

Chapter 330

1999 EDITION

Boundary Changes; Mergers

GENERAL PROVISIONS

- 330.003 “Merger” and “school district” defined
- 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 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

DIVISION OF COLUMBIA SCHOOL DISTRICT 5J

(Temporary provisions relating to the division of Columbia District 5J 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

CROSS-REFERENCES

Administrative school districts considered common school districts for all purposes, 1991 c.167 s.6

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 of Education 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, 335.515

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, 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. 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 s.1; 1993 c.18 s.89; 1993 c.270 s.67; 1993 c.784 s.21; 1995 c.611 s.1; 1997 c.541 s.371]

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 s.71; 1971 c.513 s.86; 1989 c.819 s.1a; 1991 c.167 s.5; 1991 c.586 s.1]

330.010 [Repealed by 1965 c.100 s.456]

330.020 [Amended by 1963 c.282 s.1; repealed by 1965 c.100 s.456]

330.030 [Repealed by 1965 c.100 s.456]

330.040 [Amended by 1955 c.386 s.1; 1957 c.310 s.7; repealed by 1963 c.282 s.16]

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

330.060 [Amended by 1963 c.282 s.2; repealed by 1965 c.100 s.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 s.72; 1989 c.819 s.2]

330.085 [Formerly 329.720; repealed by 1965 c.100 s.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 s.13(1), (8); 1965 c.100 s.73; 1967 c.298 s.1; 1969 c.235 s.1; 1979 c.256 s.1; 1985 c.364 s.1; 1989 c.491 s.14; 1989 c.819 s.3; 1991 c.167 s.7; 1993 c.112 s.2; 1993 c.329 s.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 s.1; 1991 c.167 s.8]

Note: 330.092 was made a part of ORS chapter 330 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

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 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 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 s.13(2); 1965 c.100 s.74; 1967 c.328 s.1; 1989 c.819 s.4; 1991 c.167 s.9; 1993 c.136 s.2; 1999 c.21 s.63]

330.100 [1963 c.282 s.13 (3), (4), (5), (6), (10); repealed by 1965 c.100 s.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 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 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) For any school district merger that is initiated under ORS 327.106 (3), no remonstrance petition or election shall be allowed.

(8) 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 s.76 (330.101 enacted in lieu of 330.100); 1965 c.244 s.1; 1965 c.621 s.5; 1967 c.313 s.1; 1967 s.s. c.8 s.4; 1975 c.326 s.3; 1979 c.772 s.19; 1983 c.83 s.48; 1983 c.284 s.10; 1983 c.350 s.140; 1985 c.364 s.2; 1989 c.819 s.5; 1991 c.13 s.1; 1991 c.167 s.10; 1993 c.136 s.3; 1993 c.329 s.2; 1997 c.521 s.14]

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 s.2; 1973 c.501 s.3; 1989 c.819 s.8; 1991 c.167 s.11]

330.105 [1963 c.282 s.13(7), (9), s.15; repealed by 1965 c.100 s.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 s.3; 1991 c.167 s.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 s.2; 1979 c.256 s.2; 1983 c.83 s.49; 1989 c.819 s.9]

330.110 [Amended by 1957 c.310 s.8; repealed by 1963 c.282 s.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 s.1; 1989 c.819 s.10; 1991 c.167 s.13; 1993 c.329 s.3; 1999 c.21 s.64]

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

330.120 [Repealed by 1963 c.282 s.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 s.7; 1979 c.772 s.20; 1991 c.167 s.14]

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

330.130 [Repealed by 1963 c.282 s.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 s.79; repealed by 1989 c.819 s.13]

330.140 [Repealed by 1963 c.282 s.16]

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

330.150 [Repealed by 1963 c.282 s.16]

330.155 [Repealed by 1965 c.100 s.456]

330.170 [Repealed by 1965 c.100 s.456]

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

330.200 [Repealed by 1955 c.386 s.8]

330.210 [Repealed by 1965 c.100 s.456]

330.220 [Repealed by 1965 c.100 s.456]

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

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

330.250 [Repealed by 1965 c.100 s.456]

330.260 [Repealed by 1965 c.100 s.456]

330.270 [Repealed by 1965 c.100 s.456]

330.280 [Repealed by 1965 c.100 s.456]

330.290 [Repealed by 1965 c.100 s.456]

330.300 [1957 c.89 s.1; amended by 1965 c.100 s.77; 1965 c.275 s.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 s.15]

DIVISION OF COLUMBIA SCHOOL DISTRICT 5J

Note: Sections 2 and 3, chapter 755, Oregon Laws 1997, provide:

Sec. 2. (1) Notwithstanding any other provision of law, the Columbia School District 5J may divide into two smaller school districts that offer education programs in kindergarten through grade 12 by changing the boundaries of

the school district pursuant to the provisions of ORS 330.092 to 330.101. The district boundary board shall, by changing the boundaries of the district, divide the district into two smaller school districts:

(a) On the request of the district school board; or

(b) On petition of five percent or 500 electors of the affected district, whichever is less.

(2) The request or petition submitted to the district boundary board shall contain a proposal for the distribution of assets and liabilities based on the expected average daily membership (ADM) of the new school districts. The district boundary board shall divide the assets and debt of the school district based on the average daily membership of the new school districts. Any real or personal property of the former school district shall be transferred to the new school district in which the property is located.

(3) The district school board of the former district shall be considered to be the board of any new smaller district until a new board is elected and takes office. The district school board may take such action as is essential in order that the new districts may carry out their required functions when the division takes effect, including the preparation and adoption of a budget for each district, the reference of questions relating to the budgets to the electors of the districts and the provision for electing a district school board for each of the new school districts pursuant to ORS 332.118 to 332.138. Expenditures of the board under this section shall be charged to each new school district in the manner provided in ORS 330.123. The terms of the board of the former district shall expire on the date that the new board takes office.

(4) When the school district is divided by a boundary change, the new districts shall be considered created and:

(a) Unless the district school board or the petitioners requesting the change recommend that one of the school districts retain the same name and number that were previously assigned to the divided school district, the most populous district shall retain the same name and number that were previously assigned to the divided school district and the district boundary board shall give the least populous district a new name, and the county assessor shall assign a new number that has not previously been used.

(b) The employees of the divided school district shall be considered to be employees of one of the new school districts as determined by the district school board, which shall succeed the old district as a party to their respective contracts of employment.

(c) 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 a new school district.

(5) All real and personal property belonging to the divided district shall become the property of the new smaller districts pursuant to ORS 330.123 and this section.

(6) If a petition or request for a division of the school district contains proposals for distribution of debt as provided in ORS 330.095 and this section and the district boundary board in the manner provided in ORS 330.101 declares such change effective, the district school boards of the newly created districts are authorized to levy taxes in conformity with such proposals. [1997 c.755 s.2; 1999 c.21 s.65]

Sec. 3. Section 2 of this Act is repealed on July 1, 2000. [1997 c.755 s.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. 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 s.2; 1995 c.607 s.72]

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 s.1; 1963 c.282 s.3; 1963 c.544 s.26; 1965 c.100 s.80; repealed by 1991 c.167 s.28]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

330.595 [1957 c.619 s.21; 1965 c.100 s.87; 1965 c.261 s.4; repealed by 1973 c.796 s.79]

330.598 [1961 c.414 s.1; 1965 c.100 s.88; 1965 c.261 s.5; repealed by 1991 c.167 s.28]

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

330.601 [1961 c.414 s.2; 1965 c.100 s.89; 1965 c.261 s.6; 1983 c.83 s.53; 1983 c.812 s.8; repealed by 1991 c.167 s.28]

330.603 [1961 c.414 s.3; 1965 c.100 s.90; 1965 c.261 s.7; 1983 c.83 s.54; 1983 c.350 s.144; repealed by 1991 c.167 s.28]

- 330.605** [1961 c.414 s.4; 1965 c.100 s.91; 1965 c.261 s.8; 1983 c.83 s.55; 1983 c.350 s.145; repealed by 1991 c.167 s.28]
- 330.607** [1961 c.414 s.5; repealed by 1991 c.167 s.28]
- 330.609** [1961 c.414 s.6; 1965 c.100 s.91a; 1967 s.s. c.8 s.5; 1983 c.812 s.9; repealed by 1991 c.167 s.28]
- 330.610** [1957 c.619 s.23; 1961 c.414 s.8; 1965 c.100 s.92; 1965 c.261 s.9; 1983 c.350 s.146; 1985 c.565 s.58; repealed by 1991 c.167 s.28]
- 330.620** [1957 c.619 s.24; repealed by 1963 c.282 s.16]
- 330.625** [1957 c.619 s.25; repealed by 1965 c.100 s.456]
- 330.630** [1957 c.619 s.2; 1961 c.625 s.2; subsections (4) and (5) of 1961 Replacement Part enacted as 1961 c.625 s.3; subsections (6) and (7) of 1961 Replacement Part formerly part of 327.069; repealed by 1963 c.282 s.16]
- 330.632** [1959 c.423 s.15; repealed by 1963 c.282 s.16]
- 330.635** [1957 c.619 s.41; 1965 c.100 s.93; 1983 c.284 s.9; 1983 c.350 s.147; 1991 c.167 s.16; renumbered 330.400 in 1991]
- 330.640** [1957 c.619 s.41a; 1965 c.100 s.94; repealed by 1983 c.350 s.331a]
- 330.645** [1957 c.619 s.42; repealed by 1963 c.282 s.16]
- 330.650** [1957 c.619 s.29; repealed by 1965 c.100 s.456]
- 330.660** [1957 c.619 s.30; 1959 c.423 s.6; 1961 c.602 s.17; 1965 c.100 s.95; 1973 c.522 s.2; repealed by 1991 c.167 s.28]
- 330.665** [Formerly 330.533; 1967 c.315 s.1; 1973 c.448 s.2; 1977 c.57 s.1; 1983 c.350 s.148; 1987 c.7 s.1; 1991 c.167 s.17; renumbered 330.425 in 1991]
- 330.667** [1983 c.350 s.150; 1991 c.167 s.18; renumbered 330.430 in 1991]
- 330.670** [1957 c.619 s.36; 1959 c.423 s.7; repealed by 1991 c.167 s.28]
- 330.680** [1957 c.619 s.31; 1959 c.423 s.8; 1965 c.100 s.97; repealed by 1991 c.167 s.28]
- 330.690** [1957 c.619 s.32; 1959 c.423 s.9; 1965 c.100 s.98; 1971 c.47 s.6; 1983 c.284 s.5; 1983 c.350 s.153a; repealed by 1991 c.167 s.28]
- 330.700** [1957 c.619 s.33; 1959 c.423 s.10; 1965 c.100 s.99; 1973 c.796 s.29; 1974 s.s. c.45 s.4; 1975 c.770 s.10; 1983 c.350 s.154; repealed by 1991 c.167 s.28]
- 330.710** [1957 c.619 s.34; repealed by 1991 c.167 s.28]
- 330.720** [1957 c.619 s.35; 1965 c.100 s.100; repealed by 1991 c.167 s.28]
- 330.730** [1957 c.619 s.37(1), (3); 1965 c.100 s.101; 1967 c.605 s.2; repealed by 1991 c.167 s.28]
- 330.740** [1957 c.619 s.37a; 1965 c.100 s.102; 1967 c.605 s.3; 1971 c.47 s.7; 1983 c.350 s.155; repealed by 1991

c.167 s.28]

330.750 [1957 c.619 s.37(2); 1967 c.605 s.4; 1983 c.350 s.156; repealed by 1991 c.167 s.28]

330.760 [1957 c.619 s.38; 1959 c.423 s.11; 1961 c.229 s.1; 1965 c.100 s.103; 1971 c.47 s.8; 1983 c.83 s.58; 1983 c.350 s.157; repealed by 1991 c.167 s.28]

330.765 [1983 c.350 s.143; 1991 c.167 s.19; renumbered 330.435 in 1991]

330.770 [1957 c.619 s.40; 1959 c.423 s.12; repealed by 1965 c.100 s.456]

330.772 [1983 c.350 s.152; 1987 c.7 s.2; repealed by 1991 c.167 s.28]

330.775 [1959 c.423 s.14; repealed by 1991 c.167 s.28]

330.780 [1957 c.619 s.39; 1965 c.100 s.104; repealed by 1991 c.167 s.28]

330.790 [1963 c.262 ss.1, 2, 3; 1973 c.827 s.27; repealed by 1991 c.167 s.28]

330.800 [1965 c.101 s.1; 1983 c.83 s.59; 1983 c.350 s.158; repealed by 1991 c.167 s.28]

330.990 [Subsection (2) of 1963 part formerly 329.990; repealed by 1965 c.100 s.456]
