

Chapter 334

Rural School District Law

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CROSS REFERENCES

334.180
School district budgets and taxes, Ch. 328

334.200
Levy to be in dollars and cents, 310.050
Separate levies for elementary and high school purposes, 334.180

334.010 Rural school district; rural school board. There is created in each county not operating under ORS chapter 333 a district to be known as the rural school district and a governing body thereof to be known as the rural school board.

334.020 Composition of rural school district. The rural school district shall embrace all territory within the county and, without regard to county lines, all territory in a joint school district shall be included in the rural school district of the county in which the joint district's school is located. Excepted from inclusion in the rural school district are first class school districts which are not a part of a non-high school district; and, for high school purposes only, any union high school district in which the sum of the number of children of school age as shown by the last school census in the component districts is equal to the census required by law to become a first class school district.

334.030 Removal from rural school district. Upon first reaching a census equal to that of a first class district, or a union high school district with a census equal to that of a first class district, such district shall remain in the rural school district unless by vote at a special election in the district, called by its board within 90 days following the determination of the census, it elects to be removed therefrom. Districts which consolidate with or elect to become an exempted district shall be removed from the rural school district at the end of the fiscal year in which the consolidation or election becomes effective.

334.040 Consolidation with rural school district. (1) Any school district excluded by ORS 334.020 may consolidate with and become part of the rural school district after both the school board of such school district and the rural school board have adopted resolutions favoring such consolidation. The question of such consolidation then shall be submitted to the legal voters of each of said districts at a date fixed by the boundary board which is mutually agreeable to the boards of districts involved.

(2) Notices for a school election in each district to vote upon the question of consolidation shall be posted as provided by law for consolidation purposes.

(3) If a majority of the votes cast on the proposition in each district favors such

consolidation the same shall become effective immediately and thereafter all the territory embraced in said school district shall be part of said rural school district.

334.050 Zoning of district; one board member per zone. (1) The district boundary board shall divide the rural school district into five zones as nearly equal in population as may be practicable and measured along elementary school district boundary lines. The district boundary board may readjust the boundaries of such zones once each year and shall readjust the boundaries of the zones immediately upon any change of the territory comprising the rural school district.

(2) Only one member of the rural school board shall be elected from any one of such zones.

334.060 Nomination of candidates. The nomination of any candidate to serve as a member of the rural school board shall be made by petition filed with the county school superintendent not less than 30 days prior to the date of the election, signed by not less than 25 voters residing in the zone in which such candidate is a resident and who are legally qualified to vote for school district officers in their respective elementary school districts. Each such nominee shall file an acceptance of nomination with the county school superintendent not less than 15 days prior to the date of such election or such nomination shall be void. A candidate so nominated must be a qualified voter on a school district tax levy.

334.070 Recall of rural school board. Members of rural school boards are subject to recall by the legal school voters in the rural school district zones from which they were elected in the manner provided by law in respect to school directors generally.

334.080 Election of rural school board. Members of the rural school board shall be elected at the time of the annual school meeting each year and in those zones only from which members of such board are to be elected. The rural school board shall arrange for such election and designate a polling place for the purpose in each elementary school district within each zone. The polling place shall be the school building if there is one within the district. The chairman of the district school board of each such elementary school district shall act as judge and the

other members of the board as clerks of said election and shall count the ballots cast and prepare a tally sheet. The chairman shall immediately seal the ballots and tally sheet and within five days after the election shall mail or deliver them to the county school superintendent. The rural school board shall forthwith canvass the ballots and declare the results of the election.

334.090 Election of successors; vacancies; terms. (1) At the expiration of the term of office of any member of the rural school board, a successor from the same zone shall be elected by the legal voters thereof for the term of three years.

(2) Any vacancy on the board from any zone shall be filled by the remaining members of the board from among the qualified residents of that zone, the appointee to serve until the next annual school meeting when a successor from that zone shall be elected to serve for the remainder of the unexpired term.

(3) Newly elected or appointed members of the rural school board shall take office at the meeting of the rural school board next following such election or appointment.

334.100 Organization of board; secretary; rule making power. (1) Each rural school board shall meet within 10 days after each annual election and organize or reorganize by electing one of its members chairman and one vice-chairman, each of whom shall serve for one year or until a successor is elected and qualified.

(2) The rural school board may appoint, fix the compensation, bond and duties of its secretary. When the county school superintendent is appointed to serve as secretary, any compensation paid by the board shall be in addition to the county school superintendent's salary prescribed by law and the county school superintendent may accept such compensation. The secretary of the board shall not have a vote in any matter coming before said board.

(3) The board may make such rules and regulations not inconsistent with this chapter as it may deem necessary to enforce the provisions thereof.

334.110 Regular board meetings; compensation of board members. Regular meetings of the rural school board of each rural school district shall be held on meeting dates to be determined for the year at the meeting of the board next following each annual

election, and in rooms provided by the county court. Members of the rural school board shall receive no compensation for their services, but shall be reimbursed for all traveling and other expenses necessarily incurred in performing their duties as members of the board.

334.120 Office of county school superintendent abolished; rural school district superintendent. (1) On and after July 1, 1948, the elective office of county school superintendent is abolished in those counties in which this chapter is in full effect and the rural school district includes all school districts in the county on said date.

(2) The rural school board in such counties shall employ a rural school district superintendent of schools who also shall serve as the board's executive officer and secretary. The board shall fix the term and compensation of the district superintendent, provide office room for him in rooms provided for it by the county court and allow all his necessary traveling expenses.

334.130 Qualifications of superintendent. No person shall be eligible for appointment as rural school district superintendent of schools who is not trained and experienced in the organization, supervision and financial management of a school system and who has not within 10 years prior to such appointment served not less than 27 months in the public schools of Oregon as teacher, supervisor, principal, city superintendent or county superintendent of schools. He must hold a teaching certificate based upon graduation from a normal school, college or university or hold a life certificate entitling him to teach in the public elementary or high schools of the state of Oregon.

334.140 Superintendent's duties; oath; bond. The rural school district superintendent of schools shall perform all duties and functions prescribed by law for the office of county school superintendent. He shall be the custodian of all records theretofore preserved by the county school superintendent and of all reports required by law to be forwarded to the office of the county school superintendent. He shall take an oath of office and shall, before entering upon the discharge of his duties, give to the rural school board an official bond executed by himself as principal, in such sum as the board may direct, conditioned that he will faithfully and honestly perform all the

duties required of him by this section and ORS 334.120.

334.150 Retention of county school superintendent. The county school superintendent serving when such office is abolished shall, at no decrease in salary, be retained either as rural school district superintendent of schools or as supervisor of schools, at the option of the rural school board, until the expiration of the term of office for which he was elected.

334.160 Employment of supervisors and office help. The rural school board may employ and fix the compensation of such school supervisors, assistant supervisors and office personnel as it may deem necessary for the supervision of schools in the district and for carrying out the provisions of this chapter.

334.170 Rural school district budget procedure. (1) Immediately following a public meeting as provided by law on the budget for each fiscal year of any school district or school unit within the rural school district, and in any event not later than March 15 of such year, the responsible officer of the district or unit shall deliver or transmit the budget to the rural school board. No tax levy based on such budget shall be made by the school district, school unit or school district governing body, other than the tax levy outside the constitutional limitation for the particular purposes specified in ORS 334.190.

(2) The rural school board is authorized to prepare a budget for its own expenses in connection with carrying out the provisions of this chapter or other expenses required by law and also to prepare a budget for a school district which fails to submit a budget to the rural school board by March 15. The rural school board may also include in its budget an emergency aid fund for use, at the discretion of said board, in aiding local school districts with emergency expenses unforeseen at the time of making the budget in such districts. The emergency aid fund shall not exceed five percent of the combined budget of all districts included in the rural school districts.

334.180 Rural school board powers and duties as to budgets of districts within rural school district. (1) The rural school board shall examine and audit or cause to have examined and audited the budgets of the

school districts or school units within the rural school district. It may approve or reject, increase or reduce any item or amount in any such budget, but shall not reduce the total budgeted expenditures of a district below the maximum program established in ORS 327.025. Where necessary, the rural school board shall determine from the budgets submitted the amounts to be levied for elementary and high school purposes and make separate levies for the same.

(2) On or before April 10 the governing body of every school district or school unit within the rural school district shall be notified in writing of any contemplated changes in its budget; and, on request, it shall be entitled to a hearing by the rural school board on the budget submitted by it. The rural school board shall set times and places for such hearings which shall be open to the public.

334.190 Rural school board tax powers; tax powers retained by districts. After January 1, 1948, all powers and duties to levy taxes, theretofore by law vested in and imposed on any school district or school unit within the rural school district of any county, or theretofore vested in and imposed on the governing body of any such school district or school unit, are transferred to, vested in and imposed on the rural school board of such county. However, each such school district, school unit or governing body thereof, shall retain and exercise the power to levy a tax each year for payment of principal and interest of its bonded or negotiable interest-bearing warrant indebtedness, for payment of capital expenditures and current expenditures not provided for in the budget of the district by the rural school board and for any supplementary budget items which have been specifically authorized by the legal voters of such district or unit as outside the limitation of section 11, Article XI, Oregon Constitution.

334.200 Rural school board tax levy. (1) After the budget hearing required by ORS 334.180 and careful consideration of all the budgets, the rural school board shall determine the final amount in which the budget of each school district or school unit shall be included in the tax levies to be made by it and shall notify each such school district or school unit of its action on or before April 20 of the then current year. The rural school board of each county shall levy for each fiscal year a tax in the amount equal to

the total of the levies, so determined and approved, of the several school districts or school units within the rural school district; to which levy shall be added the budget prepared for the rural school board's expenditures for travel, for emergency aid to districts, for providing the board with professional and clerical assistance and for such equipment and supplies as the rural school board may require for the performance of its duties. This tax levy shall apply at uniform rate or rates for elementary and high school purposes to all property within the rural school district taxable for such purposes.

(2) After deducting the estimated expenses provided in the budget of the rural school board, the board shall apportion the remainder of the levy extended in the proportion that the original levy as determined and included by the rural school board for each district is of the total of all such levies in the rural school district.

334.210 Rural school district special tax elections. The rural school board shall call a special school election in the rural school district whenever the sum of the levies as determined in ORS 334.180 exceeds the limitations imposed by section 11, Article XI, Oregon Constitution, and may call a second election. The first election shall be called and held on or before the third Monday in May in each district in the manner prescribed by ORS 334.080 for the election of rural school board members. The election

shall be in substantial compliance with the provisions of ORS 310.360 and 310.390, in so far as applicable. The second election may be called after proper notice on a date fixed by the board. In case a proposed levy in excess of constitutional limitation is not approved by the legal voters of the rural school district the rural school board shall levy the maximum permitted by law.

334.220 Certification, extension and apportionment of rural school district tax levy. The rural school board, on or before July 15 of each year, shall certify to the county assessor and to the county treasurer the total amount of the tax levy so made by it and also shall certify to the county treasurer the amount in which the budget of each school district or school unit within the rural school district is included in such tax levy. The county assessor shall extend said tax levy or levies on the assessment and tax roll as the property tax levy or levies of the rural school board, applicable at uniform rate or rates to all taxable property within the rural school district of the county, including joint districts in adjacent counties that are included in said rural district.

334.230 Apportionment of levy proceeds. All moneys received by the county treasurer as proceeds of the property tax levy or levies of the rural school board, extended for any fiscal year as required by ORS 334.220 shall be apportioned in accordance with the provisions of ORS 334.200.