

# Senate Bill 648

Sponsored by Senator MORRISETTE

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows one or more school districts to request proposed boundary change or merger of school districts. Requires affected school districts to participate in discussions regarding proposed boundary change or merger.

## A BILL FOR AN ACT

1  
2 Relating to school district boundaries; amending ORS 330.095, 330.101 and 330.107.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 330.095 is amended to read:

5 330.095. (1) **One or more school districts may request a proposed boundary change or**  
6 **merger of school districts, and the electors of one or more school districts may petition for**  
7 **a proposed boundary change or merger of school districts.**

8 [(1)] (2) Subject to ORS 332.118, [*the*] a request or petition for a proposed **boundary** change or  
9 merger in school districts shall:

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

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

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

15 (d) If a petition of electors from affected **school** districts is involved, contain the signatures and  
16 residence addresses or mailing addresses of the petitioners and the names of the school districts in  
17 which they reside.

18 [(2)] (3) [*If a merger is requested or petitioned,*] **In addition to the requirements of subsection**  
19 **(2) of this section,** the request or petition **for a merger must** [*shall also*] contain proposals for  
20 distribution of debt.

21 (4) **When a request for a proposed boundary change or merger is submitted to a district**  
22 **boundary board by a school district, the board shall convene and mediate discussions between**  
23 **the affected school districts. All affected school districts must participate in the discussions**  
24 **in good faith. Discussions must be completed within 90 days, unless extended by mutual**  
25 **agreement of the affected school districts. Discussions convened under this subsection need**  
26 **not result in an agreement related to the proposed boundary change or merger.**

27 [(3)] (5) When any proposed boundary change or merger affects school districts under the juris-  
28 diction of different district boundary boards, the proposed change or merger shall first be acted upon  
29 by the district boundary board of the county in which lies the most populous district, and must be  
30 submitted to the district boundary board of the other affected county or counties.

31 [(4)] (6) Any proposed merger may contain a recommendation that the new **school** district retain

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1 the same name and number as the most populous school district in the merger or a recommendation  
 2 for a new name for the **school** district, a request for the formation of school committees as described  
 3 in ORS 330.425 and a request that the number of members of the district school board be increased  
 4 to seven members.

5 **SECTION 2.** ORS 330.101 is amended to read:

6 330.101. (1) Before the proposed change or merger is ordered, the district boundary board shall  
 7 give notice in the manner provided in ORS 330.400 of the proposed change or merger and the session  
 8 of the board at which it will be ordered. If no remonstrance petition on the change or merger is  
 9 submitted requiring an election as provided in subsection (2) of this section, the board shall issue  
 10 an order that the change or merger shall become effective as provided in ORS 330.103. The  
 11 remonstrance petition is subject to ORS 332.118. However, the boundary board shall not issue an  
 12 order until all affected boundary boards have had opportunity to consider the proposed change or  
 13 merger.

14 (2) If a remonstrance petition on a proposed change or merger signed by at least five percent  
 15 or at least 500, whichever is less, of the electors of a school district affected by the proposed change  
 16 or merger is filed with the district boundary board within 20 days after the date of the order to ef-  
 17 fect the proposed change or merger, and when all district boundary boards have acted on the change  
 18 or merger as provided in ORS 330.095 [(3)] (5), the board shall submit the question of the proposed  
 19 change or merger to the electors of each affected school district from which a remonstrance petition  
 20 was filed, with the district boundary board acting as the district elections authority on behalf of the  
 21 school districts. Separate elections shall be held in sequence in the districts from which  
 22 remonstrance petitions have been filed, commencing with the least populous district and progressing  
 23 in order of population to the most populous district. If the majority of votes in each election favor  
 24 the change or merger, an election shall be held in the next most populous district. The cost of an  
 25 election on a proposed boundary change or merger shall be prorated between or among the district  
 26 school boards involved in accordance with ORS 255.305.

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

33 (4) For any school district merger that is initiated under ORS 327.106 (3), no remonstrance pe-  
 34 tition or election shall be allowed.

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

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

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

45 (c) The parents of a student who wish the student to attend the out-of-state high school must

1 agree to pay the difference, if any, between what the district is authorized to pay as tuition under  
 2 paragraph (b) of this subsection and the amount of tuition charged by the out-of-state high school.

3 **SECTION 3.** ORS 330.107 is amended to read:

4 330.107. (1) **Except as otherwise provided by this section,** the district boundary board shall  
 5 complete all action on a request or petition for boundary change or a merger required under ORS  
 6 330.101 within 100 days of the date of receipt of the request or petition if the boundary change or  
 7 merger requested or petitioned lies totally within the jurisdiction of that board.

8 (2) If the boundary change or merger requested or petitioned requires ratification of an adjacent  
 9 boundary board as in ORS 330.095 [(3)] (5), an additional 60 days may be [utilized] **used** for action  
 10 of the second boundary board.

11 (3) **If the boundary change or merger was the subject of discussions under ORS 330.095**  
 12 **(4), the time schedule prescribed by subsection (1) of this section begins on the date of the**  
 13 **conclusion of the discussions.**

14 (4) [However,] Upon request of the district boundary board and a showing of special circum-  
 15 stances [which] **that** require additional time, the State Board of Education may grant a reasonable  
 16 extension of time for completion of the required action.

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