

Chapter 330

2007 EDITION

Boundary Changes; Mergers

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GENERAL PROVISIONS

330.003 “Merger” and “school district” defined. For purposes of this chapter:

(1)(a) “Merger” includes any alteration, annexation, merger, consolidation, lengthening the course of study or other change under ORS 330.090 to 330.107, 334.710 to 334.770 and 335.490 to 335.505.

(b) “Merger” includes only those proceedings in which the entire territory of an involved school district is merged. The permanent rate limit for operating taxes for a school district after merger shall be the rate that would produce the same operating tax revenue as the school districts prior to merger would have cumulatively produced in the year of merger if the merger, not taking into account any applicable statutory rate limit, had not occurred.

(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” does not include any other education service district. [1989 c.629 §1; 1993 c.18 §89; 1993 c.270 §67; 1993 c.784 §21; 1995 c.611 §1; 1997 c.541 §371; 2001 c.695 §36; 2003 c.226 §§10,11]

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, 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 that 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; 2003 c.226 §12]

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 av-

erage 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 may not be changed except:

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

(2) By a vote of the people pursuant to 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; 2003 c.226 §13]

330.095 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 residence addresses or mailing 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 distribution of debt.

(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; 1999 c.21 §63; 2005 c.209 §16]

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 ordered, 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 ordered. 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 elections 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 ordered 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 and issue an order without further elections.

(4) For any school district merger that is initiated under ORS 327.106 (3), no

remonstrance petition or election shall be allowed.

(5) 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; 1997 c.521 §14; 2005 c.209 §17]

Note: Section 2, chapter 503, Oregon Laws 2007, provides:

Sec. 2. South Umpqua School District No. 19 division. (1) On or before October 31, 2007, the Superintendent of Public Instruction shall issue a fact-finding report on the division of the South Umpqua School District No. 19 into two districts. The two districts shall be the South Umpqua School District No. 19 and a district designated as the Canyonville School District. Each district shall offer educational programs in kindergarten through grade 12.

(2) The superintendent shall designate a fact finder to gather information and make recommendations about the division of the South Umpqua School District No. 19. The South Umpqua School District No. 19 Board and the Canyonville School Committee shall jointly submit a list of fact finder candidates to the superintendent. The list shall have no more than six names. The superintendent shall select the fact finder from the list.

(3) The fact finder shall consult with the South Umpqua School District No. 19 Board and the Canyonville School Committee. The fact finder shall:

(a) Consider whether the question of dividing the South Umpqua School District No. 19 should be submitted to the electors of the school district;

(b) Consider converting the Canyonville School to a public charter school; and

(c) Consider other alternatives for the operation of the Canyonville School.

(4) In considering the division of the South Umpqua School District No. 19, the fact finder shall review:

(a) The impact of the division on the South Umpqua School District No. 19;

(b) The plan for the division of the assets and liabilities of the South Umpqua School District No. 19;

(c) The school facilities of the proposed Canyonville School District;

(d) The expected income and expenditures of the proposed Canyonville School District;

(e) The business management plan for the proposed Canyonville School District;

(f) The education program and the ability of the proposed Canyonville School District to meet state and federal education standards; and

(g) Any other relevant issues relating to the division of the South Umpqua School District No. 19.

(5) Based on the findings and recommendations of the fact finder, the superintendent shall issue a fact-finding report that shall include:

(a) An order for the district boundary board of the South Umpqua School District No. 19 to submit the question of dividing the South Umpqua School District No. 19 to the electors of the school district. The order of the superintendent shall specify the new boundaries of the South Umpqua School District No. 19 and shall specify the distribution of the assets and liabilities of the former district;

(b) A recommendation to convert the Canyonville School to a public charter school; or

(c) A recommendation for another alternative for the operation of the Canyonville School.

(6) If the superintendent orders the district boundary board to send the question of dividing the South Umpqua School District No. 19 to the electors of the school district, the district boundary board, acting as the district elections authority on behalf of the South Umpqua School District No. 19, shall submit the question of dividing the South Umpqua School District No. 19 to the electors of the school district prior to April 1, 2008.

(7) If a majority of votes cast approve the division of the South Umpqua School District No. 19, the district boundary board shall proceed to divide the South Umpqua School District No. 19 based on the order of the superintendent. The district boundary board shall appoint by order five electors of the Canyonville School District as the initial board of directors of the district. Three of the members shall be appointed to serve until June 30 following the election of their successors at the next district election. Two of the members shall be appointed to serve until June 30 following the election of their successors at the next succeeding district election.

(8) A remonstrance petition or election under ORS 330.101 is not allowed on the division of the South Umpqua School District No. 19.

(9) The employees of the former school district who have been employed at a school that is within the new Canyonville School District may elect to transfer to the Canyonville School District upon the creation of the school district. A school district employee of the former school district may not be deprived of seniority or accumulated sick leave solely because the duties of the employee have been assumed or acquired by the new school district.

(10)(a) Notwithstanding ORS 330.103 (1), if prior to July 1, 2008, the district boundary board files with the county assessor and the Department of Revenue the legal description of the division of the South Umpqua School District No. 19 pursuant to ORS 308.225, the division of the school district shall become effective on July 1, 2009.

(b) Notwithstanding paragraph (a) of this subsection, for purposes of levying taxes, the division of the South Umpqua School District No. 19 shall become effective on May 31, 2008, and the South Umpqua School

District No. 19 shall continue to levy taxes for both school districts for the 2008-2009 fiscal year.

(11)(a) The South Umpqua School District No. 19 shall pay to the Department of Education 50 percent of the costs of the superintendent and the department of administering this section.

(b) For the purpose of paying the costs of the superintendent and the department of administering this section, the department may accept contributions of moneys and assistance from any public or private source and agree to conditions placed on the moneys not inconsistent with the duties of the department or superintendent under this section.

(c) Any moneys received by the department under this subsection shall be placed in the Department of Education Account.

(d) Notwithstanding subsections (1) to (10) of this section, the superintendent may not take any action under this section until the department determines that sufficient moneys or assistance have been received by the department to pay for the costs of the superintendent and the department of administering this section. [2007 c. 503 §2; 2007 c.839 §18]

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 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; 1999 c.21 §64]

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. (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) A party to an arbitration under this section may seek confirmation, vacation, modification or correction of the arbitrator's decision as provided in ORS 36.700, 36.705 and 36.710. A court may vacate an award only if there is a basis to vacate the award described in ORS 36.705 (1)(a) to (d). The court may modify or correct an award only for the grounds given in ORS 36.710.

(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; 2003 c.598 §39]

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; 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 [Formerly 333.124; 1991 c.167 §15; repealed by 2003 c.226 §23]

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) 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. Each person elected shall serve a term of two 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.

(3) Each office of local school committee member shall be designated by number as Position No. 1, Position No. 2 or Position No. 3 and so forth. The school district shall assign a position number to each office on the local school committee and shall certify to the filing officer the name of the committee member in office holding that position. A copy of the certification shall be filed in the office of the filing officer. As used in this section, "filing officer" means the:

(a) County clerk or county official in charge of elections of the county in which the administrative office of the district is located regarding a district located in more than one county; or

(b) County clerk or county official in charge of elections in a district situated wholly within the county. [Formerly 330.665; 1995 c.258 §2; 1995 c.607 §72; 2005 c.209 §18]

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 local 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]

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]