Chapter 332

1983 REPLACEMENT PART

Local Administration of Education

DEFINITIONS

332.002 Definitions

BOARD OF DIRECTORS

332.005 Directors as district school board; oath
332.011 Number of directors of districts under 300,000
332.015 Number of directors of districts of 300,000 or more
332.016 Employes ineligible to serve as directors
332.018 Term of office; qualifications; expenses
332.019 Limitation on number of directors to be elected at any election
332.020 Removal of director
332.030 Vacancies in office of director

BOARD ORGANIZATION AND MEETINGS

332.040 Chairman
332.045 Board meetings
332.055 Quorum; transaction of business
332.057 Duties to be performed at meetings
332.061 Hearing to expel minor students; exceptions to public meetings law
332.065 Meeting rules; journal

STATUS, GENERAL POWERS AND DUTIES

332.072 Legal status of school districts
332.075 Powers of board
332.105 General duties of board
332.107 Rules for school government
332.111 Auxiliary services

ELECTIONS

332.118 Election laws applicable; recall
332.122 Nomination of directors; qualifications
332.124 Election at large unless zoned; plurality in zones; reelection from zones
332.126 Election from zones
332.128 Election to establish zoning for purpose of nominating directors
332.132 Zoning process
332.134 Reelection after zoning
332.136 Election of directors by position numbers
332.138 Election of directors in districts of 300,000 or more
332.142 Effect of boundary change on electors

DISTRICT PROPERTY

332.155 Land; buildings; lease-purchase agreements; equipment and services
332.162 Purchase of real property on contract
332.172 Use of school buildings and grounds for civic and recreational purposes
332.182 Condemnation of realty for school purposes
332.190 Inspection of school buildings by Commissioner of the Bureau of Labor and Industries
332.210 Districts controlling cemeteries

CONTRACTS, PURCHASING, BIDS

332.255 Duties and liabilities relating to contracts
332.325 Purchase of relocatable structures

GIFTS

332.375 Board's authority to accept gifts
332.385 Gifts for scholarships

TRANSPORTATION

332.405 Transportation; board and room; pedestrian facilities
332.415 Transportation of students attending private or parochial schools
332.425 Rental or lease-purchase agreements for vehicles
332.427 Availability of district vehicles for public transportation purposes

INSURANCE

332.435 Liability insurance; medical and hospital benefit insurance for students
332.437 Insurance reserve fund

REGULATION OF VEHICLES

332.445 Regulation of vehicles on school property

PERSONNEL

332.505 Employment and compensation of personnel
332.515 Chief administrative officer as district school clerk; deputies
332.525 Bonds for personnel
332.531 Security patrols in districts of 300,000 or more; security patrol members as peace officers
332.535 Written personnel policies required

CENSUS

332.575 Determination of school census by state and county offices
332.585 Determination of school census by school districts
332.595 Determination of residency for school purposes

INTELLECTUAL PROPERTY

332.745 District over 300,000 authorized to acquire interest in intellectual properties
332.750 Transactions involving intellectual property exempt from certain bidding requirements

MISCELLANEOUS

332.760 Districts controlling parks
332.790 Issuance of diploma for work completed at certain state institutions

CROSS REFERENCES

Administrative school district board, 330.690 to 330.760
Child abuse, reporting of suspected cases, 418.740 to 418.775
Child development specialists, availability in elementary schools, 343.125
City zoning ordinances, application to school districts, 227.286
Dependent children, admission and tuition, 339.165 to 339.185
Education service district board, 334.025 to 334.095
Elections:
Procedures, Ch. 255
Validity, 33.710, 33.720
Elementary or secondary staff member or school counselor, student communications privileged, 40 245
Employment certificates, cooperation insurance, 653.307
Insurance for employes, 342.598
Surplus property, acquisition and disposition, 279.820
Tort actions against public bodies, 30.260 to 30.300
Trainees in work-experience programs, workers' compensation coverage, 656.033
Unemployment insurance, 657.020, 657.065, 657.097, 657.505

332.057
Validity of contract, procedure for testing, 33.710, 33.720

332.061
Content of minutes for public record purposes, 192.540

332.075
Data processing system, state review and approval required, 326.081

332.105
Attendance and discipline, Ch. 339
Educational services by contract with community college, 341.315
Labor apprenticeship program, cooperation, 344.840, 660.160
Powers of school boards, generally, Ch. 336
School fire regulations, 479.140, 479.150, 479.155
Textbooks, Ch. 337

332.155
County planning ordinances, application, 215.130
Joint construction of facilities, 280.150
Sale, exchange, lease of public property, 271.300 to 271.370

332.255
Action against contractor conspiring to destroy competition, 30.312
Public purchasing generally, Ch. 279

332.405
Purchase of automotive equipment, 328.470
School busses:
Defined, 482.030
Exempt from motor carrier law, 767.025
Regulation, 327 035, 485.010 to 485.060

332.505
Overtime pay, 279.340
Tax sheltered annuities, 243.810 to 243.830

DEFINITIONS

332.002 Definitions. As used in this chapter, 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; 1983 c.350 §167]

BOARD OF DIRECTORS

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

(2) Directors must qualify by taking an oath of office before assuming the duties of office. [1965 c.100 §127; 1983 c.350 §168; 1983 c.379 §5]

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 Number of directors of districts under 300,000. 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. [1965 c.100 §129 (enacted in lieu of 332.010); 1965 c.243 §1; 1967 c.605 §14; 1971 c.47 §1, 1975 c.770 §13a]

332.015 Number of directors of districts of 300,000 or more. The board of directors of a school district with a population of 300,000 or more, according to the latest federal census, shall consist of seven members. [1965 c.100 §131 (enacted in lieu of 332.077); 1967 c.605 §15; 1973 c.796 §41; 1975 c.770 §16]

332.016 Employes ineligible to serve as directors. No person who is an employe of a school district shall be eligible to serve as a member of the district school board for the district by which the employe is employed. [Formerly 331.085]

332.017 [1965 c.100 §132; repealed by 1977 c.474 §3]

332.018 Term of office; qualifications; expenses. (1) The term of office of director is four years.

(2) No person shall be eligible to serve as director unless the person is an elector of the district and has resided therein for the period of one year immediately preceding the election or appointment.

(3) No director shall receive any compensation for services as director other than reimbursement for reasonable and necessary expenses actually incurred on school business. [1975 c.770 §13; 1983 c.350 §168a; 1983 c.379 §6]

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 regular district election in any school district which has a board of fewer than eight members and which conducts annual elections for members of the district school board. [1973 c.796 §77; 1975 c.770 §17; 1983 c.350 §169]

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 the election of the incumbent 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 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 the director's 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 election for members of the district board 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 the director's permanent residence from one zone to another zone in which another director resides shall continue to serve as director until the next election for members of the district board 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. The person must satisfy the eligibility requirements under ORS 332.018 and, 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 education service district board, or if there is none, the governing body of the county shall elect persons to fill the vacancies. The persons must satisfy the eligibility requirements under ORS 332.018 and, if the district is zoned, reside in the zones in which the vacancies occur. If the vacancies occur in a joint district which is not included in an education service district, the governing body of the county containing the greater portion of the pupils in average daily membership shall elect the directors.

(6) A director elected under subsection (4) or (5) of this section to fill a vacancy and a director described in subsection (2) or (3) of this section shall serve until June 30 next following the succeeding election for members of the district board at which a successor is elected. [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; 1975 c.770 §18; 1981 c.173 §50; 1983 c.350 §169a; 1983 c.379 §7]

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. Regular and special meetings may be convened upon notice in the manner required by ORS 192.640 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; 1965 c.100 §135; 1975 c.770 §19]

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. 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. [Formerly 332.420; 1965 c.100 §136; 1973 c.725 §1; 1975 c.770 §20]

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]

332.061 Hearing to expel minor students; exceptions to public meetings law. Notwithstanding ORS 192.610 to 192.690 governing public meetings:

(1) Any hearing held by a district school board or its hearings officer on the matter of expulsion of a minor student from a public elementary or secondary school shall be conducted in executive session of the board or privately by the hearings officer unless the student or the student's parent or guardian requests a public hearing.

(2) If an executive session is held by a district school board or a private hearing is held by its hearings officer under this section, the following shall not be made public:

(a) The name of the minor student.

(b) The issue.

(c) The discussion.

(d) The school board member's vote on the issue.

(3) The school board members may vote in an executive session conducted pursuant to this section. [1975 c.276 §1]

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, vocational schools, adult education programs, evening schools and schools for deaf and eligible mentally retarded children or 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 education institution, as defined in ORS 342.120, and for such purposes may enter into contracts with the approved teacher education institutions 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.

(6) Authorize any school in the district to be a member of and pay fees, if any, to any voluntary organization that administers interschool activities or that facilitates the scheduling and programming of interschool activities. [Formerly 332.440; 1965 c.100 §140; 1967 c.67 §25; 1967 c.200 §5; 1969 c.311 §1; 1973 c.270 §1; 1975 c.459 §2; 1975 c.770 §21; 1977 c.783 §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 Health Division and the State Fire Marshal. [1967 c.200 §2; 1969 c.218 §1]

332.115 [Repealed by 1957 c.634 §13]

ELECTIONS

332.118 Election laws applicable; recall. (1) Unless specifically provided otherwise, ORS chapter 255 governs the following:

(a) The nomination and election of school directors and local school committee members.

(b) The conduct of all school district elections.

(2) ORS 249.865 to 249.880 govern the recall of school board members and local school committee members. [Formerly 331.002]

332.120 [Renumbered 332.165]

332.122 Nomination of directors; qualifications. (1) In common school districts and union high school districts the directors may be nominated in one of the following methods or a combination thereof:

(a) At large by position number by the electors of the district.

(b) By zone by electors of zones, if zoning is approved by the electors under ORS 332.128.

(2) A person shall be nominated as a candidate for director by filing a petition for nomination under ORS 255.235.

(3) The petition for nomination of a candidate:

(a) If the candidate is nominated from a zone, must be signed by the electors of the zone.

(b) If the candidate is nominated at large, must be signed by the electors of the district.

(4) A candidate for school director must be an elector registered in the district. If the district is zoned and the candidate seeks nomination from a zone, the candidate also must be a resident of that zone. [1983 c.284 §1; 1983 c.350 §161c]

332.124 Election at large unless zoned; plurality in zones; reelection from zones. (1) All candidates shall be elected at large in the district unless the district school board provides for election from zones under ORS 332.126.

(2) In a district in which directors are elected from zones:

(a) The candidate for the office of director in each zone who receives the plurality of the votes shall be elected.

(b) At the expiration of each director's term of office, a successor shall be elected from the same zone. [Formerly 331.090]

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

332.126 Election from zones. (1) If a majority of the district school board of a zoned common school district or a zoned union high school district so decides, the board may provide that directors of the district school board who are nominated from zones also shall be elected from the zones from which they are nominated.

(2) At any time after a district school board decides that directors shall be elected by zone:

(a) The district school board may rescind the decision and provide that the directors who are nominated by zone shall be elected at large.

(b) Zones may be abolished under ORS 332.128. [1983 c.284 §3a]

332.128 Election to establish zoning for purpose of nominating directors. (1) In common school districts and union high school districts, directors may be nominated from zones only if the question of zoning is approved by the electors of the district at the regular district election as provided in this section.

(2) The district school board:

(a) May submit the question on its own resolution; or

(b) Shall submit the question when a petition is filed as provided in this section.

(3) The requirements for preparing, circulating and filing a petition under this section shall be as provided for an initiative petition in ORS 255.135 to 255.205.

(4) If the proposal to create zones in a district includes a combination of nomination of candidates from and by zones and of nomination of candidates at large, the number of candidates to be nominated in each manner shall be specified in the petition or the order of the board.

(5) A district that has been zoned under this section may abolish zones in the same method as they were established.

(6) The district school board shall adjust the boundaries of the zones as necessary to apportion population so that the zones are as nearly equal in population as is feasible according to the latest federal census data. [Formerly 331.095]

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

332.132 Zoning process. If a common school district or union high school district is zoned, the school board of the district shall divide the district into the necessary number of zones as nearly equal in population, as shown by the latest federal census, as practicable, taking into account attendance areas where possible. The board shall readjust zone boundaries if necessary to comply with this section, upon any change in the boundaries of the district. [Formerly 331.097]

332.134 Reelection after zoning. (1) A school board director shall be eligible for reelection in an election subsequent to zoning under ORS 332.128 only if the director resides in a zone which is not otherwise represented on the board.

(2) Any vacancy occurring on a school board before all zones are represented thereon shall be filled from among residents in an unrepresented zone, the zone to be determined by the board by

lot. [Formerly 331.102]

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

332.136 Election of directors by position numbers. (1) Each position of school director shall be designated by number as Position No. 1, Position No. 2 and so on.

(2) At the first organizational meeting of the board following formation of the district, the chairman of the board shall assign a position number to each office on the board. The chairman shall certify the number assigned to the director holding that position and shall file one copy of the certification in the records of the district.

(3) This section applies to the following districts that are not zoned:

(a) Common school districts;

(b) Union high school districts; and

(c) Education service districts. [Formerly 331.105]

332.138 Election of directors in districts of 300,000 or more. At each regular biennial election, school directors in districts of 300,000 or more according to the latest federal census shall be elected for a term of four years to succeed the directors whose terms of office expire on June 30 of that year. All such elections of school directors shall be held as provided by ORS chapter 255. [Formerly 331.120]

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

332.142 Effect of boundary change on electors. During the period following an election or other action resulting in a boundary change in a school district and prior to the date the change becomes effective, the district or districts from which an area will be separated as a result of the boundary change may hold elections for all legal purposes but the electors registered in the area to be separated as a result of the boundary change shall not be qualified to vote in any such election. The election on any measure in such district or districts shall not affect or encumber the area to be separated. [Formerly 331.060]

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; lease-purchase agreements; 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. Leases authorized by this section include lease-purchase agreements whereunder the district may acquire ownership of the leased property at a nominal price. In the case of schoolhouses initially intended to be used principally for the instruction of students, such leases may be for a term of up to 10 years, and in the case of other buildings and properties, such leases and lease-purchase agreements may be for a term of up to 30 years.

(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 acquire personal property by a lease-purchase agreement or contract of purchase for a term exceeding one year. A lease-purchase agreement is one in which the rent payable by the district is expressly agreed to have been established to reflect the savings resulting from the exemption from taxation, and the district is entitled to ownership of the property at a nominal or other price which is stated or determinable by the terms of the agreement and was not intended to reflect the true value of the property.

(4) 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.

(5) May sell property of the district in transactions whereby the district has the right to lease, occupy or reacquire the property following the sale or have facilities constructed thereon or furnished to the specifications of the district. The construction or furnishing of such facilities shall be subject to ORS 279.011 to 279.061.

(6) 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.

(7) 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; 1975 c.358 §1; 1981 c.212 §1; 1983 c.740 §103]

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 330.667, 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; 1983 c.350 §170]

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 Commissioner of the Bureau of Labor and Industries. Any district school board may, through the Superintendent of Public Instruction, request the Commissioner of the Bureau of Labor and Industries 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]

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

332.205 [Formerly 332.400; 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 dis-

trict 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; 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 [Formerly 332.230; 1965 c.100 §148; 1967 c.350 §1; repealed by 1975 c.771 §33]

332.280 [Repealed by 1953 c.626 §9]

332.285 [Formerly 332.248; 1965 c.100 §149; 1965 c.123 §1; repealed by 1975 c.771 §33]

332.290 [Formerly 332.252; repealed by 1975 c.771 §33]

332.295 [Formerly 332.256; 1965 c.100 §150; repealed by 1975 c.771 §33]

332.300 [Formerly 332.262; 1965 c.100 §151; repealed by 1975 c.771 §33]

332.305 [Formerly 332.266; 1965 c.100 §152; repealed by 1975 c.771 §33]

332.310 [Repealed by 1957 c.634 §13]

332.315 [Formerly 332.272; repealed by 1975 c.771 §33]

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

332.325 Purchase of relocatable structures. 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; board and room; pedestrian facilities. (1) The district school board may provide transportation for pupils or combinations of pupils and other persons to and from school-related activities when considered advisable by the board.

(2) 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.

(3) The transportation costs or expenses for board and room may be paid from district funds.

(4) The district school board may expend district funds to improve or provide for pedestrian facilities off district property if the board finds that the expenditure reduces transportation costs of the district and enhances the safety of pupils going to and from schools of the district. [Formerly 338.010; 1981 c.237 §1; 1981 c.403 §3]

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. 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 Public 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 18 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.

(5) Nothing in this section shall limit the use of school busses for the transportation of non-students to or from school activities whether a fee is charged or not. [1971 c.559 §4; 1973 c.690 §1; 1975 c.161 §4; 1981 c.403 §1; 1983 c.740 §104]

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 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; 1975 c.770 §23]

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]

332.470 [Formerly 336.500; 1975 c.770 §26; repealed by 1977 c.146 §2]

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 personnel 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; 1975 c.770 §27]

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 to be determined by the board as reasonably necessary to protect the district against loss.

(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; 1975 c.770 §28]

332.530 [Repealed by 1965 c.100 §456]

332.531 Security patrols in districts of 300,000 or more; security patrol members as peace officers. (1) The district school board of any school district having a population of more than 300,000, according to the latest federal decennial census, may establish a security patrol and employ such personnel as may be necessary to insure the security of school district personnel and students upon and in the vicinity of school district premises and the security of the real and personal property owned, controlled or used by or on behalf of the school district.

(2) Persons employed and compensated as members of a security patrol of a school district,

when appointed and duly sworn, are peace officers as defined in ORS 161.015 (4), but only for the purpose of carrying out the duties of their employment. They are not police officers within the meaning of ORS 237.610 to 237.640 or policemen within the meaning of ORS 243.736.

(3) The district school board may:

(a) Provide for uniforms, badges, and other identification of members of such security patrol;

(b) Withdraw or withhold from any person employed as a member of such security patrol any part or all of the powers otherwise conferred by law upon peace officers; and

(c) Define the duties of persons employed as members of such security patrol and assign additional duties to such persons as it may deem appropriate.

(4) Between meetings of the district school board, the district superintendent or his deputy shall have power to suspend any person employed as a member of such security patrol pending review of such action as soon as practicable by the district school board. [1975 c.666 §2]

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]

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 education service 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 education service district or county office.

(2) Subject to guidelines approved by the Superintendent of Public Instruction, the administrative officer of each education service district or county school officer shall apportion the census so certified to those common school districts reporting to the education service 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) or (4) 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 who are living in substitute care programs licensed, certified or approved for a maximum of four children, 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, guard-

ians or persons in parental relationship to them maintain residency.

(6) For the purposes of subsection (4) of this section, "substitute care program" means family foster care, family group home care, parole foster care, family shelter care, adolescent shelter care and professional group care. [1971 c.294 §10; 1973 c.827 §28; 1979 c.836 §4; 1981 c.404 §2]

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; 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; 1965 c.100 §163; repealed by 1971 c.294 §12]

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

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

332.730 [Formerly 332.600; 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 or education service district 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 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 or education service district 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, education service 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 board may reassign such property to the person from whom it was acquired. [1969 c.217 §§1, 2; 1975 c.770 §29]

332.750 Transactions involving intellectual property exempt from certain bidding requirements. The district school board or education service district 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 board shall make reasonable efforts to disseminate such information to interested public school districts, education service districts, community college districts and publicly supported institutions of higher education. [1969 c 217 §3; 1975 c.770 §29a]

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 the expenses of operating and maintaining the 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 the levy shall be held in the donee district as provided in ORS 310.330 and 310.390. In the preparation of the budget and in the holding of the 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; 1981 c.391 §12]

332.770 [Formerly 332.130; repealed by 1975 c.770 §49]

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]

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 341.330; repealed by 1965 c.100 §456]

332.840 [Formerly 341.340; 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 341.990; repealed by 1965 c.100 §456]