

House Bill 2326

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of former Representative Chuck Riley)

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**.

Specifies timelines, content and distribution of required notice related to proposed boundary change or merger of school district. Requires district boundary board to give due consideration to input from public and affected school districts before entering order for boundary change or merger. Extends time for filing remonstrance petition.

A BILL FOR AN ACT

1
2 Relating to school district boundary changes; creating new provisions; and amending ORS 330.101,
3 330.107 and 330.400.

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

5 **SECTION 1.** ORS 330.101 is amended to read:

6 330.101. (1) Before [*the*] a proposed change or merger is ordered, the district boundary board
7 shall give notice [*in the manner provided in ORS 330.400*] of the proposed change or merger [*and the*
8 *session of the board at which it will be ordered*]. **Notice must be given in the following manner:**

9 (a) **As provided in ORS 330.400; and**

10 (b) **For a proposed change, to each person who, based on the residence address or mailing**
11 **address of the person, would be affected by the boundary change. Notice provided under this**
12 **paragraph must be given at least 60 days prior to the session of the district boundary board**
13 **during which the proposed change will be ordered.**

14 (2) **A notice provided under subsection (1) of this section must:**

15 (a) **Explain the process by which a person may ask questions or express concerns re-**
16 **garding the proposed change or merger; and**

17 (b) **Specify the session of the district boundary board during which the proposed change**
18 **or merger will be ordered.**

19 (3) [*If no remonstrance petition on the change or merger is submitted requiring an election as*
20 *provided in subsection (2) of this section,*] The **district boundary** board shall issue an order that
21 [*the*] a change or merger shall become effective as provided in ORS 330.103[. *The remonstrance peti-*
22 *tion is subject to ORS 332.118. However, the boundary board shall not issue an order until*] **if:**

23 (a) **A remonstrance petition on the change or merger is not submitted as provided by**
24 **subsection (4) of this section;**

25 (b) **All affected boundary boards have had opportunity to consider the proposed change or**
26 **merger[.]; and**

27 (c) **The district boundary board gave due consideration to input from the public and the**
28 **affected school districts regarding the proposed change or merger.**

29 [(2)] (4)(a) [*If*] A remonstrance petition on a proposed change or merger **may be submitted to**
30 **a district boundary board. A remonstrance petition must:**

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 (A) Be signed by at least five percent or at least 500, whichever is less, of the electors of a
2 school district affected by the proposed change or merger [*is*];

3 (B) Be filed with the district boundary board within [20] 45 days after the date of the order to
4 effect the proposed change or merger[.]; and

5 (C) Comply with the requirements of ORS 332.118.

6 (b) When all district boundary boards have acted on the change or merger as provided in ORS
7 330.095 (3), the **district boundary** board shall submit the question of the proposed change or merger
8 to the electors of each affected school district from which a remonstrance petition was filed[,
9 *with*]. The district boundary board [*acting*] **shall act** as the district elections authority on behalf of
10 the school districts.

11 (c) Separate elections shall be held in sequence in the districts from which remonstrance pe-
12 titions have been filed, commencing with the least populous district and progressing in order of
13 population to the most populous district. If the majority of votes in each election favor the change
14 or merger, an election shall be held in the next most populous district.

15 (d) The cost of an election on a proposed boundary change or merger shall be prorated between
16 or among the district school boards involved in accordance with ORS 255.305.

17 [(3)] (5) If the majority of votes cast in any affected district oppose the change or merger, the
18 change or merger shall be defeated, and the same or a substantially similar change or merger shall
19 not be ordered until 12 months have elapsed from the date of the election at which the change or
20 merger was defeated, unless otherwise required by law. If the vote is favorable in all remonstrating
21 districts, the district boundary board shall declare the change or merger effective as provided in
22 ORS 330.103 and issue an order without further elections.

23 [(4)] (6) For any school district merger that is initiated under ORS 327.106 (3), no remonstrance
24 petition or election shall be allowed.

25 [(5)] (7) When a unified elementary district with an average daily membership of greater than
26 50 that has, prior to the merger, paid tuition for the majority of its high school students to attend
27 an out-of-state high school merges with a district that provides education in kindergarten and grades
28 1 through 12, the following shall apply after the merger:

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

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

35 (c) The parents of a student who wish the student to attend the out-of-state high school must
36 agree to pay the difference, if any, between what the district is authorized to pay as tuition under
37 paragraph (b) of this subsection and the amount of tuition charged by the out-of-state high school.

38 **SECTION 2.** ORS 330.107 is amended to read:

39 330.107. The district boundary board shall complete all action on a request or petition for
40 boundary change or a merger required under ORS 330.101 within [100] 125 days of the date of re-
41 ceipt of the request or petition if the boundary change or merger requested or petitioned lies totally
42 within the jurisdiction of that board. If the boundary change or merger requested or petitioned re-
43 quires ratification of an adjacent boundary board as in ORS 330.095 (3), an additional 60 days may
44 be utilized for action of the second boundary board. However, upon request of the district boundary
45 board and a showing of special circumstances which require additional time, the State Board of

1 Education may grant a reasonable extension of time for completion of the required action.

2 **SECTION 3.** ORS 330.400 is amended to read:

3 330.400. (1) Whenever notice by publication of any hearing is expressly required by reference
4 to this section, it shall be given in a newspaper published in the county and of general circulation
5 in the county or district in which the hearing is to be held.

6 (2) [*The*] Notice shall be published in at least two issues of the newspaper. The first publication
7 shall be not sooner than the 25th day or later than the 15th day preceding the hearing and the last
8 publication shall be not sooner than the 14th day or later than the eighth day preceding the hearing.

9 (3) **In addition to the publication dates described in subsection (2) of this section, notice**
10 **must be published in the newspaper at least 60 days prior to the session of the district**
11 **boundary board during which a proposed change or merger will be ordered as provided by**
12 **ORS 330.101.**

13 **SECTION 4.** The amendments to ORS 330.101, 330.107 and 330.400 by sections 1 to 3 of this
14 **2011 Act apply to boundary changes or mergers that are requested or petitioned on or after**
15 **the effective date of this 2011 Act.**

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