

# Chapter 330

1993 EDITION

## Boundary Changes; Mergers

### GENERAL

- 330.003 "Merger" defined for purposes of Oregon Constitution  
330.005 Division of state into school districts; definitions

### BOUNDARY CHANGE AND MERGER PROCEDURES

- 330.080 Composition, purpose and organization of district boundary board  
330.090 Mergers  
330.092 Basis for boundary changes  
330.095 Procedure; request or petition for change or merger; content  
330.101 Notice; order; remonstrance; election  
330.103 Effective date of change; administration and operation until end of fiscal year; rights of electors  
330.106 Action by board pending effective date of change  
330.107 Time for boundary board action; extension  
330.113 Effect of change  
330.123 Division of assets and liabilities upon changes in boundaries  
330.133 Effect of boundary change on electors  
330.310 Change in boundaries of county school district

### MANDATORY MERGER OF CERTAIN DISTRICTS

(Temporary provisions relating to mandatory merger of certain districts are compiled as notes following ORS 330.310)

### NOTICE

- 330.400 Notice by publication requirements

### LOCAL SCHOOL COMMITTEES

- 330.425 Local school committee; members; election  
330.430 Functions of local school committee  
330.435 Filling vacancies on committee

### ADMINISTRATIVE SCHOOL DISTRICTS

(Temporary provisions relating to administrative school districts [1989 Edition of ORS 330.680 to 330.790] are compiled as notes following ORS 330.435)

### CROSS REFERENCES

- Bonded debt limitation of reorganized or consolidated district, 328.250  
Boundary proceedings, conclusive presumption of validity, 12.270  
District election procedures, Ch. 255  
State board as boundary board for education service districts, 334.690  
Validation of school district organization and consolidation, 1951 c.50; 1953 c.564; 1957 c.260; 1961 c.589; 1963 c.215; 1965 c.244; 1967 c.330; 1969 c.47; 1971 c.126; 1973 c.121  
Validity of school district organization and elections, testing, 33.710, 33.720

330.095, 330.101

- Petitioners, regulation under Secretary of State, 332.118

330.425

Local school committee:

County unit, 333.290

Union high school district, merger, 335.515

## EDUCATION AND CULTURAL FACILITIES

---

**GENERAL**

**330.003 "Merger" defined for purposes of Oregon Constitution.** For purposes of section 11f, Article XI, Oregon Constitution:

(1)(a) "Merger" includes any alteration, annexation, merger, consolidation, lengthening the course of study or other change under ORS 330.090 to 330.107, 335.490 to 335.505, ORS chapter 333, and in the case of education service districts to which ORS 334.350 to 334.400 apply, ORS 334.710 to 334.770.

(b) "Merger" includes only those proceedings in which the entire territory of an involved school district is merged. If the entire territory of a school district is merged with more than one other district, the tax base amount determined under section 11f, Article XI, Oregon Constitution, shall be apportioned on the basis of the assessed valuation on the last roll certified as required in ORS 311.105 and delivered to the tax collector pursuant to ORS 311.115.

(c) "Merger" includes education service districts subject to merger under section 25, chapter 784, Oregon Laws 1993.

(2) "School district" means a taxing district providing public elementary or secondary education, or any combination thereof, within this state, and specifically includes a component school district of an education service district that levies taxes for its component school districts and the education service district itself. "School district" also includes any other education service district. [1989 c.629 §1; 1993 c.18 §89; 1993 c.270 §67; 1993 c.784 §21]

**330.005 Division of state into school districts; definitions.** (1) For public school purposes, this state is divided into subdivisions known as school districts.

(2) For purposes of the school laws of this state, unless the context requires otherwise:

(a) "School district" includes a common school district, a joint school district and a union high school district.

(b) "Common school district" means a school district, including a county school district formed under ORS chapter 333, other than a union high school district formed primarily to provide education in all or part of kindergarten through grade 12 to pupils residing within the district.

(c) "Joint school district" means a common or union high school district with territory in more than one county.

(d) "Union high school district" means a school district, other than a common school district, that is responsible for education in high school grades but not in primary grades,

formed in accordance with ORS 335.210 to 335.485 (1963 Replacement Part).

(e) "Governing body of the county" means the county court, the board of county commissioners or the unit of government designated by the county charter to exercise the power or duty prescribed in the section in which the term occurs.

(f) "Most populous district" means the school district which has the largest number of pupils in average daily membership, as defined in ORS 327.006. [1965 c.100 §71; 1971 c.513 §86; 1989 c.819 §1a; 1991 c.167 §5; 1991 c.586 §1]

**330.010** [Repealed by 1965 c.100 §456]

**330.020** [Amended by 1963 c.282 §1; repealed by 1965 c.100 §456]

**330.030** [Repealed by 1965 c.100 §456]

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

**330.050** [Amended by 1961 c.522 §6; 1963 c.282 §14; 1965 c.100 §78; renumbered 330.123]

**330.060** [Amended by 1963 c.282 §2; repealed by 1965 c.100 §456]

**BOUNDARY CHANGE AND MERGER PROCEDURES**

**330.080 Composition, purpose and organization of district boundary board.** (1)

The education service district board shall constitute the district boundary board for laying off the county in convenient school districts. In any county in which there is no education service district board, the governing body of the county shall constitute the district boundary board. The district boundary board shall have jurisdiction over all school districts in the county and over all joint districts, the administrative offices of which are in the county.

(2) The district boundary board shall make alterations and changes in the school districts in the manner specified by law. The board shall maintain a record showing the boundaries and numbers of the districts in the county based on records in the office of the county assessor. [Formerly 329.710; 1965 c.100 §72; 1989 c.819 §2]

**330.085** [Formerly 329.720; repealed by 1965 c.100 §456]

**330.090 Mergers.** (1) The district boundary board shall enter an order directing a school district to be merged with an adjoining school district designated by the board if it finds that continuation of the district is not required because of geographic factors affecting transportation or because of sparsity of population and if:

(a) The school district fails to maintain and operate a school for one year without approval of the State Board of Education;

(b) The school district is in a county with 35,000 or less population and has an average

daily membership of fewer than six children for each of two successive years, as certified by the Superintendent of Public Instruction; or

(c) The school district is in a county with more than 35,000 population and has an average daily membership of fewer than 18 children for each of two successive years, as certified by the Superintendent of Public Instruction.

(2) The order of the district boundary board shall take effect as provided in ORS 330.103.

(3) Subject to the provisions of ORS 330.092 to 330.101, the district boundary board on the request of the district school boards of the affected districts or on petition of five percent or 500 electors of each affected district, whichever is less, shall merge smaller districts into larger districts or change the boundaries of common or union high school districts.

(4) No boundary change or merger shall be made which results in a school district having fewer than 20 children of school age on the date the change or merger becomes effective.

(5) No boundary change or merger shall be made which results in a school district that consists of noncontiguous areas.

(6) If the district boundary board fails to follow the time schedules prescribed in ORS 330.107 or to approve a request or petition under subsection (3) of this section, the district school boards of the affected school districts or the petitioners may appeal to the State Board of Education to order the proposed boundary change or merger. The state board shall order the change or merger and shall direct the district boundary board to perform the duties described in ORS 330.101 in the same manner as if the district boundary board had ordered the boundary change or merger.

(7) As used in this section, "affected district" includes:

(a) Two or more districts providing education in kindergarten and grades 1 through 12 involved in the merger.

(b) All component school districts, not including any split school districts, as defined in ORS 335.482, and the union high school district if merger procedures are used for the unification of the union high school district and its component districts.

(c) The union high school district and the component school districts, not including split school districts, in a secession from the union high school district by one or more of the component districts and the unified district they wish to join.

(d) Two or more districts offering education in kindergarten and grades 1 through 6 or 8 that would create a split school district by merger and the union high school district and the component school districts of the union high school district. [1963 c.282 §13(1), (8); 1965 c.100 §73; 1967 c.298 §1; 1969 c.235 §1; 1979 c.256 §1; 1985 c.364 §1; 1989 c.491 §14; 1989 c.819 §3; 1991 c.167 §7; 1993 c.112 §2; 1993 c.329 §1]

**330.092 Basis for boundary changes.** The boundaries of a school district shall not be changed except:

(1) Pursuant to ORS 330.090 (1) or (3).

(2) By a vote of the people pursuant to:

(a) ORS chapter 333; or

(b) The lengthening of the course of study under ORS chapter 335.

(3) By the mutual consent of the district school boards of the two or more affected districts in the manner prescribed in ORS 330.080 to 330.107.

(4) On a request for change or merger proposal submitted to the district boundary board by electors of the affected districts in the manner prescribed in ORS 330.080 to 330.107. [1989 c.819 §1; 1991 c.167 §8]

**Note:** 330.092 was enacted into law by the Legislative Assembly but was not added to or made a part of any series in ORS chapter 330 by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**330.095 Procedure; request or petition for change or merger; content.** (1) Subject to ORS 332.118, the request or petition for proposed change or merger in school districts shall:

(a) Be directed to the district boundary board of the county or counties having jurisdiction over the affected school districts;

(b) Contain the names and numbers of districts affected by the change;

(c) Contain a concise statement of the type of change requested and, if only a portion of the school district is involved, contain a legal description thereof; and

(d) If a petition of electors from affected districts is involved, contain the signatures and resident addresses of the petitioners and the names of the school districts in which they reside.

(2) If a merger is requested or petitioned, the request or petition shall also contain proposals for:

(a) Distribution of debt, if any; and

(b) Retirement of unexpired serial levies, if any, or continuance of such levies against all of the taxable property in the enlarged district.

(3) When any proposed boundary change or merger affects school districts under the

jurisdiction of different district boundary boards, the proposed change or merger shall first be acted upon by the district boundary board of the county in which lies the most populous district, and must be submitted to the district boundary board of the other affected county or counties.

(4) Any proposed merger may contain a recommendation that the new district retain the same name and number as the most populous school district in the merger or a recommendation for a new name for the district, a request for the formation of school committees as described in ORS 330.425 and a request that the number of members of the district school board be increased to seven members. [1963 c.282 §13(2); 1965 c.100 §74; 1967 c.328 §1; 1989 c.819 §4; 1991 c.167 §9; 1993 c.136 §2]

**330.100** [1963 c.282 §13 (3), (4), (5), (6), (10); repealed by 1965 c.100 §75 (330.101 enacted in lieu of 330.100)]

**330.101 Notice; order; remonstrance; election.** (1) Before the proposed change or merger is considered, the district boundary board shall give notice in the manner provided in ORS 330.400 of the proposed change or merger and the session of the board at which it will be considered. If no remonstrance petition on the change or merger is submitted requiring an election as provided in subsection (2) of this section, the board shall issue an order that the change or merger shall become effective as provided in ORS 330.103. The remonstrance petition is subject to ORS 332.118. However, the boundary board shall not issue an order until all affected boundary boards have had opportunity to consider the proposed change or merger.

(2) If a remonstrance petition on a proposed change or merger signed by at least five percent or at least 500, whichever is less, of the electors of a school district affected by the proposed change or merger is filed with the district boundary board within 20 days after the date of the order to effect the proposed change or merger, and when all district boundary boards have acted on the change or merger as provided in ORS 330.095 (3), the board shall submit the question of the proposed change or merger to the electors of each affected school district from which a remonstrance petition was filed, with the district boundary board acting as the district election authority on behalf of the school districts. Separate elections shall be held in sequence in the districts from which remonstrance petitions have been filed, commencing with the least populous district and progressing in order of population to the most populous district. If the majority of votes in each election favor the change or merger, an election shall be held in the next most populous district. The cost

of an election on a proposed boundary change or merger shall be prorated between or among the district school boards involved in accordance with ORS 255.305.

(3) If the majority of votes cast in any affected district oppose the change or merger, the change or merger shall be defeated, and the same or a substantially similar change or merger shall not be considered until 12 months have elapsed from the date of the election at which the change or merger was defeated, unless otherwise required by law. If the vote is favorable in all remonstrating districts, the district boundary board shall declare the change or merger effective as provided in ORS 330.103 without further elections.

(4) Notwithstanding subsection (3) of this section, the same or substantially similar change or merger that is in response to chapter 393, Oregon Laws 1991, may be considered even though 12 months have not elapsed from the date of the election at which the change or merger was defeated.

(5) For any school district merger or boundary change before September 1, 1996, initiated at the request of the district school boards of the affected districts, that is in response to chapter 393, Oregon Laws 1991, no remonstrance petition or election shall be allowed.

(6) Subsection (5) of this section applies only to a proposed change or merger brought before the district boundary board after July 13, 1993.

(7) When a unified elementary district with an average daily membership of greater than 50 that has, prior to the merger, paid tuition for the majority of its high school students to attend an out-of-state high school merges with a district that provides education in kindergarten and grades 1 through 12, the following shall apply after the merger:

(a) The students who reside in the former unified elementary district shall be authorized to attend the out-of-state high school that the majority of the high school students of the unified elementary district were attending during the 1992-1993 school year;

(b) The merged district shall pay tuition for the students described in paragraph (a) of this subsection but not in an amount greater than the district's average expenditure for high school students; and

(c) The parents of a student who wish the student to attend the out-of-state high school must agree to pay the difference, if any, between what the district is authorized to pay as tuition under paragraph (b) of this subsection and the amount of tuition charged by the out-of-state high school. [1965 c.100 §76 (330.101 enacted in lieu of 330.100); 1965 c.244 §1; 1965

c.621 §5; 1967 c.313 §1; 1967 s.s. c.8 §4; 1975 c.326 §3; 1979 c.772 §19; 1983 c.83 §48; 1983 c.284 §10; 1983 c.350 §140; 1985 c.364 §2; 1989 c.819 §5; 1991 c.13 §1; 1991 c.167 §10; 1993 c.136 §3; 1993 c.329 §2]

**330.103 Effective date of change; administration and operation until end of fiscal year; rights of electors.** (1) When a school district boundary change or merger becomes final according to ORS 308.225 (2)(a) and the change or merger:

(a) Occurs on or after July 1 and prior to March 31, the change or merger shall take effect May 31 following the declaration or election.

(b) Occurs between March 31 and June 30, inclusive, the change or merger shall take effect May 31 of the following year.

(2) Districts subject to the boundary changes or mergers under this section shall, for the purposes of administration and operation, continue to operate separately until the end of the fiscal year in which the boundary changes or mergers are effective. No additional audit shall be necessary.

(3) Notwithstanding the effective dates specified in subsection (1) of this section, electors shall be entitled to vote in any school elections affecting the school district in which they will reside when the boundary change or merger takes effect, including voting on candidates to serve on the district school board and on taxes to be levied after the effective date of the boundary change or merger if the electors are eligible to vote in the district in which the electors reside prior to the change or merger. Notwithstanding ORS 332.018, such electors shall be eligible to be candidates for the district school board, to serve thereon and to serve on the budget committee if the electors are eligible to be candidates or budget committee members in the district in which the electors reside prior to the change or merger. [1967 s.s. c.8 §2; 1973 c.501 §3; 1989 c.819 §8; 1991 c.167 §11]

**330.105** [1963 c.282 §13(7), (9), §15; repealed by 1965 c.100 §456]

**330.106 Action by board pending effective date of change.** During the period following the declaration or last election under ORS 330.101 and prior to the date when the boundary change or merger takes effect, the district school board of the most populous district, as defined in ORS 330.005, or the district school board of a district to which territory has been annexed may take such action as is essential in order that the district may carry out its required functions when the boundary change takes effect, including the preparation and adoption of a budget for the district and the reference of questions relating to the budget to the electors of the district. Expenditures of the board

under this section shall be charged to each affected school district in the manner provided in ORS 330.123. [1967 s.s. c.8 §3; 1991 c.167 §12]

**330.107 Time for boundary board action; extension.** The district boundary board shall complete all action on a request or petition for boundary change or a merger required under ORS 330.101 within 100 days of the date of receipt of the request or petition if the boundary change or merger requested or petitioned lies totally within the jurisdiction of that board. If the boundary change or merger requested or petitioned requires ratification of an adjacent boundary board as in ORS 330.095 (3), an additional 60 days may be utilized for action of the second boundary board. However, upon request of the district boundary board and a showing of special circumstances which require additional time, the State Board of Education may grant a reasonable extension of time for completion of the required action. [1965 c.621 §2; 1979 c.256 §2; 1983 c.83 §49; 1989 c.819 §9]

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

**330.113 Effect of change.** (1) When two or more school districts are merged as provided by law, the affected districts shall be considered merged into the most populous district and:

(a) Unless the district school boards or the petitioners requesting the merger recommend that the enlarged school district retain the same name and number which was previously assigned to the most populous district included in the merger, the district boundary board shall give the enlarged district the new name recommended under ORS 330.095, and the county assessor shall assign a new number that has not previously been used. However, if the boundaries of the enlarged school district are the same as the boundaries of the county, the official name of the enlarged school district shall be \_\_\_\_\_ (name of county) County School District.

(b) The school districts included in the merger shall become identified with the newly named district or the most populous district.

(c) The employees of the component districts shall be considered to be employees of the enlarged district, which shall succeed the other districts in such merger as a party to their respective contracts of employment.

(d) No school district employee shall be deprived of seniority or accumulated sick leave solely because the duties of the employee have been assumed or acquired by another school district as a result of a merger or boundary change.

(2) The board of directors of the most populous district shall constitute the board of directors of the enlarged district and the terms of all other directors of component districts shall expire on the effective date of the merger except that the number of directors may be increased to seven members and school committees may be authorized pursuant to ORS 330.425.

(3) All real and personal property belonging to the districts within the enlarged district shall become the property of the enlarged district.

(4) When a petition or request for a merger of school districts contains proposals for distribution of debt or continuance of unexpired serial levies as provided in ORS 330.095 and the district boundary board in the manner provided in ORS 330.101 declares such merger effective, the district school board of the enlarged district is authorized to levy taxes in conformity with such proposals.

(5) Notwithstanding ORS 328.555, school districts requesting a boundary change in response to chapter 393, Oregon Laws 1991, shall, as part of the boundary change request under ORS 330.092, provide for the distribution of existing debt, if any. [Formerly 330.300; 1973 c.522 §1; 1989 c.819 §10; 1991 c.167 §13; 1993 c.329 §3]

330.115 [Formerly 329.740; repealed by 1965 c.100 §456]

330.120 [Repealed by 1963 c.282 §16]

**330.123 Division of assets and liabilities upon changes in boundaries.** (1) When changes in school district boundaries are made by the detachment of territory or annexation of less than an entire school district to another, the district school boards of the districts affected by each change shall immediately after the change make an equitable division of the then existing assets and liabilities between the districts affected by such change and provide the manner of consummating the division.

(2) In case of failure to agree within 20 days from the time the district boundary board issues its order, the matter shall be decided by a board of arbitrators. The board of arbitrators shall consist of one member appointed by each of the boards of the school districts affected and an additional member appointed by the other appointees.

(3) In the event any such district school board fails to appoint an arbitrator within 30 days, the Superintendent of Public Instruction shall appoint such arbitrator. In the event the arbitrators selected fail to appoint the additional arbitrator within 30 days after the appointment of the arbitrator last appointed, the Superintendent of Public Instruction shall notify the judge of the circuit

court senior in service of the county in which the administrative office of the most populous school district is located. Within 10 days after receiving such notice, the judge shall appoint the additional arbitrator.

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

(5) The decision of the arbitrators is final and may be reviewed in the manner provided in ORS 36.355 to 36.365.

(6) Assets include all school property and moneys belonging to the district at the time of the division. Liabilities include all debts for which the respective districts in their corporate capacities are liable at the time of division. In determining the assets, school property shall be estimated at its real market value. The assets and liabilities shall be divided between the districts in proportion to the last assessed value of the real and personal property. The district retaining the real property shall pay the other districts concerned such sums as are determined in accordance with the provisions of this section. All funds to be apportioned during the current school year, after such division, shall be made in proportion to the resident average daily membership of the districts divided, as shown by the report of such districts for the period ending the preceding June 30 as certified by the districts to the administrative office of the county. [Formerly 330.050; 1971 c.294 §7; 1979 c.772 §20; 1991 c.167 §14]

330.125 [Formerly 329.750; repealed by 1965 c.100 §456]

330.130 [Repealed by 1963 c.282 §16]

**330.133 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 and then 332.142]

330.135 [Formerly 329.755; amended by 1965 c.100 §79; repealed by 1989 c.819 §13]

330.140 [Repealed by 1963 c.282 §16]

330.145 [Formerly 329.760; repealed by 1965 c.100 §456]

330.150 [Repealed by 1963 c.282 §16]

330.155 [Repealed by 1965 c.100 §456]

330.170 [Repealed by 1965 c.100 §456]

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

330.200 [Repealed by 1955 c.386 §8]

330.210 [Repealed by 1965 c.100 §456]

330.220 [Repealed by 1965 c.100 §456]

330.230 [Amended by 1957 c.626 §6; 1961 c.148 §1; subsection (2) of 1963 Replacement Part enacted as 1961 c.148 §3; subsection (3) of 1963 Replacement Part enacted as 1961 c.148 §4; 1963 c.544 §25; repealed by 1965 c.100 §456]

330.240 [Amended by 1957 s.s. c.12 §1; repealed by 1965 c.100 §456]

330.250 [Repealed by 1965 c.100 §456]

330.260 [Repealed by 1965 c.100 §456]

330.270 [Repealed by 1965 c.100 §456]

330.280 [Repealed by 1965 c.100 §456]

330.290 [Repealed by 1965 c.100 §456]

330.300 [1957 c.89 §1; amended by 1965 c.100 §77; 1965 c.275 §3; renumbered 330.113]

**330.310 Change in boundaries of county school district.** (1) Subject to ORS 333.050, the boundaries of a county school district organized under ORS chapter 333 may be changed to include all or part of a school district in another county by action of the district boundary board.

(2) Subject to ORS 333.050, the boundaries of a county school district organized under ORS chapter 333 may be changed to withdraw part of the county school district from the county school district and to add such part to a school district or districts in the same or another county by action of the district boundary board. [Formerly 333.124; 1991 c.167 §15]

### MANDATORY MERGER OF CERTAIN DISTRICTS

**Note:** Sections 1 to 3, chapter 393, Oregon Laws 1991, provide:

**Sec. 1.** As used in this Act, unless the context requires otherwise:

(1) "Component school district" means a common school district that provides only elementary education and the territory of which is wholly within one union high school district.

(2) "Elementary school district" means a common school district that is responsible for education in kindergarten through grade 12 but that provides education in less than kindergarten through grade 12 within the district and no part of the territory of which lies within a union high school district.

(3) "Split school district" means a common school district that provides only elementary education and the territory of which is within more than one union high school district or is only partly within any union high school district.

(4) "Unified school district" means a common school district that provides education programs in kindergarten through grade 12. [1991 c.393 §1]

**Sec. 2.** (1) Every union high school district composed of component school districts or split school districts, or both, shall merge into a single unified school district on or before September 1, 1996. If any district

fails to merge by September 1, 1996, the district boundary board shall order the necessary changes to be effective no later than March 1, 1997. No remonstrance or election shall be allowed on changes ordered after September 1, 1996.

(2) Elementary school districts that have not merged into a unified school district on or before September 1, 1996, shall become part of such a unified school district by March 1, 1997. In ordering such a merger, the district boundary board may order the elementary school district divided among more than one unified school district. No remonstrance or election shall be allowed on changes ordered after September 1, 1996. [1991 c.393 §2]

**Sec. 3.** Notwithstanding ORS 327.010 (2) [1989 Edition], any school district that does not offer education programs in kindergarten through grade 12 on and after July 1, 1997, shall be considered nonstandard under ORS 327.103. [1991 c.393 §3]

### NOTICE

**330.400 Notice by publication requirements.** Whenever notice by publication of any hearing is expressly required by reference to this section, it shall be given in a newspaper published in the county and of general circulation in the county or district in which the hearing is to be held. The notice shall be published in at least two issues of the newspaper. The first publication shall be not sooner than the 25th day or later than the 15th day preceding the hearing and the last publication shall be not sooner than the 14th day or later than the eighth day preceding the hearing. [Formerly 330.635]

### LOCAL SCHOOL COMMITTEES

**330.425 Local school committee; members; election.** (1) Each local school committee provided for in the reorganization plan under ORS 330.530 (1989 Edition) or pursuant to ORS 330.092 shall consist of three members elected by the electors of the school district pursuant to ORS chapter 255. At the first regular district election following the merger of the school district, there shall be elected three members of each local school committee. The person elected to each committee who receives the highest number of votes shall serve for a term of three years, the person who receives the next highest number of votes shall serve for a term of two years and the remaining person elected to the local school committee shall serve for a term of one year. Upon the expiration of the term of a member, a successor shall be elected to serve for a term of three years. Members of the local school committee may be nominated and elected from the attendance area determined by the district school board or may be nominated from such areas but elected from the district or may be nominated and elected from the district, the manner to be determined by the district school board.

(2) A person shall be nominated as a candidate for member of a local school committee by filing a petition for nomination or a declaration of candidacy under ORS 255.235. If a candidate is nominated by petition and members are nominated from attendance areas, the petition must be signed by at least 10 electors residing in the attendance area from which the candidate seeks nomination. [Formerly 330.665]

**330.430 Functions of local school committee.** (1) Notwithstanding ORS 332.172, under rules of the district school board, the local school committee shall determine the use of the school property for civic purposes not inconsistent with its primary use. The local school committee also shall visit the school at frequent intervals, report to and advise the district school board concerning the progress and needs of the school and the wishes of the people concerning the school and recommend improvements in the school property.

(2) By unanimous vote and not later than March 1 of each year, the local school committee may recommend rejection for the ensuing year of any teacher assigned to the school by the district school board. The recommendation shall be delivered to the clerk of the district in writing and shall specify the reason for the recommendation. The board shall review the recommendation submitted by the local school committee and make final determination.

(3) The district school board may submit the question of establishing additional local school committees or abolishing existing local school committees to the electors at any regular district election. The district school board shall submit either question at an election when a petition filed as provided in this subsection requests an election. The requirements for preparing, circulating and filing a petition shall be as provided for an initiative petition in ORS 255.135 to 255.205. The election when a petition is filed must not be later than the next regular district election.

(4) This section applies in school districts formed under ORS 330.505 to 330.780 (1989 Edition), in school districts resulting from mergers and in unified school districts formed under ORS 330.092. [Formerly 330.667]

**330.435 Filling vacancies on committee.** (1) A vacancy in an elected office in the membership of a local school committee shall be filled by appointment by a majority of the remaining members of the local school committee. If a majority of the membership of the local school committee is vacant or if a majority cannot agree, a vacancy on the lo-

cal school committee shall be filled by the district school board.

(2) The period of service of an appointee shall expire June 30 next following the next regular district election at which a successor is elected. The successor shall be elected to serve the remainder, if any, of the term for which the appointment was made. If the term for which the appointment was made expires June 30 after the election of the successor, the successor shall be elected to a full term. In either case the successor shall take office July 1 next following the election. [Formerly 330.765]

## ADMINISTRATIVE SCHOOL DISTRICTS

**Note:** Chapter 167, Oregon Laws 1991, repealed statutes relating to administrative school districts. Some of the repealed sections and section 6, chapter 167, have continuing application and are included for the user's convenience.

**Sec. 6. Status of administrative school districts.** Nothing in chapter 167, Oregon Laws 1991, affects the legal status of any administrative school district formed under ORS 330.505 to 330.780 (1989 Edition) and such districts shall be considered common school districts for all purposes. However, the size of the board shall be as specified in ORS 330.690 (1989 Edition). [1991 c.167 §6; 1993 c.45 §293]

**330.680 Zones in district with not over 40,000 population.** Immediately after the formation of an administrative school district, if the reorganization plan provided for the division of the district into zones, the committee shall divide the district into from five to nine zones, one zone for each member of the board as provided in the reorganization plan for the administrative school district. The zones shall be as nearly equal in school census population as is feasible, except that in urban areas two or more zones may have a common boundary. Thereafter, the district school board may adjust the boundaries of the zones not more often than once each year. [1957 c.619 §31; 1959 c.423 §8; 1965 c.100 §97; repealed by 1991 c.167 §28]

**330.690 School board in district with not over 40,000 population.** (1) The district school board of an administrative school district shall consist of a number of directors equal to the number of zones in the administrative school district. If the district is not zoned, the board shall consist of seven directors. The terms of director is four years.

(2) If the district is divided into zones:

(a) At the regular district election in the year in which each director's term of office expires a successor shall be elected to represent the same zone.

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

(c) Each director shall be a resident of the zone that the director represents.

(3) The district school board of an administrative school district shall adjust the boundaries of the zones, if any, 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. [1957 c.619 §32; 1959 c.423 §9; 1965 c.100 §98; 1971 c.47 §6; 1983 c.284 §5; 1983 c.350 §153a; repealed by 1991 c.167 §28]

**330.730 School board of district having more than 40,000 population.** (1) The school board of an administrative school district having a population of more than 40,000 according to the latest federal census, shall consist of seven members. No person is eligible for election as a member of such school district who at the

time of election is not an elector and a resident within such district for one year immediately preceding election.

(2) In administrative school districts having a population of more than 40,000 and less than 300,000, according to the latest federal census, the two additional members of the board required by subsection (1) of this section shall be elected from the district at large at the first regular school election following the formation of the administrative school district. Of the members elected pursuant to this subsection, the person receiving the highest vote shall serve for a term of three years and the other person elected shall serve for a term of one year. [1957 c.619 §37(1), (3); 1965 c.100 §101; 1967 c.605 §2; repealed by 1991 c.167 §28]

**330.740 Election and terms of school directors.** In an administrative school district having a population of more than 40,000 and less than 300,000, according to the latest federal census, school directors shall be elected at large from the district for a term of four years. [1957 c.619 §37a; 1965 c.100 §102; 1967 c.605 §3; 1971 c.47 §7; 1983 c.350 §155; repealed by 1991 c.167 §28]

**330.772 Election laws applicable.** ORS chapter 255 governs the nomination and election of district school board members and local school committee members, and the conduct of all elections under ORS 330.505 to 330.780, except as specifically provided in ORS 330.665 when a candidate is nominated from an attendance area by a nominating petition. [1983 c.350 §152; 1987 c.7 §2; repealed by 1991 c.167 §28]

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

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

(2) The education service district in the county is abolished. [1959 c.423 §14; repealed by 1991 c.167 §28]

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

(2) Whenever any reorganization plan provides for the transportation of pupils from one part of a new administrative school district to a central point, and such plan is approved by the electors of the administrative school district, it is mandatory upon the school board of the administrative school district to provide adequate and practical transportation or a reasonable allowance for board and room in lieu thereof. [1957 c.619 §39; 1965 c.100 §104; repealed by 1991 c.167 §28]

**330.790 Attendance at high schools outside administrative school district; payment of tuition.** (1) Notwithstanding the provisions of ORS 330.780, where a resident pupil of an administrative school district had been attending a standard junior high or high school outside of the administrative school district prior to its organization, the parent or guardian of such pupil or, if the pupil has attained the age of majority, the pupil shall have the option of continuing the pupil's education until graduation at such standard junior high or high school outside the administrative school district upon written notice being given to the board of direc-

tors thereof prior to May 1 preceding the school year for which the tuition is requested.

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

(3) This section shall apply to administrative school districts organized and formed on or after July 1, 1963. [1963 c.262 §§1, 2, 3; 1973 c.827 §27; repealed by 1991 c.167 §28]

**330.505** [1957 c.619 §1; 1963 c.282 §3; 1963 c.544 §26; 1965 c.100 §80; repealed by 1991 c.167 §28]

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

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

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

**330.523** [1957 c.619 §8; repealed by 1965 c.100 §456]

**330.526** [1957 c.619 §27; repealed by 1965 c.100 §456]

**330.528** [1957 c.619 §26; repealed by 1965 c.100 §456]

**330.530** [1957 c.619 §7; 1959 c.423 §1; 1961 c.317 §1; 1963 c.282 §4; 1965 c.100 §81; 1965 c.261 §1; 1973 c.448 §1; 1983 c.83 §50; 1983 c.284 §4; 1983 c.350 §140a; 1985 c.201 §1; 1989 c.491 §15; repealed by 1991 c.167 §28]

**330.533** [1959 c.423 §3; 1961 c.285 §1; 1965 c.100 §96; renumbered 330.665]

**330.535** [1957 c.619 §9; 1965 c.100 §82; repealed by 1991 c.167 §28]

**330.540** [1957 c.619 §10; 1983 c.812 §3; repealed by 1991 c.167 §28]

**330.543** [1983 c.812 §2; 1985 c.364 §4; 1989 c.491 §16; 1989 c.819 §11; repealed by 1991 c.167 §28]

**330.545** [1957 c.619 §11; repealed by 1965 c.100 §456]

**330.547** [1965 c.621 §4; 1989 c.491 §17; repealed by 1991 c.167 §28]

**330.550** [1957 c.619 §12; 1963 c.282 §5; repealed by 1991 c.167 §28]

**330.552** [1959 c.423 §4; 1965 c.100 §83; repealed by 1991 c.167 §28]

**330.555** [1957 c.619 §13; 1963 c.282 §6; repealed by 1991 c.167 §28]

**330.557** [1963 c.282 §12; 1979 c.772 §21; 1989 c.491 §18; repealed by 1991 c.167 §28]

**330.560** [1957 c.619 §14; 1963 c.282 §7; 1989 c.491 §19; repealed by 1991 c.167 §28]

**330.565** [1957 c.619 §15; 1963 c.282 §8; 1983 c.812 §4; repealed by 1991 c.167 §28]

**330.570** [1957 c.619 §16; 1963 c.282 §9; 1983 c.812 §5; repealed by 1991 c.167 §28]

**330.575** [1957 c.619 §17; 1965 c.100 §84; repealed by 1983 c.812 §6]

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

**330.585** [1957 c.619 §19; 1965 c.100 §85; 1965 c.261 §2; 1973 c.796 §27; 1983 c.83 §52; 1983 c.350 §141; 1983 c.812 §7a; 1985 c.364 §3; repealed by 1991 c.167 §28]

**330.587** [1961 c.435 §2; repealed by 1983 c.350 §331a]

**330.590** [1957 c.619 §20; 1965 c.100 §86; 1965 c.261 §3; 1973 c.796 §28; repealed by 1991 c.167 §28]

- 330.595** [1957 c.619 §21; 1965 c.100 §87; 1965 c.261 §4; repealed by 1973 c.796 §79]
- 330.598** [1961 c.414 §1; 1965 c.100 §88; 1965 c.261 §5; repealed by 1991 c.167 §28]
- 330.600** [1957 c.619 §22; 1959 c.423 §5; repealed by 1961 c.414 §9]
- 330.601** [1961 c.414 §2; 1965 c.100 §89; 1965 c.261 §6; 1983 c.83 §53; 1983 c.812 §8; repealed by 1991 c.167 §28]
- 330.603** [1961 c.414 §3; 1965 c.100 §90; 1965 c.261 §7; 1983 c.83 §54; 1983 c.350 §144; repealed by 1991 c.167 §28]
- 330.605** [1961 c.414 §4; 1965 c.100 §91; 1965 c.261 §8; 1983 c.83 §55; 1983 c.350 §145; repealed by 1991 c.167 §28]
- 330.607** [1961 c.414 §5; repealed by 1991 c.167 §28]
- 330.609** [1961 c.414 §6; 1965 c.100 §91a; 1967 s.s. c.8 §5; 1983 c.812 §9; repealed by 1991 c.167 §28]
- 330.610** [1957 c.619 §23; 1961 c.414 §8; 1965 c.100 §92; 1965 c.261 §9; 1983 c.350 §146; 1985 c.565 §58; repealed by 1991 c.167 §28]
- 330.620** [1957 c.619 §24; repealed by 1963 c.282 §16]
- 330.625** [1957 c.619 §25; repealed by 1965 c.100 §456]
- 330.630** [1957 c.619 §2; 1961 c.625 §2; subsections (4) and (5) of 1961 Replacement Part enacted as 1961 c.625 §3; subsections (6) and (7) of 1961 Replacement Part formerly part of 327.069; repealed by 1963 c.282 §16]
- 330.632** [1959 c.423 §15; repealed by 1963 c.282 §16]
- 330.635** [1957 c.619 §41; 1965 c.100 §93; 1983 c.284 §9; 1983 c.350 §147; 1991 c.167 §16; renumbered 330.400 in 1991]
- 330.640** [1957 c.619 §41a; 1965 c.100 §94; repealed by 1983 c.350 §331a]
- 330.645** [1957 c.619 §42; repealed by 1963 c.282 §16]
- 330.650** [1957 c.619 §29; repealed by 1965 c.100 §456]
- 330.660** [1957 c.619 §30; 1959 c.423 §6; 1961 c.602 §17; 1965 c.100 §95; 1973 c.522 §2; repealed by 1991 c.167 §28]
- 330.665** [Formerly 330.533; 1967 c.315 §1; 1973 c.448 §2; 1977 c.57 §1; 1983 c.350 §148; 1987 c.7 §1; 1991 c.167 §17; renumbered 330.425 in 1991]
- 330.667** [1983 c.350 §150; 1991 c.167 §18; renumbered 330.430 in 1991]
- 330.670** [1957 c.619 §36; 1959 c.423 §7; repealed by 1991 c.167 §28]
- 330.680** [1957 c.619 §31; 1959 c.423 §8; 1965 c.100 §97; repealed by 1991 c.167 §28]
- 330.690** [1957 c.619 §32; 1959 c.423 §9; 1965 c.100 §98; 1971 c.47 §6; 1983 c.284 §5; 1983 c.350 §153a; repealed by 1991 c.167 §28]
- 330.700** [1957 c.619 §33; 1959 c.423 §10; 1965 c.100 §99; 1973 c.796 §29; 1974 s.s. c.45 §4; 1975 c.770 §10; 1983 c.350 §154; repealed by 1991 c.167 §28]
- 330.710** [1957 c.619 §34; repealed by 1991 c.167 §28]
- 330.720** [1957 c.619 §35; 1965 c.100 §100; repealed by 1991 c.167 §28]
- 330.730** [1957 c.619 §37(1), (3); 1965 c.100 §101; 1967 c.605 §2; repealed by 1991 c.167 §28]
- 330.740** [1957 c.619 §37a; 1965 c.100 §102; 1967 c.605 §3; 1971 c.47 §7; 1983 c.350 §155; repealed by 1991 c.167 §28]
- 330.750** [1957 c.619 §37(2); 1967 c.605 §4; 1983 c.350 §156; repealed by 1991 c.167 §28]
- 330.760** [1957 c.619 §38; 1959 c.423 §11; 1961 c.229 §1; 1965 c.100 §103; 1971 c.47 §8; 1983 c.83 §58; 1983 c.350 §157; repealed by 1991 c.167 §28]
- 330.765** [1983 c.350 §143; 1991 c.167 §19; renumbered 330.435 in 1991]
- 330.770** [1957 c.619 §40; 1959 c.423 §12; repealed by 1965 c.100 §456]
- 330.772** [1983 c.350 §152; 1987 c.7 §2; repealed by 1991 c.167 §28]
- 330.775** [1959 c.423 §14; repealed by 1991 c.167 §28]
- 330.780** [1957 c.619 §39; 1965 c.100 §104; repealed by 1991 c.167 §28]
- 330.790** [1963 c.262 §§1, 2, 3; 1973 c.827 §27; repealed by 1991 c.167 §28]
- 330.800** [1965 c.101 §1; 1983 c.83 §59; 1983 c.350 §158; repealed by 1991 c.167 §28]
- 330.990** [Subsection (2) of 1963 part formerly 329.990; repealed by 1965 c.100 §456]

**EDUCATION AND CULTURAL FACILITIES**

---