Chapter 329

1959 REPLACEMENT PART

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COUNTY SCHOOL SUPERINTENDENT

329.010 [Repealed by 1957 c.678 §1]

329.020 [Repealed by 1957 c.678 §1]

329.030 [Repealed by 1957 c.678 §1]

329.040 Oath of office. The superintendent-elect shall qualify on or before the first Monday in August, by taking an oath to support the Constitutions of the United States and of Oregon, and to faithfully discharge the duties required of him by law. The oath shall be reduced to writing, subscribed and filed in the county clerk's office.

329.050 Bond. Before entering upon the discharge of his duties, the county school superintendent shall give to the county court an official bond in such sum as the county court may direct, conditioned that he will faithfully and honestly perform all the duties required of him by law.

329.060 General duties. The county school superintendent shall:

(1) Visit the schools taught in his county at least once every year.

(2) Seek to aid, instruct and inspire teachers to employ the best methods in teaching, governing and conducting their schools.

(3) Procure the proper classification of pupils, enforce the course of study prescribed by law and the care and protection of school property.

(4) Make out quarterly a statement of necessary traveling expenses incurred in the discharge of his duties, which claims shall be audited and paid as other claims against the county.

(5) Study to awaken among parents and children a deeper interest in the public schools to secure improved attendance, deportment and scholarship, and more frequent visits of parents and school directors.

(6) Carefully observe the condition of the schoolhouses and surroundings, note all defects and notify the board of directors of the same.

(7) Hear, examine and decide appeals from district officers and teachers without cost to the appellants and subject to an appeal to the Superintendent of Public Instruction.

(8) Advise and consult with district school boards relative to the construction, warming, ventilation and arrangement of schoolhouses, the improving and adorning of school grounds, methods of instruction and discipline in the school and the conditions of schoolhouses, sites and outbuildings and appendages of the district generally.

(9) Use a uniform series of blank reports and other forms prepared and furnished by the state.

(10) Attend the county school superintendents' convention which the Superintendent of Public Instruction shall cause to be held annually at such time and place as the Superintendent of Public Instruction may select.

(11) Keep an official record of all persons under contract to teach in his county, showing the school district number, date of the contract, names of contracting parties, salary paid, date of commencing school and length of term in weeks.

329.070 Reports generally. The county school superintendent shall:

(1) Prepare special reports of important matters relating to the public schools in his county when necessary, and when required by the Superintendent of Public Instruction.

(2) Require and receive quarterly reports, on forms prepared by the Superintendent of Public Instruction, from the principal or teacher in charge of each school, showing the registration, attendance and such other information as will aid in efficient school supervision. The first report period shall end on September 30; the second report period shall end on December 31; the third report period shall end on March 31; and the fourth and final report period shall end on June 30. The fourth and final report shall be an annual composite report for the school year, including the final quarter. All reports shall be submitted within five days following the close of the period for which they are made except that the fourth and final report shall be submitted within five days after the close of the school year.

(3) Receive the reports of all districts in his county.

(4) By the fourth Monday in July of each year, prepare from the records in his office a general report, including such suggestions as he may deem of importance to the cause of education, and transmit the same to the Superintendent of Public Instruction, retaining a copy thereof in his office.

(5) Examine into the correctness of the reports of the district clerks. When a report is incorrect, the county superintendent may

correct or cause the clerk to correct the report. If the district school board and district clerk are not satisfied with the county superintendent's ruling relative to the correctness of such report, they may appeal to the district boundary board which shall render the final decision as to the correctness of the report. [Amended by 1955 c.10 §1]

329.080 Report of deaf and blind children. The county school superintendent shall report the names, addresses and ages of all deaf children and blind children, between the ages of 6 and 14 years, together with those of their parents, reported to him by district clerks or otherwise brought to his attention, to the superintendent of the Oregon State School for the Deaf and to the superintendent of the Oregon State School for the Blind, respectively.

329.090 Report of uneducable deaf mutes and blind. The county school superintendent shall, by the fourth Monday of July of each year, report to the Superintendent of Public Instruction the name, age and post-office address of every deaf mute and blind person in his county between the ages of 5 and 25 who is deaf or blind to such an extent as to be unable to acquire an education in the common schools.

329.100 Report of mentally defective children. Each county school superintendent shall report to the county court on June 1 and December 1 of each year, the names and addresses of all scholars in the public schools and of all children of school age in the county who are mentally defective. In first class school districts the city school superintendent shall make such reports.

329.110 Annual school board convention. (1) The county school superintendent may, at his discretion, hold annually a school board convention or conventions for a term of not less than one day for discussion of questions pertaining to improvement of the public school system.

(2) The chairman of the school board shall be the delegate to the convention. If he is unable to attend he shall appoint a member of the board or the clerk to represent the district. Each delegate attending the convention during the entire session shall be entitled to receive $2 out of the general fund of the county to be paid when approved by the county superintendent.

(3) No school district shall be entitled to compensation for representation for attendance at more than one convention held in the county during any one year.

329.120 Disposal of fees. The county school superintendent shall not be entitled to any fees of any kind or nature. He shall turn over all fees received to the county treasurer on the last day of each month, taking the treasurer's receipt in duplicate therefor and immediately filing the duplicate receipt with the county clerk.

329.130 Supplies and equipment. The county court shall provide the county school superintendent with a plat of the boundaries of the several school districts of his county and with all necessary blanks, blank books, stationery, telephone, postage, expressage, and other necessary requirements of his office not otherwise provided for, the expenses of which shall be paid out of the general fund of the county.

329.140 to 329.200 [Reserved for expansion]

329.210 [Repealed by 1953 c.306 §18]

329.220 [Repealed by 1953 c.306 §18]

329.230 [Repealed by 1953 c.306 §18]

329.240 [Repealed by 1953 c.306 §18]

329.250 [Repealed by 1953 c.306 §18]

329.260 [Repealed by 1953 c.306 §18]

329.280 [Repealed by 1953 c.306 §18]

329.290 [Repealed by 1953 c.306 §18]

329.300 [Repealed by 1953 c.306 §18]

329.310 [Repealed by 1953 c.306 §18]

329.320 [Repealed by 1953 c.306 §18]

329.330 [Repealed by 1953 c.306 §18]

329.350 [Repealed by 1953 c.306 §18]

329.360 [Repealed by 1953 c.306 §18]

329.390 [Repealed by 1953 c.306 §18]

329.400 [Repealed by 1953 c.306 §18]

329.420 [Repealed by 1953 c.306 §18]

329.430 [Repealed by 1953 c.306 §18]

329.440 [Repealed by 1953 c.306 §18]

329.450 [Repealed by 1953 c.306 §18]

329.460 [Repealed by 1953 c.306 §18]

329.470 [Repealed by 1953 c.306 §18]

329.480 [Repealed by 1953 c.306 §18]

329.490 [Repealed by 1953 c.306 §18]

329.500 [Repealed by 1953 c.306 §18]

329.510 [Repealed by 1953 c.306 §18]

329.520 [Repealed by 1953 c.306 §18]

329.530 [Repealed by 1953 c.306 §18]

329.540 [Repealed by 1953 c.306 §18]

329.560 [Repealed by 1953 c.306 §18]

329.570 to 329.600 [Reserved for expansion]

COUNTY EDUCATIONAL BOARD

329.610 Creation, composition, term and compensation. There is created in every county containing more than 60 school districts a county educational board consisting of the county school superintendent, who shall be ex officio chairman of the board, and four members appointed by the county school superintendent. The county school superintendent of each such county shall appoint on or before June 1, 1911, and every four years thereafter, four persons to act as members of the county educational board who shall serve for four years or until their successors have qualified. They shall receive no compensation for any services as members of the county educational board, but the necessary traveling expenses of each member incurred in the discharge of his duties shall be audited and paid as are other claims against the county except that the annual expenses of each member shall not exceed $25.

329.620 Qualifications of members. No person shall act as a member of the county educational board who is not a legal school voter of the county for which he is appointed. No person who holds any other county office, except the county school superintendent, shall act as a member of the board.

329.630 Meetings; creation of supervisory districts. On the first Monday in June, 1911, the county educational board shall meet and organize by electing one of their members secretary, and divide all the school districts of the county, excepting first class districts, into supervisory districts. On the first Monday in June, in any year thereafter, the county educational board may meet and re-subdivide its county into supervisory districts. No supervisory district shall contain less than 20 nor more than 50 school districts. The county school superintendent shall be counted as supervisor for one supervisory district.

329.640 Duties of board. The duties of the county educational board in regard to the supervisory district are to:

(1) Employ supervisors, other than the county school superintendent, for not less than 10 months each year at not less than $100 per month.

(2) Make a contract in triplicate with the supervisor, one copy to be kept on file in the office of the county school superintendent, one to be given to the supervisor, and one to be filed with the county clerk.

(3) Provide the supervisor with necessary books, blanks, stationery and postage.

(4) Make such rules and regulations in conformity with the rules and regulations of the State Board of Education as they deem necessary for the government of the supervisors.

(5) Act as an advisory board to the county school superintendent and aid him in the holding of educational meetings throughout the county.

329.650 Qualifications of supervisors. No person shall be eligible as supervisor unless he holds at the time of his appointment a valid Oregon teacher's certificate and has taught school within Oregon for at least nine months.

329.660 Supervisor's duties. The duties of the supervisor are to:

(1) Work under direction of the county school superintendent and to attend such meetings as he may call.

(2) Devote his entire time to supervising the schools in the supervisory district for which he is employed whenever any of the schools in his district are in session.

(3) Enforce the course of study prescribed by the State Board of Education.

(4) Make a written report at the end of each school month to the county school superintendent upon the general conditions of each school in his supervisory district.

329.670 Supervisor's salary and expenses. The county court shall audit the claims of the supervisors for salary and

other expenses incurred in the discharge of their duties, which claims, when properly certified to by the chairman of the county educational board, shall be paid by the county treasurer out of the general fund of the county in the same manner as the claims of other county officers are allowed and paid.

329.680 Dissolution and re-establishment of board. (1) Whenever a majority of the directors of the several school districts of any county affected by ORS 329.610 to 329.670, exclusive of school districts which provide for school supervision within themselves, petition the county educational board in writing asking that the county be exempt from the provisions of ORS 329.610 to 329.670, the county educational board shall dismiss all supervisors employed by them and the county school superintendent shall dissolve the county educational board.

(2) After dissolution of the board, the county shall not be subject to the provisions of ORS 329.610 to 329.670 until a majority of the directors of the several school districts of the county, exclusive of the school districts which provide for school supervision within themselves, petition the county school superintendent in writing that the county educational board be re-appointed and re-established. The county school superintendent so petitioned shall immediately re-appoint a county educational board for the county in accordance with ORS 329.610 and thereafter the county shall be subject to the provisions of ORS 329.610 to 329.670 until such time as the board is again dissolved as provided for in this section.

(3) All such petitions shall be in writing, addressed to the county educational board and signed by the school district directors. A copy of the petition shall be filed with the secretary of the educational board and with the county school superintendent before the same is circulated for signatures; the original thereof, bearing the signatures of the directors, shall be filed with the secretary within 30 days after the filing of the copy thereof. After the dissolution of the educational board and dismissal of the supervisors, the secretary shall file the petition with the county school superintendent.

329.690 to 329.700 [Reserved for expansion]

DISTRICT BOUNDARY BOARD

329.710 Composition, purpose and organization. (1) The county school superintendent and the county court, or the board of commissioners in counties where this board is a separate body, shall constitute the district boundary board for laying off the county in convenient school districts. The board shall make alterations and changes in the same when petitioned so to do in the manner specified by law. The superintendent shall make a record showing the boundaries and numbers of all the districts in his county so established and organized.

(2) The county judge shall be ex officio chairman of the board except where the board of county commissioners is a separate body, the chairman of the board shall be chairman. The superintendent shall be ex officio secretary of the board. The superintendent and two members of the county board shall constitute a quorum for the transaction of business.

329.720 County unit board composition. In any county operating under ORS chapter 333, the district boundary board shall consist of the county court or the county commissioners in any county in which such commissioners are a separate body.

329.730 Creation, alteration or abolition of school districts. (1) The district boundary board may establish new districts on petition of three legal voters of a proposed new district. Upon petition of at least three legal voters interested, the boundary board may change, divide or abolish the districts of its county. Upon petition of all the resident property owners of an area which is both within a school district and also contiguous to another school district, the district boundary board, except where prohibited by ORS 333.050, upon approval of the change in boundaries by the county committee for the reorganization of school districts as provided in ORS 330.645 may withdraw the area from the school district in which it is then located and annex the area to the other contiguous school district. For the purposes of ORS 330.645, a change of boundaries upon a petition of property owners as provided in this subsection shall be deemed to be under a procedure existing prior to August 20, 1957.

(2) When the boundaries of any school district lying in two or more counties are

proposed to be changed, the petition shall first be acted upon by the district boundary board of the county in which lies the greater part of the district proposed to be changed; but any change of the boundaries in the other county must be concurred in by the district boundary board of that county.

(3) Before any new district is established or change made in the boundaries of any existing district, the county school superintendent shall cause notice to be given in the manner described in ORS 331.010 for school district meetings in the proposed district, or as provided in ORS 331.010 in each of the existing affected districts. The notice shall show the boundaries of the proposed new district or the changes to be made in the boundaries of any existing district, and the session of the board when the same will be done.

(4) No district shall be organized unless it contains at least 20 children of school age. No district shall continue to be a legally organized district unless it has at least six children of school age.

(5) When changes are made in the district boundaries, as set forth in this section, or when any district is divided into two or more parts for school purposes, the existing board of directors shall continue to act for both, or all the new districts or parts of districts, until such districts or parts of districts have been regularly organized as provided by law.

(6) The district boundary board may, when petitioned to do so, annex a district or parts of a district to one or more adjoining districts so that the district so annexed or divided will be abolished. The property belonging to a district so abolished shall be apportioned among the districts to which such district is annexed in proportion to the last assessed valuation of the parts of the district so annexed.

(7) The district boundary board has no power to annex a school district having 10 or more children of school age to one or more adjoining districts without submitting the question to the voters of such districts in the manner provided by ORS 330.110 for consolidating school districts. [Amended by 1957 c.310 §6; 1959 c.518 §1]

329.740 Notice of creation or alteration of districts. When the district boundary board has established a new district, the superintendent shall notify three petitioners in the district, who petitioned for establishment. The notice shall be in writing and shall show the number and boundaries of the district. When alterations are made by the district boundary board the superintendent shall notify immediately, in the manner aforesaid, the directors of all districts concerned.

329.750 Districts to be contiguous. With the exception that contiguous and noncontiguous districts may be consolidated when authorized by the legal voters of the districts concerned, all school districts formed by the district boundary board shall be formed of contiguous territory.

329.755 Assigning numbers to districts. Except as otherwise provided in ORS 330.300, no district boundary board shall assign to any school district a number which has been previously assigned to another school district which became nonexistent on or after January 1, 1953, because of dissolution, abandonment or for any other reason. [1955 c.22 §1; 1957 c.89 §3]

329.760 Abandoned districts. (1) Whenever any duly organized school district ceases to maintain and operate a public school for two years from any annual school meeting, or suspends school for more than two successive years without approval of the State Board of Education, or when such district for two years ceases to contain at least six children of school age, the district boundary board shall declare such district abandoned and the territory of the district shall be annexed to one or more adjoining districts maintaining standard schools.

(2) After the boundary board's declaration of abandonment, all moneys in the hands of the district clerk or district school board shall be turned over to the county treasurer of the county in which the district is situated. The district boundary board then shall take charge of all other district property. Thereafter, the county treasurer and district boundary board, respectively, shall take care of the moneys and other district property. The boundary board shall sell the property of the district at public auction for the best obtainable price, in the same manner as personal property or real estate is sold on execution. The boundary board shall give a bill of sale or execute a deed for the same, as the case may be, and shall turn

over the sale proceeds to the county treasurer. The county treasurer shall apply such proceeds, and any other moneys in his hands belonging to the district, to the satisfaction of any debts of the district other than bonded indebtedness. If the sum received from the sale, together with the moneys on hand belonging to the district, is insufficient to pay all the non-bonded indebtedness of the district, the district boundary board shall levy a tax upon all taxable property of the district sufficient to pay such non-bonded indebtedness. If any sum remains thereafter, the county treasurer shall divide the same among the districts to which said territory has been annexed in proportion to the last assessed valuation of the various portions so annexed.

(3) If the abandoned district is a joint district, the moneys and other district property shall be controlled, respectively, by the county treasurer and district boundary board of the county in which the schoolhouse is located. When the property has been disposed of as provided for in this section, the net proceeds shall be turned over to the county treasurer for apportionment between the counties concerned in proportion to the assessed valuation of the parts of counties contained in such joint district. [Amended by 1953 c.538 §2]

329.770 Condemnation of realty for school purposes. (1) Whenever it is necessary for any school district to acquire any real property for necessary school purposes, and the owner of the real property and the district school board cannot agree upon the price to be paid therefor, and the damage for the taking thereof, if any, the district school board may request in writing that the district boundary board of the county in which such real property lies, commence and prosecute in the circuit court for that county the same as other actions and suits are brought, in the name of such school district, any necessary or appropriate suit, action or proceeding for the condemnation of the real property required for school purposes, and for the assessment of the value and the damage for the taking thereof. Upon receipt of the written request, the district boundary board is authorized to take such requested action. The title acquired by any school district by any such suit, action or proceeding shall be a fee simple title.

(2) The district attorney of the judicial district in which the property to be condemned lies, shall act as attorney for the district boundary board in all proceedings in the circuit court, as in other causes in which the state or county is a party or interested; provided, however, that any school district may commence and prosecute such suit, action or proceeding in its own name and by attorneys of its own selection without the necessity of proceeding through the district boundary board. The procedure in the suit, action or proceedings shall be, as far as applicable, the procedure provided by the laws of this state for condemnation of land or rights of way by public corporations or quasi-public corporations for public use or for corporate purposes.

(3) The expenses of such condemnation proceedings, the value of the real property and the damage for the taking, shall be paid by the school district for which the real property is condemned in the same manner as other expenses for like purposes are paid. [Amended by 1953 c.513 §3]

329.780 to 329.980 [Reserved for expansion]

PENALTIES

329.990 Penalties. Violation of any of the provisions of ORS 329.010 to 329.130, 329.610 to 329.750, 329.760 and 329.770 is a misdemeanor.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on November 1, 1959.

Sam R. Haley
Legislative Counsel