formerly 332.570; amended by 1965 c.100 §164; repealed by 1971 c.294 §12]

332.725 [Formerly 332.590; amended by 1965 c.100 §165; repealed by 1971 c.294 §12]

332.730 [Formerly 332.600; amended by 1965 c.100 §166; repealed by 1971 c.294 §12]

INTELLECTUAL PROPERTY

332.745 District over 300,000 authorized to acquire interest in intellectual properties.

(1) Any school district having a population of more than 300,000 according to the latest federal census may develop or acquire interests in intellectual property of any kind, whether patentable or copyrightable or not, including patents, copyrights, inventions, discoveries, processes, systems, methods and ideas. Such school districts may also agree to aid in the development of property acquired pursuant to this section and ORS 332.750 and to pay an assignor of any interest in intellectual property a share of any moneys received on account of the districts' ownership, management, use or disposition of the property.

(2) The district school board may manage, develop or dispose of property acquired or developed under subsection (1) of this section, and may contract with any other public

school district, community college district or publicly supported institution of higher education of this or any other state or with the Federal Government regarding the management, development, use or disposition thereof. The district school board may reassign such property to the person from whom it was acquired.

[1969 c.217 §§1, 2]

Note: ORS 332.745 and 332.750 were not added to and made a part of ORS chapter 332 by legislative action.

332.750 Transactions involving intellectual property exempt from certain bidding requirements. The district school board may determine the terms and conditions of any transaction authorized by this section and ORS 332.745 and need not require competitive bids in connection therewith. No formal publicity or advertising is required for any transaction authorized by this section and ORS 332.745, but the district school board shall make reasonable efforts to disseminate such information to interested public school districts, community college districts and publicly supported institutions of higher education.

[1969 c.217 §3]

Note: See note under ORS 332.745.

MISCELLANEOUS

332.760 Districts controlling parks. (1) Whenever a school district, referred to in this section as the "donee district," has acquired a park or other recreational facility by gift, the terms of which limit the use thereof to the residents of the school district, and the school district subsequently becomes a part of a district enlarged by merger, the district enlarged by merger, after February 14, 1958, may provide for the expense of operating and maintaining the park or other recreational facility as though the donee district had continued in existence.

(2) The district school board of the enlarged 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 enlarged 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 Oregon 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 school district board of the enlarged district shall proceed in the same manner as though the donee district were a municipal corporation. The levy so made shall not be considered for any purpose as part of the levy of the school district and shall be extended on the roll solely on the property constituting the donee district. The receipts from the special tax levied on the property in the donee district shall be expended by the board of the enlarged district in accordance with the budget adopted pursuant to this section.

[1965 c.100 §168]

332.770 Suspension of school and instruction of pupils in other districts. (1) The district school board of any legally organized district when authorized by a majority vote of the qualified voters shall suspend the district school for such time as authorized, and arrange with any school district or districts during the time the school is suspended, for the instruction of the pupils of such district.

(2) The district school board shall provide for transportation of any or all pupils residing in the district to and from the schoolhouse in the district with which the arrangements for their instruction are made, and pay expenses incurred in providing for tuition, transportation or board of such pupils.

(3) District school boards may pay for the tuition, transportation or board of pupils, as provided in this section, out of the funds

of their respective districts. When authorized by a majority vote of the qualified voters, the district school board shall levy a tax upon the taxable property of its district to carry out this section.

[Formerly 332.130]

332.790 Issuance of diploma for work completed at certain state institutions. (1) Any person other than a student at the Oregon State School for the Deaf or the Oregon State School for the Blind upon successful completion of an educational program at elementary or secondary level at a state institution shall receive a diploma evidencing such completion issued by the common or union high school district in which he last resided prior to commitment to the state institution.

(2) All educational records for the person shall be sent to the common or union high school district issuing the diploma. The school district may make a transcript of such records available upon request in the same manner and in the same form as it makes any other transcript available and shall not therein indicate that any of the educational program was completed in any state institution.

[1969 c.451 §1]

Note: ORS 332.790 was not added to and made a part of ORS chapter 332 by legislative action.

332.810 [Formerly 341.310; repealed by 1965 c.100 §456]

332.820 [Formerly 341.320; repealed by 1965 c.100 §456]

332.830 [Formerly 332.330; repealed by 1965 c.100 §456]

332.840 [Formerly 332.340; repealed by 1965 c.100 §456]

332.990 [Subsection (5) of 1963 Replacement Part enacted as 1961 c.570 §3; parts renumbered 336.990; subsection (8) of 1963 Replacement Part derived from ORS 341.990; repealed by 1965 c.100 §456]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, 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, 1973.

Thomas G. Clifford
Legislative Counsel