

# Senate Bill 1031

Sponsored by Senator SOLLMAN (at the request of Oregon School Boards Association)

## 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**.

Requires elections for directors of school district boards to be held each year. Directs district school boards to develop plan to ensure that majority of members are not elected at any one regular district election.

Allows district school board to decrease number of board members from seven members to five members under certain circumstances.

Modifies process for appointing successor in case of vacancy.

## A BILL FOR AN ACT

1  
2 Relating to district school boards; creating new provisions; and amending ORS 255.335, 332.002,  
3 332.012, 332.030, 332.124 and 478.490.

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

5 **SECTION 1.** ORS 255.335 is amended to read:

6 255.335. (1) Except as provided in ORS 255.400 to 255.424 **and subsection (2) of this section:**

7 [(1)] (a) The regular district election shall be held by each district for the purpose of electing  
8 members of the district board to succeed a member whose term expires the following June 30 and  
9 to elect members to fill any vacancy which then may exist. The election shall be held in each such  
10 district in each odd-numbered year on the third Tuesday in May.

11 [(2)] (b) A district shall not conduct more than one election of board members in any year.

12 [(3)] (c) The first regular district election in a district shall be held on the regular district  
13 election date next following the year in which the first members of the district board were elected  
14 or appointed.

15 [(4)] (d) The term of a board member elected at the regular district election shall commence on  
16 the first day of July next following the election and shall expire June 30 next following the regular  
17 district election at which a successor is elected.

18 [(5)] (e) Each district board shall hold a regular organizational meeting following the regular  
19 district election and not later than the last day of July of that year.

20 **(2) For a school district, the district election shall be as described in subsection (1) of this**  
21 **section, except that the election shall be held in each school district in each year on the third**  
22 **Tuesday in May.**

23 **SECTION 2.** ORS 478.490 is amended to read:

24 478.490. (1) After the public hearing required under ORS 478.480 (2), if the district board decides  
25 to proceed with the proposal, it shall submit the question of dividing the district into zones to the  
26 voters of the district at the next regular district election on the date specified in ORS 255.335  
27 (1)(a).

28 (2) If a majority of the voters of the district voting upon the question vote in favor of dividing  
29 the district into zones, the district board shall enter an order in its journal declaring that fact. The

**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 order shall be conclusive as to the regularity of all proceedings in reference to the election and to  
 2 the existence of the zones.

3 **SECTION 3. (1) The amendments to ORS 255.335 and 478.490 by sections 1 and 2 of this**  
 4 **2023 Act become operative on July 1, 2027.**

5 **(2) Each district school board shall adopt a plan to ensure that, by July 1, 2031, a majority**  
 6 **of the members of the board are not elected at any one regular district election.**

7 **(3) For the purpose of subsection (2) of this section, the district school board may,**  
 8 **notwithstanding ORS 332.138, designate a term of office for a member of three years. The**  
 9 **district school board must notify the elections officer, each applicable district elections au-**  
 10 **thority and the Secretary of State of the plan no later than July 1, 2025.**

11 **(4) The Secretary of State may adopt any rules necessary for the administration of this**  
 12 **section.**

13 **SECTION 4.** ORS 332.012 is amended to read:

14 332.012. (1) Except as provided in ORS 255.400 to 255.424, a district school board *[may]*:

15 **(a) May, on its own motion,** increase the number of board members from five members to  
 16 seven members *[on its own motion, or the district school board:]*;

17 **(b) May, on its own motion, decrease the number of board members from seven members**  
 18 **to five members if the board initially increased the number of board members on its own**  
 19 **motion;**

20 *[(a)]* **(c) May submit the question of the number of board members** to the electors of the  
 21 school district; or

22 *[(b)]* **(d) Shall submit the question of the number of board members** to the electors of the  
 23 school district when a petition is filed as provided in this section.

24 (2) Subject to ORS 332.118, a petition filed under this section shall be prepared, circulated and  
 25 filed as provided for an initiative petition in ORS 255.135 to 255.205.

26 **SECTION 5.** ORS 332.030 is amended to read:

27 332.030. Except as provided in ORS 255.400 to 255.424:

28 (1) The district school board shall declare the office of a director vacant upon the happening  
 29 of any of the following:

30 (a) The death or resignation of the incumbent.

31 (b) When an incumbent is removed from office or the election of the incumbent thereto has been  
 32 declared void by the judgment of any court.

33 (c) Subject to the provisions of subsections (2) and (3) of this section, when an incumbent ceases  
 34 to be a resident of the district or zone from which nominated.

35 (d) When an incumbent ceases to discharge the duties of office for two consecutive months un-  
 36 less prevented therefrom by sickness or other unavoidable cause.

37 (e) When an incumbent ceases to discharge the duties of office for four consecutive months for  
 38 any reason.

39 (f) When an incumbent is recalled.

40 (2) A director of a union high school board who changes the director's permanent residence from  
 41 one component common school district to another component common school district in which an-  
 42 other director resides shall continue to serve as director to June 30 next following the next regular  
 43 district election. At that election, a successor shall be elected to serve the remainder, if any, of the  
 44 unexpired term to which the director was elected. If the term to which the director was elected  
 45 expires June 30 next following the election of the successor, the successor shall be elected to a full

1 term. In either case, the successor shall take office July 1 next following the election.

2 (3) A director of a common school district nominated from a zone who changes the director's  
3 permanent residence from one zone to another zone in which another director resides shall continue  
4 to serve as director to June 30 next following the next regular district election. At that election, a  
5 successor shall be elected to serve the remainder, if any, of the unexpired term to which the director  
6 was elected. If the term to which the director was elected expires June 30 next following the  
7 election of the successor, the successor shall be elected to a full term. In either case, the successor  
8 shall take office July 1 next following the election.

9 (4)(a) **Except as provided by paragraph (b) of this subsection**, when a vacancy is declared  
10 under subsection (1)(a), (b) or (d) to (f) of this section, the remaining member or members of the  
11 board shall meet and appoint a person to fill the vacancy. **A majority of the members of the**  
12 **board must vote to select the person who will fill the vacancy.**

13 (b) **A member who has resigned may not vote to select the person who will fill the va-**  
14 **cancy caused by that resignation.**

15 (c) The [person] **director appointed as provided by this subsection** must satisfy the eligibility  
16 requirements under ORS 332.018 and, if the district is zoned, reside in the zone in which the vacancy  
17 occurs.

18 (d) A director appointed under this subsection shall serve to June 30 next following the next  
19 regular district election. At that election, a successor shall be elected to serve the remainder, if any,  
20 of the unexpired term to which the director was appointed. If the term to which the director was  
21 appointed expires June 30 next following the election of the successor, the successor shall be elected  
22 to a full term. In any case, the successor shall take office July 1 next following the election.

23 (5)(a) If the offices of a majority of the directors of any district are vacant at the same time,  
24 the education service district board[,] or, if there is none, the governing body of the county shall  
25 appoint persons to fill the vacancies.

26 (b) The [persons] **directors appointed as provided by this subsection** must satisfy the eligi-  
27 bility requirements under ORS 332.018 and, if the district is zoned, reside in the zones in which the  
28 vacancies occur.

29 (c) If the vacancies occur in a joint **school** district that is not included in an education service  
30 district, the governing body of the county containing the greater portion of the pupils in average  
31 daily membership shall appoint the directors.

32 (d) Each director appointed under this subsection shall serve to June 30 next following the next  
33 regular district election. At that election, a successor shall be elected to serve the remainder, if any,  
34 of the unexpired term to which the director was appointed. If the term to which the director was  
35 appointed expires June 30 next following the election of the successor, the successor shall be elected  
36 to a full term. In any case, the successor shall take office July 1 next following the election.

37 **SECTION 6. The amendments to ORS 332.030 by section 5 of this 2023 Act apply to va-**  
38 **cancies occurring on or after the effective date of this 2023 Act.**

39 **SECTION 7.** ORS 332.002 is amended to read:

40 332.002. As used in this chapter, unless the context requires otherwise:

41 (1) "District school board" means the board of directors of a common school district or a union  
42 high school district.

43 (2) **"Regular district election" means the regular district election held as provided by ORS**  
44 **255.335.**

45 [(2)] (3) "School district" means a common or union high school district.

1       **SECTION 8.** ORS 332.124 is amended to read:

2       332.124. (1) Except as provided in ORS 255.400 to 255.424, all candidates shall be elected at large  
3 in the district unless the district school board provides for election from zones under ORS 332.126.

4       (2) In a district in which directors are elected from zones:

5       (a) The candidate for the office of director in each zone who receives the plurality of the votes  
6 shall be elected.

7       (b) At the expiration of each director's term of office, a successor shall be elected from the same  
8 zone.

9       (3) Except as provided in ORS 255.400 to 255.424, in the event that no person from the same zone  
10 is nominated under ORS 332.122 as a candidate for the vacant office of director by the school dis-  
11 trict election filing deadline or is elected as a write-in candidate at the subsequent school district  
12 election, or in the event that an office of director becomes vacant at midterm, the district school  
13 board shall fill the vacancy as follows:

14       (a) The board shall advertise the vacancy for a 20-day period in an attempt to find an eligible  
15 resident from the same zone to fill the vacancy. If one or more eligible residents declare interest in  
16 the vacant office, the school district board shall appoint one of the eligible residents to fill the va-  
17 cant office until June 30 following the next regular [*school*] district election.

18       (b) If, after 20 days of advertising the vacancy, no eligible resident from the same zone declares  
19 interest in the vacant office, the school district board shall appoint one of the eligible residents from  
20 the district at large to fill the vacant office until June 30 following the next regular [*school*] district  
21 election.

22       (c) Offices filled in the manner described in paragraphs (a) and (b) of this subsection shall be-  
23 come vacant on June 30 following the next regular [*school*] district election. Nomination of candi-  
24 dates for vacant offices shall occur as provided under ORS 332.122.

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