Chapter 332

1961 REPLACEMENT PART

District School Boards and Clerks

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GENERAL PROVISIONS

332.010 Directors of first, second and third class districts; term; qualifications; compensation. (1) The officers of first, second and third class districts shall consist of five directors except as provided in ORS 330.505 to 330.595 and 330.610 to 330.780 and 332.450. All district officers shall be elected by ballot. The term of office of all district school officers shall begin on July 1 following the day of election. They must qualify by taking the usual oath of office within 30 days after their election and before assuming the duties of their office. They shall serve until their successors are elected and qualified. No person shall be eligible to a district office who is not at the time of his election a legal voter for a school officer in such district.

(2) No director shall receive any compensation for services as a member of a district school board other than reimbursement for reasonable expenses actually incurred on school business outside of the district of which he is a director and within the State of Oregon.

[Amended by 1955 c.386 §7; 1957 c.634 §1; 1961 c.281 §1]

332.020 Removal of director. A director guilty of misfeasance or malfeasance in office may, by the appropriate proceeding, be removed from office by a court of competent jurisdiction.

332.030 Vacancies in office of director. (1) The county school superintendent shall declare the office of a director vacant upon the happening of any of the following:

(a) The death or resignation of the incumbent.

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

(c) When an incumbent ceases to be a resident of the district.

(d) When an incumbent ceases to discharge the duties of his office for two consecutive months unless prevented therefrom by sickness or other unavoidable cause.

(e) When an incumbent is recalled under ORS 331.410 to 331.450.

(2) When a vacancy occurs in the office of director, the clerk shall forthwith call a meeting of the remaining member or members of the board who shall at once elect a person to fill the vacancy from any of the qualified voters of the district. The director so elected to fill the vacancy shall serve until the next annual school election, or in a school district having over 100,000 population until the next primary election, at which time his successor shall be elected by the district voters to fill the remainder of the unexpired term.

(3) If the offices of a majority of the directors of any district are vacant at the same time, the county school superintendent shall call a special school meeting in such district to fill such vacancies, in accordance with ORS 331.520. If the vacancies occur in a joint district, the county superintendent of the county containing the greater number of persons in such district between the ages of 4 and 20 years, as shown by the clerk's last annual report, shall call the meeting as provided in this section.

[Amended by 1955 c.234 §4; 1961 c.281 §2]

332.040 Official designation of board; board officers. (1) The directors in their official capacity shall be known as the district school board.

(2) Immediately after July 1, the board shall meet and organize by electing a chairman and a vice chairman from its members. No member shall serve as chairman for more than two years in succession.

[Amended by 1957 c.634 §2; 1961 c.281 §3]

332.050 General duties of district school boards. The general duties of district school boards are as follows:

(1) To authorize the clerk to call special meetings.

(2) To visit and inspect their schools from time to time, and when necessary they may exclude any refractory pupil therefrom but the exclusion of any pupil from the school shall not extend beyond the current term.

(3) To audit all claims against the district and to authorize the clerk to draw orders for the amount.

(4) To furnish their schools with supplies, equipment, apparatus and services essential to meeting the requirements of a standard school and may furnish such other supplies, equipment, apparatus and services as the board deems advisable.

(5) To cause to be used in the district a uniform series of state blanks, registers and other forms, whenever supplied by the state.

(6) To perform such other duties as the wants of the district may from time to time demand.

(7) They may participate in the activities of and may become members of associations of school boards; and, when provided for in an approved school district budget, may pay from school district funds annual dues to such association not to exceed 10 cents for each pupil in average daily membership in the schools of the school district as shown by its last annual report or $1,500, whichever is less. Notwithstanding the above limitation, such annual dues may be in the amount of $5.
[Amended by 1953 c.299 §2; 1957 c.634 §3; 1961 c.281 §4]

332.060 Duties to be performed at meetings; liability for ultra vires contracts. Any duty imposed upon the board as a body must be performed at a regular or special meeting and must be made a matter of record. The consent to any particular measure obtained of individual members when not in session is not an act of the board and is not binding upon the district. If a contract is made without authority of the board, the individual making such contract shall be personally liable.

332.070 Duties relating to claims and contracts. All claims, by contract or otherwise, must be approved by the district school board before an order can be drawn on the district clerk for them. No officer can draw an order on the treasurer unless he is authorized to do so by a vote of the board at a regular or special meeting. The board shall examine all contracts to see that stipulations therein have been complied with before they authorize the payment of money thereon.

332.080 [Repealed by 1957 c.634 §13]

332.085 Power to create indebtedness for current expenses and bond retirement; limitation. (1) Any district school board may contract indebtedness by the issuance of warrants or short-term promissory notes for the purpose of meeting current expenses, retiring outstanding bonds or warrants, or paying the interest thereon, whenever provision therefor has been made in its duly adopted budget. In the exercise of this authority, the district school board may contract or refund short-term loans which shall at no time exceed in the aggregate 80 percent of the ad valorem taxes upon real and personal property theretofore levied and remaining uncollected for such school district for the tax year in which the warrants or notes are issued and 80 percent of other budgeted and unpledged revenues which the district school board estimates will be received from other sources during such tax year.

(2) A district school board may, at its option, borrow moneys pursuant to this section or ORS 287.402 to 287.432.
[1953 c.424 §2 (ORS 332.085 enacted in lieu of ORS 332.390); 1955 c.357 §1]

332.090 [Repealed by 1957 c.634 §13]

332.100 Procurement and display of flags. Each district school board shall procure a United States flag and an Oregon State flag of suitable sizes and shall cause such flags to be displayed upon or near each public school building during school hours, except in unsuitable weather, and at such other times as the board deems proper.
[Amended by 1953 c.474 §7]

332.110 Control of schools and teachers. Except where statutes are inconsistent with this section, district school boards shall have entire control of their district public schools and of teachers employed by the district.

332.115 [Repealed by 1957 c.634 §13]

332.120 Wilful damage to school property. No person shall wilfully write, make marks or draw obscene pictures on the walls or any other parts of any schoolhouse or outbuilding, or furniture thereof, or deface or damage any school building. The district school board shall prosecute any person who violates this section.

332.130 Suspension of school and instruction of pupils in other districts. The district school board of any legally organized district when authorized by a majority vote of the legal voters present at any legally called school meeting shall suspend the district school, or the district high school when standardized by the State Board of Education, for such time as authorized, and arrange with any school district or districts or high school district, during the time the school is suspended, for the instruction of the pupils of such district. The board shall provide for transportation of any or all pupils residing in its district to and from the schoolhouse in the district with which the arrangements for their instruction is made, and pay expenses incurred in providing for tuition, transportation or board of such pupils. District school boards are hereby authorized to pay for the tuition, transportation or board of pupils, as provided for in this section, out of the common school fund of their

respective districts. When authorized by a majority vote of the legal voters present at any legally called school meeting, the district school board shall levy a tax upon the taxable property of its district to carry out this section.

332.140 Expenses of instructing nonresident pupils. (1) The district school board may, at its discretion, contract with the district school board of any other district for the admission of pupils in any school in such other district. The contract shall be in writing upon blanks furnished by the Superintendent of Public Instruction. The expense so incurred shall be paid out of the school funds of the district sending such pupils. If the district sending the pupils fails to pay the expense so incurred according to the terms of the contract, the county school superintendent of the county containing such district, shall, at the time he makes his next regular apportionment, after satisfactory proof of such failure, deduct the amount of the unpaid expense from the amount due such district by said apportionment and draw a warrant on the county treasurer in favor of the district which admitted such for the amount of the deduction. The treasurer shall pay the warrant out of the county school fund. In case the district sending the pupils is a joint district, jurisdiction shall be exercised by the county school superintendent of the county in which the greater part of such district is situated, as shown by the number of persons in the district between the ages of 4 and 20 according to the school clerk's last annual report. The county superintendent's action in the matter shall be final.

(2) Upon petition by 100 percent of the persons having school-age children in an area which is both within a school district and also contiguous to another school district located in another county, the school board of the school district in which such petitioners reside shall allow such petitioners to send their children to school in the school district in the other county if the petitioners show in their petition that they have centered their social and economic activity prior to August 5, 1959, in a nearby area which is located in such other school district or that geographic or climatic factors cause the petitioners to center their social and economic activity in a nearby area which is located in such other school district. If the school board to which the petition is made finds that the requirements specified in this subsection have been met, the school board shall allow the children of the petitioners to attend school in the district located in the other county and the school board shall pay any applicable costs of out-of-district tuition, transportation or other costs incident to sending the children to an out-of-district school. Nothing in this subsection shall be construed to require a school district to accept any child residing outside of that district. This subsection applies only in counties located east of the summit of the Cascade Mountains. For the purpose of this subsection, the summit of the Cascade Mountains shall be considered to be a line beginning at the intersection of the northern boundary of the State of Oregon and the western boundary of Wasco County, thence southerly along the western boundaries of the counties of Wasco, Jefferson, Deschutes and Lake. [Amended by 1959 c.526 §1]

332.150 [Amended by 1957 c.310 §11; repealed by 1957 c.634 §13]

332.160 [Repealed by 1953 c.56 §2]

332.170 Use of schoolhouse for other purpose. (1) A district school board may permit all or part of any schoolhouse to be used for any proper purpose, giving equal rights and privileges to all religious denominations or political parties, upon such restrictions, terms and conditions as to compensation or otherwise as the board may impose. Such use of the schoolhouse shall not interfere with the use and occupancy required for public school purposes.

(2) No person shall remove any furniture which is fastened to the floor or any school furniture for any other purpose than repairing the same or repairing the schoolroom.

(3) The power delegated to the board by this section may be denied a district school board by a majority of the legal voters present and voting at the annual meeting or at a special meeting called for that purpose.

332.180 Liability insurance; medical and hospital benefits insurance. Any district school board may enter into contracts of insurance for liability covering all activities engaged in by the district, including but not limited to the organization, supervision, control or operation of traffic patrols, as defined in ORS 336.450, for medical and hospital benefits for students engaging in athletic contests

and in traffic patrols, as defined in ORS 336.450, and for public liability and property damage covering motor vehicles operated by the district, and may pay the necessary premiums thereon. Failure to procure such insurance shall in no case be construed as negligence or lack of diligence on the part of the district school board or the members thereof.
[Amended by 1961 c.575 §5]

332.190 Inspection of school buildings by Labor Commissioner. Any district school board may, through the Superintendent of Public Instruction, request the Commissioner of Labor to inspect any building under its jurisdiction. Upon receiving the request, the Commissioner of Labor shall make such inspection and file a report with the district school clerk and the Superintendent of Public Instruction. The actual expense of the inspection shall be paid to the Commissioner of Labor by the school district so inspected.

332.200 Establishment of kindergartens. (1) Whenever one-third of the legal voters of any school district with a population of less than 20,000 children of school age petition the district school board requesting that kindergartens be established and maintained, or whenever the district school board deems it proper, the board shall give notice in the manner prescribed in ORS 331.010 that they will submit the question to the legal district voters whether kindergartens shall be established.

(2) The district school board of any such school district may, on majority vote of legal electors at a legally called school election, establish and maintain kindergartens in connection with the common schools in the district for the instruction of four to six year old children.

(3) Kindergartens already established by any district and those established under this section are a part of the common public school system.
[Amended by 1957 c.310 §12]

332.210 Second and third class districts controlling cemeteries. (1) Any school district now of the second or third class may own, possess, manage, operate, control, improve, sell and convey real property used for cemetery purposes where such property is within the school district boundaries and a deed of conveyance was executed and delivered conveying in fee such real property from the owners thereof to such school district prior to 1923 and such district accepted such deed and improved such real property for cemetery purposes.

(2) Any such school district so owning and possessing any such real property may receive, own, expend and issue moneys, notes and other evidences of indebtedness for improvement, maintenance, operation, care and management of such real property used for cemetery purposes.

332.220 School construction in third class districts. No third class school district shall erect a school building until the plans for such building have been approved by the county school superintendent.

332.230 Financial interest in school contracts; offer of commission to school personnel. (1) Except as qualified by subsections (2) and (4) of this section, no director, school clerk, principal, school superintendent, teacher or county school superintendent shall:

(a) Have any pecuniary interest in the erection of schoolhouses or the warming, ventilating, furnishing or repairing of same.

(b) Demand or receive any commission or compensation for purchase of any supplies for public schoolhouses.

(2) Any director, school clerk, principal, school superintendent, teacher or county school superintendent may act as agent during vacation periods for the sale of school equipment and supplies where he is not employed or where he has no jurisdiction or supervision.

(3) No dealers in school equipment and supplies or their representatives shall knowingly offer or give any commission or compensation to any director, school clerk, principal, school superintendent, teacher or county school superintendent for services or favors rendered in the sale of school equipment and supplies where such school personnel is employed or has jurisdiction or supervision.

(4) This section shall not apply to a school board member in any third class district in respect to labor in connection with repairs or maintenance nor to the furnishing of fuel or schoolroom supplies.

332.240 False report to secure apportionment. No member of a district school board or district clerk shall wilfully sign a false report to a county school superintendent with the intent of causing such superintendent to apportion a larger sum than its

just proportion of school moneys to his school district.

332.248 Necessity of advertising for bids on school purchases. Except for services provided by its regular employes, district school boards shall provide their school districts with school buildings, improvements, maintenance and repairs, transportation and other school materials or services by advertising for sealed bids thereon as follows:

(1) In any first class school district when in the opinion of a majority of the board the cost of any lot of furniture, stationery, apparatus, transportation facilities, including school busses and parts, fuel, buildings, improvements, repairs or expenditures for materials or services amounts to at least $2,000.

(2) In all second or third class school districts when in the opinion of a majority of the board the cost of materials or services listed in subsection (1) of this section amounts to at least $1,000.
[1953 c.626 §1]

332.250 [Repealed by 1953 c.626 §9]

332.252 Emergency purchases without advertising for bids. In cases of emergency and where the interest or property of the district probably would suffer material injury by delay, or would be materially benefited by immediate purchase or contract, the district school board, by unanimous declaration of such fact entered in the record of board proceedings, may make such immediate purchase or contract without first advertising for bids.
[1953 c.626 §2]

332.256 Method of advertising for bids. District school boards required to advertise for bids shall give notice of their intention to receive written, sealed bids in the manner provided in ORS 331.010 for giving notice of school meetings. The notice shall fully describe the action to be taken or the material or facilities to be purchased. Notice shall not be given prior to the completion of plans or specificiations or both as required. If specifications are required, they shall be either included in the notice itself or where they are on file in a public office, they may be incorporated by appropriate reference to the exact place where the specifications may be inspected. The language of the notice shall fully inform bidders of the subject matter.
[1953 c.626 §3; 1957 c.310 §13]

332.260 [Repealed by 1953 c.626 §9]

332.262 Filing of sealed bids; limitation on time of opening bids. All bids shall comply with the requirements of the notice, shall be sealed and filed with the district school clerk and shall not be opened prior to the time fixed in the notices, which shall not be less than 15 days after the initial advertisement for the bids.
[1953 c.626 §4]

332.266 Opening of bids; action on bids. (1) The district school board or their authorized representatives shall meet at the time and place specified in the notice and publicly open all bids filed.

(2) The board shall not consider any bid which does not fully comply with the terms and conditions fixed by the notice. The board may postpone final consideration of the bids to some other time and place, or reject all bids and call for new bids in the manner required for original bids. If it neither postpones nor rejects, the board shall award the contract or purchase to the lowest responsible bidder, taking into consideration quality, probability of performance, and in the case of lease and rental agreements, condition and location of the premises.
[1953 c.626 §5]

332.270 [Repealed by 1953 c.626 §9]

332.272 Noncomplying bids, purchases or contracts are void. Bids, purchases or contracts which do not conform to the requirements of ORS 332.248 to 332.266 shall be void.
[1953 c.626 §6]

332.280 [Repealed by 1953 c.626 §9]

332.290 to 332.300 [Reserved for expansion]

332.310 [Repealed by 1957 c.634 §13]

332.320 Employing personnel. A district school board may:

(1) Employ a superintendent of schools and necessary assistant superintendents for the district and fix their term of office, compensation and duties.

(2) Employ principals, teachers, supervisors, athletic coaches, supervisors of summer playground and recreation activities, office assistants, truant officers, attendance supervisors, health attendants, architects, janitors, carpenters and similar employes, define their duties, designate their superiors and fix their compensation.
[Amended by 1957 c.634 §4]

332.330 Rules and regulations. A district school board may make rules and regulations for the government of the district.
[Amended by 1957 c.634 §5]

332.340 Courses of study. The district school board shall see that the courses of study prescribed by law are carried out. They may establish others supplemental but not inconsistent with such courses. This section shall not limit the power and authority of first class districts which are authorized to prepare and adopt their own courses of study in elementary and high schools.
[Amended by 1957 c.634 §6]

332.350 Continuation evening schools. A district school board may:

(1) Provide and maintain continuation evening schools, fix the hours during which such schools shall be in session and fix the length of term for said schools at not less than one-third that of the day session in such city.

(2) Employ teachers and otherwise provide for the instruction of pupils in all branches taught in the day sessions if there seems sufficient demand for such provision in the evening school.

(3) Within the limits of subsections (1) and (2) of this section, fix a course of study for graduation from the evening high school.

(4) Admit any person not receiving instruction in the day session for the public schools, without restriction as to age or citizenship, but, except as provided in ORS 332.360, no person shall be received who is not a resident of said district.
[Amended by 1957 c.634 §7]

332.360 Nonresident pupils. A district school board may determine who are nonresident pupils and may fix the rates of tuition for such pupils.
[Amended by 1957 c.634 §8]

332.370 Annual financial reports. A district school board may make an annual printed report to the district taxpayers. If the district prepares and prints or posts a budget in accordance with any law of the state, which budget discloses the financial transactions of the district for any school year, such budget disclosure is a sufficient annual report.
[Amended by 1957 c.634 §9]

332.380 Land and buildings. A district school board may:

(1) Furnish, equip, repair, lease and build schoolhouses, including high schools, junior high schools, vocational schools, technical schools, gymnasiums, houses for teachers and other employes and like buildings; and locate, buy and lease lands for all school purposes.

(2) Construct or cooperate in the construction of training schools on state or district owned lands, for any state normal school, state university or agricultural college in or contiguous to the district, and to expend district funds in so doing.

(3) Lease, sell and convey such district lands and other property as may not in their judgment be required for school purposes.
[Amended by 1957 c.634 §10]

332.390 [Repealed by 1953 c.424 §2 (ORS 332.085 enacted in lieu of ORS 332.390)]

332.400 Regulation of vehicles on school property. (1) As used in this section, "vehicles" means and includes all motor vehicles as defined in ORS 481.040 and every other mechanical device in or on which a person or thing is or may be carried and which is intended for such use.

(2) A district school board by resolution may make, modify or abolish such rules and regulations prohibiting, restricting or regulating the operation and parking of vehicles, or particular classes or kinds of vehicles, upon property controlled by the district, as the board deems convenient or necessary for the policing of such property.

(3) The prohibitions, restrictions and regulations referred to in subsection (2) of this section shall become effective when appropriate signs giving notice thereof are erected upon such property.

(4) Every peace officer may enforce the rules and regulations promulgated by the district school board under subsection (2) of this section.

(5) The district and any municipal corporation or any department, agency or political subdivision of this state may enter into agreements or contracts with each other for the purpose of providing a uniform system of enforcement of the rules and regulations of the district school board promulgated under subsection (2) of this section.
[1961 c.570 §§1, 2, 4, 5]

332.410 Board meetings. The district school board must provide for the time and place of its regular meetings, at any of which it may adjourn to the next succeeding regular meeting or to some specified time prior thereto. It may be convened upon written or printed notices issued by the school clerk by order of the chairman or issued by the school

clerk upon the united request of three members of the board at least 24 hours before such meeting is to be held or it may be convened by common consent of the board members.
[Amended by 1957 c.634 §11]

332.420 Quorum. A majority of the board of directors shall constitute a quorum to do business but a less number may meet and adjourn from time to time and compel the presence of absent members.

332.430 Meeting rules; journal. A district board may adopt rules for the government of the conduct of its members and its proceedings. It must keep a journal, and, on the call of any one of its members, must cause the yeas and nays to be taken and entered upon its journal upon any question before it.
[Amended by 1957 c.634 §12]

332.440 Districts containing 20,000 school children; powers of district school board. The district school board of any school district having a population of 20,000 or more children of school age may:

(1) Establish and maintain kindergartens, elementary schools, high schools, manual training schools, vocational schools, schools of trades, evening schools and schools for deaf and backward children.

(2) Fix the days of the year and the hours of the day when such schools shall be in session.

(3) Admit to such schools, in addition to the persons provided for by law, such other persons as it deems advisable.

(4) Prescribe textbooks and courses of study for the use of such schools and change the same whenever in the judgment of the board a change is desirable except that any textbooks once adopted and in use shall not be changed for a period of four years.

332.450 Districts with 100,000 population; composition of district school board; qualifications; compensation. (1) The power and authority of school districts having a population of more than 100,000, according to the United States census, shall be exercised by a board of seven directors.

(2) No person shall be eligible for election as a director of such school district who at the time of election is not a citizen of the United States and of Oregon and a resident within such district for one year immediately preceding such election.

(3) No director shall receive any salary or compensation for his services other than reimbursement for expenses actually incurred.

332.460 [Repealed by 1953 c.56 §2]

332.470 to 332.500 [Reserved for expansion]

SCHOOL CLERKS

332.510 Appointment of clerks; duties; compensation; deputies. (1) School clerks in all districts shall be deemed officers of the district school board, which board shall have authority to appoint them, prescribe their duties, fix their compensation and determine the manner of its payment.

(2) The district school board may fill the clerk's office from qualified persons residing inside or outside the district boundaries.

(3) The school clerk in each district may have one or more deputies to be appointed by the district school board. The deputies may perform any act or duty of such school clerk.
[Amended by 1953 c.135 §3]

332.520 Clerk's bond. (1) Before assuming the duties of office, the district clerk and deputy clerk shall each give a good and sufficient bond, executed and justified by two personal sureties or by a surety company authorized to transact business in this state. The amount of each such bond shall be determined by the board at an amount not less than $2,000 in districts with a school census of less than 500, $5,000 in districts with a school census of more than 500 but less than 1,000, $10,000 in first class districts with a school census of less than 20,000 and $50,000 in all first class districts having a school census in excess of 20,000.

(2) The bond of the district clerk shall be presented to and accepted by the district school board within 10 days from the date of his appointment. The bond shall be filed with the county school superintendent within 30 days from the date of the appointment of the district clerk. The bond of the deputy clerk shall be presented to and accepted by the district school board of his district and filed with the county superintendent prior to the performance of any act or duty of the school clerk by the deputy clerk.

(3) No director shall be surety on a clerk's bond.
[Amended by 1953 c.135 §3]

332.530 Bond of reappointed clerk. Each district clerk who is his own successor shall give a new bond for the term for which he is reappointed within the time designated in ORS 332.520. His former bondsmen shall not be liable for defaults committed within the term for which he is reappointed. If any district clerk fails to give a bond within the time mentioned in ORS 332.520 for the presentation and acceptance of such bond, the office of clerk shall be declared vacant by the district school board; but if any board of directors accepts a bond of the district clerk after 30 days have elapsed from the date of his appointment, a bond so accepted shall be valid.

332.540 School census; special census for district reclassification. (1) Every district clerk shall enroll during the last week in October of each even-numbered year, for school purposes, the names and ages of all persons in his district over 4 and under 20 years of age, and also the names and postoffice addresses of all parents and guardians of such persons resident in the district. The school census of each even-numbered year shall include all youths between the ages of 4 and 20 years who, on October 25, actually resided in the district. In each odd-numbered year the school census shall be the census taken the previous year multiplied by a factor determined by dividing the average days membership of resident elementary school pupils in the district as reported on the quarterly report submitted on September 30 of the current year by the corresponding data for the previous year.

(2) Whenever in the opinion of the school board the number of persons between the ages of 4 and 20 years residing in the district has increased sufficiently to warrant a reclassification of the district, a special school census may be taken. The district clerk shall certify the same to the county school superintendent who shall in turn certify it to the Superintendent of Public Instruction. If such special census shows an increase over the previous school census for the district sufficient to warrant reclassification, the state superintendent shall reclassify the district to be effective at the annual school meeting next following such special census. The special census, when completed and certified to the county superintendent shall be used for reclassification purposes only.

[Amended by 1953 c.512 §2; 1957 c.198 §1]

332.545 Census of blind and deaf children. The district clerk shall enumerate, at the same time he takes his school census in each even-numbered year, the name, age and postoffice addresses of all children resident in his district who are over 4 and under 20 years of age and who are blind or deaf to such an extent as to be unable to acquire an education in the common schools.

[Amended by 1957 c.198 §2]

332.550 Resident status of child-caring agency wards. Dependent children who are living in any school district with private families and who are wards of an approved child-caring agency are residents of said school district for school purposes. Such children shall be included in the school census of the district in which they are then residing regardless of the residence of their parents, if any, and regardless of the fact that the child-caring agency of which they are wards is situated outside such district.

332.560 [Reserved for expansion]

332.570 Parents' and guardians' duty to answer census questions. No parent or guardian of a child of school age shall fail to answer truly all questions propounded to them by the school clerk in regard to their residence and the number, age and sex of all children of school age of whom they are parents or guardians.

332.580 [Repealed by 1953 c.234 §2]

332.590 Review and correction of school census. The clerk shall forward a certified copy of the school census to the county school superintendent within 10 days after taking the school census in an even-numbered year, or by November 1 in an odd-numbered year. The county school superintendent shall immediately examine into its correctness. He may correct an incorrect report or cause the clerk to correct it. In case the district school board and the 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 decide as to the correctness of the report. The decision of the district boundary board is final. No corrections shall be made after January 1 of the year immediately following the census.

[Amended by 1957 c.198 §3]

332.600 Census increase of 100 percent; new basis for apportionment. Where the school census of any school district shows an

increase of at least 100 percent in the number of children resident in the district between the ages of 4 and 20 years over the number of such children as shown by the last annual report of the district clerk the clerk shall immediately report such increase to the county school superintendent. Thereafter in any apportionment of school funds in proportion to the number of such resident children in the several school districts, the number of such children shown by such school census shall be used as the basis of such apportionment instead of the number shown by the last annual report.
[Amended by 1957 c.198 §4]

332.610 List of district officers. The district clerk shall in five days after the first Monday in May send to the county school superintendent a list of the officers of his district, giving the term of office of each director and the postoffice address of each director and clerk of the district.
[Amended by 1957 c.622 §4]

332.620 Clerk's annual report. Every district clerk shall make an annual report to his district and to the county school superintendent according to the form prescribed by the State Board of Education and shall forward a certified copy of the same to the county school superintendent within five days after the third Monday in June.

332.630 Accounts and reports. The district clerk shall keep a correct account in a book provided for that purpose of all moneys coming into his hands and of all paid out belonging to his district. He shall make a report of the same to the annual meeting, and, when called upon by directors to do so, shall report at special meetings.

332.640 Clerk's duty to collect district money. When the district clerk receives the county school superintendent's order for the money set apart for his district out of the county school fund, he shall call upon the treasurer in person or otherwise, present his order and get the money. The county treasurer shall report at once to the county superintendent whenever such moneys are received by him.

332.650 Records of meetings and district proceedings. The clerk of every school district shall record all the proceedings of the district and board meeting in a book provided for that purpose.

332.660 Clerk as secretary of meetings. The district clerk shall act as secretary of all district and board meetings, and shall perform all other duties required of him by law. Should he fail to perform all such duties he shall suffer the enforcement of his bond.

332.670 Use of uniform blanks. Clerks of all school districts shall use a uniform series of state blanks, blank reports, registers, warrant books and other forms, whenever the same are provided by the authority of the state. When the same have been received, he shall immediately receipt to the county school superintendent for them on blanks furnished for that purpose.

332.680 Clerk's duty to turn over property to successor. The district clerk shall turn over all district money, books and papers to a duly qualified successor.

332.690 to 332.980 [Reserved for expansion]

PENALTIES

332.990 Penalties. (1) Violation of ORS 332.120 is punishable, upon conviction, by a fine of not less than $5 nor more than $20. Justice courts shall have jurisdiction of this offense. Fines collected under this subsection shall be paid by the justice within 30 days to the county treasurer who shall give the justice a receipt therefor and credit the amount so received to the county school fund.

(2) Violation of subsection (2) of ORS 332.170 is punishable, upon conviction, by a fine of not less than $5 nor more than $10 for each offense. All fines collected under this subsection shall be paid into the Common School Fund.

(3) Violation of ORS 332.230 is punishable, upon conviction, by a fine of not less than $25 or more than $100 or by imprisonment in the county jail not less than six months, or both; and if the violator is a school director he may be removed from office by a court of competent jurisdiction; and if the violator is a teacher he is liable to immediate dismissal.

(4) Violation of ORS 332.240 is a misdemeanor. In addition, such school district shall forfeit $25 of its proportion of the county school fund. This forfeiture and any fine imposed under this subsection are for the benefit of the county school fund.

(5) Any person violating a rule or regulation promulgated by the district school board under ORS 332.400 shall be guilty of a mis-

demeanor and upon conviction shall be punished by a fine of not more than $250.

(6) Violation of ORS 332.570 is punishable, upon conviction, by a fine not exceeding $100 or by confinement in the county jail not more than 50 days.

(7) Violation of any of the provisions of ORS 332.010 to 332.100, 332.120 to 332.150, 332.170 to 332.240, 332.320 to 332.390, 332.410 to 332.450, 332.510 to 332.545 or 332.570 to 332.680, for which a specific penalty is not provided, is a misdemeanor.

[Subsection (5) enacted 1961 c.570 §3]

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 December 1, 1961.

Sam R. Haley
Legislative Counsel