

PRESENT STATUS OF SCHOOL LAWS IN OKLAHOMA
WITH RECOMMENDED CHANGES

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By

SWARTZ BENTLY BAINES

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STRATHMORE PARCHMENT

APPROVED:

100% RAG U.S.A.

Frank R. Pauly
In Charge of Thesis

G. Coug
Dean of the School of Education

D. M. Intosh
Dean of Graduate School

STRATHMORE

100%

STRATHMORE

100% F.A.

GENERAL OUTLINE

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PRESENT STATUS OF SCHOOL LAWS IN OKLAHOMA
WITH RECOMMENDED CHANGES

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 - (C) Method of Procedure

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Used in Thesis Construction

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Used in Thesis Construction

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S. B. B.

PREFACE

An attempt has been made in the space of this thesis, to show the present status of some of the school laws of the State of Oklahoma; to determine the advisability of changes; to propose suggested changes; and to harmonize the law with the recommended changes.

To make this study of the school laws of Oklahoma and to keep within a reasonable amount of space, naturally required much condensation and limitation of the problem. The outline is a suggested form for the grouping of school laws under related headings, while only that part which is in the main criticized by local, county and state authorities is the part undertaken in this thesis.

It is to be hoped that this thesis will help in some way, great or small, to bring the need for change in some of our present laws into sharper perspective so that these recommendations may be the needed incentive to start the trend toward a greater and more equal educational opportunity for all.

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CHAPTER ONE

INTRODUCTION

(A) PURPOSE

The writer, after careful consideration of problems in the field of education confronting school administrators, lawyers, state, county, and local school officials, was prompted to undertake a study of this type because of his particular interest in this field.

The purpose of this study is two-fold. (1) The need for a guide to school laws in our state incited the writer to prepare an outline for this and future study. In order to get a concise picture of the problem, a complete outline of the school laws had to be prepared, and it is my sincere hope that this outline can be of some assistance to those who are teaching school law and to those who wish to delve further in this field of study. That part of the basic law considered in this thesis is annotated with Supreme Court decisions and attorneys-general's opinions relative to the basic law. (2) The principle of equality in educational opportunity to all types of localities and children therein was the deciding factor in the recommendation of changes to some of the school laws in the state of Oklahoma.

The necessity of limitation of study in this particular field of investigation is obvious as is shown by the enormity of the problem. Only certain phases of

the original outline will be considered in the main body of this discourse.

The trend for greater centralization of students and the gradual change from local forms of taxation for school revenue to state sources has been the incentive for selecting Chapter III, Types of School Districts, and Section B, Sources of School Revenue, of Chapter IV, Taxation and Revenues, of the original outline for this particular study.

(B) SOURCES OF INFORMATION

The material used in the present status of school laws in Oklahoma was secured from Constitutional law, statutory law, judicial decisions, and attorneys-general's opinions in Oklahoma.

The recommended changes are conclusions drawn from the study of doctors' theses, masters' theses, books, reports from other states, reports from our own State Department of Education, surveys made by individual members of the State Department of Education, Brooking's, Organization and Administration of Oklahoma, and Mort's, Financing Oklahoma Schools on the subject in question.

(C) METHOD OF PROCEDURE

I. The first step was to make the usual preliminary study necessary before any serious investigation could be undertaken. The steps in this preliminary study were

made in the following order: (1) preparation of a bibliography; (2) an extensive and thorough research of the work already done in this field; (3) outlining the study; (4) limitation of the problem.

II. The second step was the making of a comprehensive study of the school laws in Oklahoma both constitutional and statutory together with the Supreme Court decisions and attorneys-general's opinions relative to that part of the outline used in this discourse.

III. The third step was the research for suggested methods that might improve and refine some of our present laws in regard to our schools.

CHAPTER TWO

Section I, Article 13 of the Constitution of Oklahoma makes it mandatory for the Legislature "to establish and maintain a system of free public schools wherein all the children of the state may be educated". The Constitution, however, makes no provision with respect to the manner in which such system of free public schools is to be administered, thus delegating to the Legislature the authority to select the agencies through which educational functions are to be performed. For purposes of overseeing the important governmental function of education, the Legislature has utilized as one of its instrumentalities the local territorial divisions or units called school districts with a large power within their respective boundaries. It has been held by the courts in a large number of decisions in many states that "the school district is purely a creation of the Legislature, either by express law, or by general law under which it is formed".¹ The Supreme Court of Oklahoma has subscribed to this principle and has rendered its decisions in keeping with it.

By legislative acts, Oklahoma had created, and still has approximately this number in existence, 4,816² districts for white children by the end of 1934. These districts were governed by more than 15,000 members of local school boards, whose qualifications ranged from the bare ability to read and write to a doctor's degree. 4,428 of these districts

1. Ruling Case Law, Volume 24, Page 563.

2. Organization and Administration of Oklahoma. The Brookings Institution.

with their local school boards of three (3) members each were dependent districts under the supervision of the county superintendents whose qualifications as set by law have to be at least a first-grade county certificate. However, a large majority of those now elected hold much higher credentials (one a doctorate degree) than the statute requires. This plan of supervision has been in existence without change since the organization of Oklahoma Territory in 1889.

The 388 independent districts enrolled approximately fifty-five (55) percent of the total school enrollment while the dependent districts, though more than ten (10) times as many, enrolled ten (10) percent less pupils.

In the independent districts the enrollment in the twelfth (12th) grade was thirty-eight (38) percent of the enrollment in the first (1st) grade as compared with the dependent districts where the enrollment in the twelfth (12th) grade was only six and one-half (6 1/2) percent of the enrollment in the first (1st) grade.³ (This low percentage is caused in part by the transferring of the high school students from the dependent high schools to the independent. Figures are not available so as to determine the exact percent of the causes.)

In the 388 independent districts there was a total of 395 schools with nine (9) schools having five (5) rooms, twenty-two (22) having six (6) rooms, thirty-three (33) having seven (7) rooms, twenty (20) having eight (8) rooms, twenty-two

3. Organization and Administration of Oklahoma. The Brookings Institution. Page 18.

(22) having nine (9) rooms, and 289 having ten (10) or more rooms. In contrast the 4,428 dependent districts had 4,945 schools with 3,136 one (1) room schools, 1,186 two (2) room schools, 182 three (3) room schools, sixty (60) four (4) room schools, eighty-one (81) five (5) room schools, seventy-four (74) six (6) room schools, eighty-three (83) seven (7) room schools, fifty-six (56) eight (8) room schools, twenty-nine (29) nine (9) room schools, and fifty-eight (58) school systems with ten (10) or more rooms.

From this illustration it was obvious that in 1934 the independent districts were the large schools and the dependent districts the small ones. More than sixty-five (65) percent of the dependent schools employed only one (1) teacher and slightly less than twenty-four (24) percent employed two (2) teachers. This gave the pupils in the one (1) room school about twelve (12) minutes per recitation and in the two (2) room schools about sixteen (16) minutes per recitation. As a rule, teachers in the smaller schools have the least experience and the least professional training.

Financial considerations coupled with better living conditions offered by the towns attract many of the best rural school teachers to the schools in the independent districts. Thus the rural schools become the teacher training centers for the larger independent districts.⁴

The Brooking's Institution, in its report to the state of Oklahoma, states that "the contrast is so sharp that we are almost justified in saying that the schools in independent districts are graded, whereas, those in the

⁴ 16th Biennial Report of the State Superintendent of Public Instruction. 1934-36, Page 23.

dependent districts are ungraded."

There were 864 high schools in the independent and dependent districts in Oklahoma in 1934 with 328 of these high schools having an enrollment of 100 or more pupils each and the remaining 536 with less than 100 pupils each. Only thirty-three (33) of the high schools had an enrollment of 500 or more pupils. The prevailing conditions that existed in these 864 high schools is convincing evidence that the opportunities for a high school education were not adequate.

In the survey by the Brookings Institution evidence is given that in the small schools and also that in a large number of the large high schools many conditions are not too conducive to pupils to attend high schools. Oklahoma ranks above only thirteen (13) of the forty-eight (48) states in percentage of total school enrollment in high schools.

A high correlation between attendance and the size of schools is shown by a study in the graduate school at the University of Oklahoma by M. G. Starry in his master's thesis.⁵

Oklahoma ranks last or forty-eighth (48th) in the percent of attendance listed by the United States Commissioner of Education. The state was 11.4 percent below the average in attendance for the nation.⁶

A clear picture of the ability of the local district to furnish equal educational opportunities comparable to other

5.

M. G. Starry, The Classification and Attendance of the Public School Children in McClain County, Oklahoma University, 1933.

6. United States Commissioner of Education Bulletin, No. 2, 1933, Page 9.

local districts is shown in the Brookings's Survey.⁷

We have about the same picture existing during the year 1935-1936 with a total of 4,701 organized districts for white pupils. The independent districts increased from 388 in 1933-1934 to 399 in 1935-1936. During the same period there was a decrease in the dependent districts from 4,428 to 4,360. This change was caused by consolidation, by attaching dependent districts to independent districts, and by dependent districts centering in incorporated towns thus becoming independent. As a result, the total enumeration, enrollment, and average daily attendance in the dependent districts decreased while just the reverse was true in the independent districts.⁸

By the end of 1937, Oklahoma had 4,951 organized school districts with 2,536 employing only one (1) teacher and 1,548 employing from two (2) to five (5) teachers. Forty-seven (47) of these districts have from one (1) to five (5) pupils; 226 have from six (6) to ten (10) pupils; 705 have from eleven (11) to twenty (20) pupils; 665 have from twenty-one (21) to thirty (30) pupils; 974 have from thirty-one (31) to fifty (50) pupils and 1,139 have from fifty-one (51) to one hundred (100) pupils. Only six (6) percent of these districts have an enrollment of 400 or more pupils and about fifteen (15) percent of them offer high school work.

The size of these school districts vary from one (1) to

& 7. Organization and Administration of Oklahoma, The Brookings Institution. Pp. 22--25.

8. A. L. Crable, Sixteenth Biennial Report of Superintendent of Public Instruction. 1936. Page 19.

250 square miles and the revenue from ad valorem tax per pupil annually ranges approximately from \$1.50 to \$750.00.

Out of fifteen (15) percent of the school systems in the state offering high school work 536 of these high schools had less than 100 enrolled pupils each.

"Irrespective of total enrollment graduates of high schools enrolling more than twenty (20) and fewer than thirty-one (31) pupils per teacher earn better marks in college than the graduates of schools enrolling twenty (20) pupils or less or more than thirty (30) pupils per teacher. Within the limits of this study therefore the evidence favors the product of classes ranging from twenty-one (21) to thirty-five (35) pupils per teacher."⁹

The essence of democracy is equal opportunity for all. The public school system should have for its purpose, assurance to every child, regardless of the birth status, equality or opportunity to obtain whatever type of education the state provides for.

The question then arises, does our state provide such opportunity? After careful study of the existing conditions, we are bound to agree that our present set-up does not fulfill that purpose of the public school system.

Howard A. Dawson in his study on Local School Units sets up the following functions of the elementary and secondary schools:

9.

B. L. Pittinger, Size of High Schools as Related to Efficiency in College, Sixteenth Yearbook National Society for the Study of Education, 1917, Page 22.

"Functions of Elementary School"

1. To bring together for educational purposes, regardless of social status and native endowment, all the children of the community, and to place them under the supervision of men and women carefully trained for the work of inducing these immature members into the life of modern society:

2. To foster activities that will insure the acquisition by the pupil of those basic skills, habits, attitudes, dispositions, ideals, and powers required by all members of organized society.

"Functions of Secondary School".

1. To provide for an upward extension of the functions of the elementary school giving more comprehensive instruction in the fields begun on that level.

2. To provide the means by which the adjustment of the pupils to their social environment can be facilitated with the greatest amount of satisfaction to the pupils and to society.

3. To provide for the integration of social purposes and activities through the development in the secondary school population of that amount of likemindedness, of unity in thought, habits, ideals, and standards, requisite for social cohesion and social solidarity.

4. To provide for differentiation among the secondary school population through recognition of and provision for individual differences in abilities, capacities, and interests.

5. To provide preparatory training for the benefit of

that part of the school population which should continue education in some higher institution.

6. To provide for selection among the secondary school population in keeping with the differences in the individual capacities and with the varying needs of society.

7. To provide for diagnosis of individual capacities and interests and for the direction of the pupil into fields in which he can work with most profit to himself and society."¹⁰

"Studies of time allotment to pupils and to classes in schools of various sizes show conclusively the advantage of elementary schools having six or more teachers."¹¹

"The cost per pupil tends to increase rapidly in high schools under 200 in enrollment and the change in cost after the 200 enrollment is reached is not material. There is considerable evidence that high schools having an enrollment of 500 to 600 pupils offer more courses, provide more activities and cost less per pupil than smaller schools."¹²

10. Howard A. Dawson, Satisfactory Local School Units, 1934, p. 12-13.

11. Dawson, Howard A., and Cavins, L. V., et al, An Administrative Survey of the Public Schools of Mercer County, West Virginia, P. 32.

12. Monminga, S. P., Costs and Offerings of California High Schools in Relation to Sizes, Journal of Educational Research, 20: P. 356-64, December 1929.

RECOMMENDATIONS FOR THE RE-ORGANIZATION AND CONTROL
OF OUR SCHOOL DISTRICTS IN STATE OF OKLAHOMA

1. That all independent, common school, union graded, consolidated, and joint consolidated districts should be abolished and the county made the main administrative unit for school purposes with subdivisions therein.

2. That each county have its County School Administrator of Education appointed by the elected County Board of Education to serve until removed by the County Board of Education.

3. That the County Board of Education be composed of an elected member from each of the sub-administrative school units within the county. Their qualifications must be at least a high school graduate and a resident of the sub-administrative school unit from which they are elected.

4. That the division of the county for school purposes be made by a committee appointed by the combined Committee on Education from the Senate and House of Representatives.

5. That each sub-administrative school unit should have a minimum of six (6) years of elementary instruction with a desirable minimum of six (6) teachers with thirty-five (35) or more pupils in membership per teacher, three (3) years of junior high school instruction, and three (3) years of senior high school instruction with a desirable minimum of eight (8) teachers with an average of at least thirty (30) pupils in membership per teacher in the junior-senior high school.

6. That each sub-administrative school unit be in charge of a principal recommended by the County Administrator and elected by the County Board of Education, with at least one (1) assistant principal.

7. That there be appointed a supervisor for each school unit and no one (1) supervisor to have more than five (5) school units under his or her supervision.

8. That all teachers for the elementary schools shall have at least ninety (90) college hours or professional training and all teachers in the junior and senior high schools a minimum of a bachelor's degree. All principals, assistant principals, and supervisors shall have a minimum of a bachelor's degree and five (5) or more years teaching experience.

9. That each sub-administrative school unit shall be organized so that no pupil will be more than one (1) hour and fifteen (15) minutes bus ride from school.

10. That each pupil living one (1) or more miles from the proper limits of a city of the first class in which the school is located and each pupil living one (1) or more miles from school in school units not located in a city of the first class shall be furnished transportation to and from school.

11. That the county treasurer shall be the treasurer for each and every sub-administrative school unit.

12. That in selecting the sub-administrative school units preference should be shown the most populous center in locating the school building.

CHAPTER THREE

COMMON SCHOOL DISTRICTSSection 6781Subjects To Be Taught.

C. O. S. 1921, Section 10334.

S. L. 1913, Chapter 219, Article
3, Section 1.

A common school district may
establish a high school and give
instruction in the subjects which
are prescribed by the State Board
of Education for high school work
in common school districts, and
further that such a common
school district is authorized to
make expenditures which are
necessary for the establishment
and maintenance of said high
school. O. A. G. July 2, 1928.

Section 6782School Month--Definition.

C. O. S. 1921, Section 10335.

S. L. 1913, Chapter 219, Article
3, Section 2.

Section 6783School Districts--When Deemed
Organized.PROPOSED LAWS TO GOVERNRECOMMENDED CHANGESSection 1School Units.

Each county of the state
of Oklahoma shall
constitute an administrative
unit for school purposes
and it shall be divided
into sub-administrative
school units having six
(6) years elementary
instruction, three (3)
years of junior high
school instruction, and
three (3) years of senior
high school instruction,
with an enrollment of
a desirable minimum of
two hundred twenty-five
(225) students in the
elementary school, an
enrollment of a desirable
minimum of two hundred
twenty-five (225) students
in the junior and senior

C. O. S. 1921, Section 10336.	:	high schools. Location
S. L. 1921, Chapter 219, Article	:	of sub-administrative
3, Section 3.	:	school buildings shall
<u>Section 6784</u>	:	be as near the most
<u>Each District A Corporate Body--</u>	:	populous centers as possible.
<u>Powers.</u>	:	<u>Section 2.</u>
C. O. S. 1921, Section 10337.	:	<u>Formation Of School</u>
S. L. 1913, Chapter 219, Article	:	<u>Units.</u>
3, Section 4.	:	*(6853)
Not in conflict with Sections 9	:	The sub-administrative
and 10, Article 10 of the	:	units shall be determined
Constitution of Oklahoma. McGee	:	by a committee for each
v. School District, 82 Oklahoma	:	county, selected from
18, 198 P. 61.	:	the respective counties
In action by school district board:	:	by the combined
against county treasurer for	:	legeslative committees
funds, held treasurer could not	:	of the Senate and
set up invalidity of tax levy as	:	House of Representatives.
defense. McGee v. School Dis-	:	They shall divide each
trict, 82 Oklahoma 18, 198 P. 61.:	:	county into the sub-
Contract made with individual mem-:	:	administrative school
ber of the board cannot bind	:	units according to
school district. Frensley	:	at least the minimum
Brothers Lumber Company v. Scott,:	:	requirements set out
117 Oklahoma 133, 245 P. 615.	:	above. All exceptions
See Section 10465 Note. Consoli-:	:	to the minimum
dated School District #1 v.	:	requirements shall be

Wright, 128 Oklahoma 193, 261 Pac. 953.

School districts held subject to serial bond act, Section 4268a et seq. Joint School District # 1322 v. Dabney, 127 Oklahoma 234, 260 Pac. 486.

See Section 6940 Note. Tankersley, 167 Oklahoma 425, 29 P. (2d) 976.

A school district may employ attorneys in any case where said district is a party to suit and said attorney may be compensated from public funds. Supreme Court Case, 30 Oklahoma 81.

Section 6785
Division Of Districts--Equitable Divisions of Property.
 C. O. S. 1921, Section 10338.
 S. L. 1913, Chapter 219, Article 3, Section 5.

In dividing a common school district, county superintendent should make equitable adjustment of valuation of school houses.

School District No. 79 v. School District No. 78, 179 Oklahoma

: referred to the
 : State Board of
 : Education of the state
 : of Oklahoma and
 : decided upon by them.
 : Section 3.
 : Board Of Education--
 : Members--Election.
 : (6855)
 : The Board of Education
 : for the county
 : administrative school
 : unit shall consist of
 : a member duly elected
 : from each of the
 : sub-administrative
 : school units, one-
 : third (1/3) of the
 : total membership to
 : be elected each year on
 : the first Tuesday in
 : March at a regular
 : polling place or places
 : in said sub-administrative
 : school units, and
 : provided, that the
 : sub-administrative
 : school unit shall bear

597, 67 P. (2d) 30.

Section 6786

Annual Meeting--Notice Special Meetings--Fiscal Reports.

C. O. S. 1921, Section 10339.

S. L. 1921, Chapter 85, Section 1. Amends S. L. 1915, Chapter 278, Section 1.

Compliance with statutory procedure is mandatory to validity to tax. Prince v. St. Louis and S. F. Railway Company, 110 Oklahoma 141, 237 Pac. 106.

Construed with Section 12684 and Article 10, Section 9, Constitution of Oklahoma. Exercise Board of Marshall County v. School District, 156 Oklahoma 261, 10 P. (2d) 643.

Election to determine whether union graded district will furnish transportation for pupils held after July 1 held void. Dixon v. Johnson, 157 Oklahoma 170, 11 P. (2d) 477.

Election of district clerk by acclamation held valid and election not invalidated by taking

the expenses of holding such election.

Section 4.

Elections--Notice.

(6856)

Notice of such election shall be given by written or printed notices, signed by the clerk of the County Board of Education and posted in five (5) or more public places in the respective school units involved, twenty (20) days prior to such election and shall briefly indicate the purpose of such election and designating the polling places therein.

Section 5

Terms Of Office.

(6857)

The members of the County Board of Education of the sub-administrative school units as

oath before closing time for annual meeting. *McCarter v. Spears*: 157 Oklahoma 168, 11 P. (2d) 489. Fact that person elected clerk of school district acted as clerk and counter for annual school meeting would not invalidate his election where fraud was not shown. O. A. G. April 12, 1927.

Keeping polls open until six o'clock will not invalidate election. O. A. G. April 12, 1927.

Irregularity in closing polls before four o'clock would not invalidate election unless it is shown that sufficient number of voters were hereby deprived of vote as would have changed result had they voted against special levy. O. A. G. September 6, 1929.

Cited: *School District #85 v. School District #71*, 135 Oklahoma 270, 276 P. 186.

Notice of annual meeting should contain notice that question of additional levy for building fund will be submitted, if it is to be defined by this Act, shall continue in office until the expiration of the term for which they were elected, and thereafter all members shall be elected for a term of three (3) years.

Section 6.
Organization--Conduct of Business.
Such County Board of Education shall organize themselves and they shall conduct the business in the manner provided by law for the County Board of Education.

Section 7.
Treasurer.
(6859)
The county treasurer of each county shall be the treasurer of all sub-administrative

submitted. O. A. G. March 22,	:	school units
1934.	:	therein. His election
Proviso that annual meeting begin	:	shall be in accordance
at 2 o'clock and close at 4 o'	:	with the election
clock held directory and not man-	:	laws of the state.
datory. O. A. G. March 22, 1934.	:	<u>Section 8</u>
Not necessary to stay open until	:	<u>Change Of Boundaries.</u>
4 o'clock. O. A. G. August 29,	:	The original boundaries
1936.	:	of the sub-administrative
Requires an election. Keithley v.	:	school units as
Haney, 180 Oklahoma 276, 69 P.	:	provided for by this
(2d) 353.	:	Act may be altered by
When the law prescribes the hours	:	the State Board of
for the beginning and the closing	:	Education upon the
of an annual meeting of a school	:	receipt of a
district, it is the duty of the	:	petition signed by
voters of that district to be	:	three-fourths (3/4)
present at the hour designated for	:	of the legal voters
the beginning of the meeting, and	:	of the two (2) or
a voter cannot, arriving late,	:	more districts involved
rightfully complain of lack of	:	and said petition
opportunity to vote if the meet-	:	approved by the
ing has been adjourned before his	:	County School
arrival, since the law does not	:	Administrator. Their
require the meeting to be held	:	action shall be
open from the time prescribed for	:	final.
its closing. O. A. G. January	:	<u>Section 9</u>
28, 1937, referring to an opinion:	:	

written to T. L. Marteney, County: County Administrative
 Attorney, Mayes County, April 10,: Unit A Body Corporate--
 1935. : Powers.
 There is nothing in the statutes : (6861)
 of Oklahoma requiring an estimate: The public schools of
 of needs of a common school dis- : each county organized
 trict to be approved by a majori- : in pursuance of this
 ty of the voters of the school : Article shall be a
 district. Excise Board v. School: body corporate and
 District #34, 156 Oklahoma 261, : shall possess the
 Pac. (2d) 613. : usual power of
 : corporations for
Section 6787 : public purposes, by
QUALIFICATIONS OF VOTERS. : the name and style
 C. O. S. 1921, Section 10340. : of "The Board of
 S. L. 1913, Chapter 219, Article : Education of County
 3, Section 7. : of _____,
 Thirty days residence in district : of the State of
 is not prerequisite to vote in : Oklahoma", and in that
 annual election if voter is : name may sue or be
 otherwise qualified. O. A. G. : sued, and be capable
 April 19, 1933. : of contracting or
 Qualified electors of school dis- : being contracted with,
 trict are entitled to vote at : of holding and
 bond election, though territory : conveying such personal
 in which they reside has been : and real estate as it
 within district less than thirty : may come into possession
 days. Lowe v. Consolidated : of, by will or otherwise,
 School District #97, 79 Oklahoma :

115, 191 P. 737.

Persons residing in district are entitled to vote on bond issue, though territory in which they reside has been within school district less than 30 days. Ibid.

Applies to an annual dependent school election. O. A. G. March 19, 1937.

Neither women nor men are, under the law now in force in Oklahoma, required to register before voting in any school district election of said State, either for the election of school officers, the issue of school bonds or the making of an excess levy of taxes for the maintenance of schools. O. A. G. May 25, 1927.

Compiled Statutes 1921, Section 6252, relating to registration of voters is not violative of the Constitution, Article 3, Section 6 empowering the legislature to provide for registration of voters and does not embrace voters at school elections. Loftus v. School District #52, 144

or is authorized to be purchased by the provisions of this Article.

Section 10
Transfer Of School Property.
(6862)

Any district previously organized is hereby authorized and required, upon request of the County Board of Education, all property within of any such previously organized district heretofore purchased by any such district for school purposes and now held and used for such purposes, the title to which is vested in any such district. This property to remain in the newly created

Oklahoma 281, 290 Pac. 1101.	:	sub-administrative
<u>Section 6788</u>	:	unit for school
<u>Challenge of Voter--Procedure</u>	:	purposes.
C. O. S. 1921, Section 10341.	:	<u>Section 11</u>
S. L. 1913, Chapter 219, Article	:	<u>Formal Requisites of</u>
3, Section 8.	:	<u>Transfer</u>
School district election void	:	(6863)
where qualified electors corrupt-	:	All conveyances of the
ly and fraudulently deprived of	:	property mentioned in
votes are sufficient to change	:	the board of education
result of election. Richardson	:	of previously organized
v. Gregg, 144 Oklahoma 102, 290	:	district and shall
P. 190.	:	have the seal of said
Rules for determining residence.	:	district affixed
Ibid.	:	thereto and be
Failure of compliance by a school	:	acknowledged by the
board officer does not subject	:	president of such
him to removal from office.	:	district in the same
O. A. G. April 7, 1937.	:	manner as other
<u>Section 6789</u>	:	conveyances of real
<u>Powers Of Assemblage.</u>	:	estate.
C. O. S. 1921, Section 341.	:	<u>Section 12.</u>
S. L. 1913, Chapter 219, Article	:	<u>Officers--Terms--</u>
3, Section 9.	:	<u>Qualifications--Places</u>
This section does not authorize	:	<u>Of Election.</u>
meeting to contract for construc-	:	(6864)
tion of school building. Young-	:	A separate ballot box
blood v. Consolidated District,	:	for school purposes

104 Oklahoma 235, 230 P. 910. : shall be provided
 See Section 6948, Note. McCutche- : by the clerk of the
 on v. Bennett. : County Board of
 Not Mandatory. O. A. G. January : Education in the
 28, 1937. : sub-administrative
 This section governs where the : school units and
 site of the district schoolhouse : ballots for school
 is sought to be designated. Only : officers deposited
 a majority of voters is required. : therein. It shall
 O. A. G. December 9, 1935. : be the duty of said
 A common school district at an : clerk to prepare
 annual meeting, may decide on : suitable places for
 whether to maintain two schools : holding such elections.
 by deciding to sell one. O. A. G. : At the first election
 March 26, 1936. : held there shall be
 A schoolhouse shall not be moved : elected a county board
 over one-half mile from the : of education consisting
 center of the district unless by : of one member from
 a 3/5 vote of the electors. : each sub-administrative
 O. A. G. April 27, 1937. : school unit and elected
 The school board may determine : from said unit at
 teachers' salaries contrary to : large. A member shall
 the vote of the electors at the : be nominated and
 annual meeting. O. A. G. : elected from each
 October 30, 1935. : sub-administrative
 Cited: School District #19 v. : school unit at large
 Parrish, 63 Oklahoma 211, 164 P. : with one-third (1/3)
 466. School District #85 v. : of the total members

School District #71, 135 Oklahoma: to be elected for a
270, 276 P. 186. : period of one (1)
Where there are more than two : year, one-third (1/3)
candidates for office of school : of the total members
board member, the one receiving : to be elected for a
the highest number of votes is : period of two (2)
elected. O. A. G. March 27, 1931: years, and the
School district is not authorized : remaining members to
to hold special school meeting : be elected for a
for election of board member : period of three (3)
after regular election is chal- : years, and until
lenged for irregularities. : their successors are
O. A. G. June 1, 1932. : elected and qualified;
School board may convey part of : thereafter at each
school grounds to city if proper- : annual election on the
ly authorized hereunder. O. A. G.: first Tuesday in
October 4, 1926. : March, members shall
See Section 6786 Note. McCarter : be elected to succeed
v. Spears, 157 Oklahoma 168, 11 : the out-going members
P. (2d) 489. : to serve for a term of
Action taken on a matter at an : three (3) years;
annual meeting may later be re- : provided that each
considered, rescinded, or modi- : member must have a
fied at the same meeting. : high school diploma;
O. A. G. April 27, 1937. : and provided further
There having been a tie vote at : that no member of the
the regular school election, it : board of education shall
is equivalent to no election; and: be a member of the

the people having failed to elect: council of a city or
a member of the school board at : town or any other
said election, the present incum- : municipal, county, or
bent holds over until the next : state elective or
regular election. O. A. G. : appointive position.
April 13, 1923. : Section 13
The school board has the power of : Board Of Education--
the selection of teachers and : Filling Vacancies.
their salaries and not the elect- : (6866)
ors at the annual meeting. : The board of education
O. A. G. April 21, 1932. : in any county of the
: state of Oklahoma shall
Section 6790 : have the power to fill
Additional Schoolhouses for Dis- : any vacancy which may
trict--Authorization. : occur in that body;
C. O. S. 1921, Section 10343. : provided, that any
S. L. 1913, Chapter 219, Article : vacancy occurring more
3, Section 10. : than ten (10) days
Patrons of a consolidated indepen- : previous to the annual
dent school district cannot : election and having an
authorize a school at more than : unexpired term of one
one place. O. A. G. February 14, : (1) year or more, shall
1936. : be filled at the first
: annual election
Section 6791 : thereafter and the
Location And Construction Of : ballots and returns of
Schoolhouses Legalized. : the election shall be
C. O. S. 1921, Section 10344. : as follows: "To fill
S. L. 1913, Chapter 219, Article :
3, Section 11. :

Section 6792School Terms--Time And Duration.

C. O. S. Section 10345.

S. L. 1913, Chapter 219, Article
3, Section 12.

Contemplates a decision which
represents in the final analysis
the view of the majority of the
electors. O. A. G. April 27,
1937.

The school board cannot change the
length of the school term as de-
termined by the electors at the
annual meeting. O. A. G.
October 30, 1935.

Section 6793Schoolhouses--Change Of Site--
Vote.

C. O. S. 1921, Section 10346.

S. L. 1913, Chapter 219, Article
3, Section 13.

Where schoolhouses in school
district have a value of more
than \$500.00 and three-fifths of
the voters of the district do not
vote in favor of changing from
three locations to one school
site, question of changing school
site does not carry. O. A. G.

un-expired term".

Section 14Powers Of Boards.

(6867)

The County Board of
Education shall have
the power to elect
their own officers,
except the treasurer,
to fill any vacancy
which may occur in
that body to serve
until a successor is
duly elected by law;
to make their own
rules and regulations,
subject to the
provisions of this
Article; to organize
as provided by this
Article and maintain
a system of elementary
schools; junior high
schools, and senior
high schools; and to
exercise the sole
control over the
schools and school
property of the

March 30, 1931. : county, including
A school site may be selected by a : junior colleges operated
majority of the qualified elec- : therein by the state
tors of a district if the district : or federal government.
has no school house. McCarty v. : Section 15
King, 27 Oklahoma 82. : Organization--Clerk--
Section 6794 : Compensation.
Procedure For Acquiring Site On : (6869)
State Land. : The board of education
C. O. S. 1921, Section 10347. : of the county at its
S. L. 1913, Chapter 219, Article : first regular meeting
3, Section 14. : following the annual
Section 6795 : election, shall
Relocation of Schoolhouses-- : organize by the
Procedure. : election of president
C. O. S. 1921, Section 10348. : and vice president from
S. L. 1913, Chapter 219, Article : among its membership,
3, Section 15. : each of whom shall
Section 6794 and 6795, C. D. S. : serve for the term of
1931 govern relocation of school- : one (1) year, or until
house in district containing : his successor is
town or village qualified to vote : elected and qualified.
at school district elections. : They may also appoint
School District v. Parrish, 63 : a clerk and an
Oklahoma 211, 164 P. 466. : assistant clerk;
Three-fifths vote is not required : provided the clerk and
where schoolhouse insured for : his assistant clerk
over \$500.00 has burned and it is : may not be one of the

proposed to use such insurance : board members, who
 money to build a schoolhouse on a : shall hold office
 new site. O. A. G. June 16, 1925 : during the pleasure
 of the board, and the

INDEPENDENT DISTRICTS

Section 6853

Independent Districts In Cities
And Towns.

C. O. S. 1921, Section 10404.

S. L. 1913, Chapter 219, Article
 6, Section 1.

See Section 6860, O. S. 1931.

Note. Common School District
 #49 v. Wolfe; State v. City of
 Lawton, 101 Oklahoma 176, 224
 Pac. 347.

Cited and applied in suit on
 treasurer's bond. New Amsterdam
 Gas Company v. Board of Education:
 124 Oklahoma 101, 253 Pac. 1012.

Cited: Harp v. Consolidated
 School District, 115 Oklahoma 48,
 241 Pac. 787.

Cities and independent school
 districts are "citizens" for
 diversity of citizenship. State
 ex rel. Williams v. Oklahoma

clerk and assistant
 clerk shall receive
 such compensation for
 their services as the
 board may allow.
 Provided further, no
 County School
 Administrator, principal,
 assistant principal,
 supervisor, instructor,
 or teacher employed
 by such board, shall be
 appointed or serve as
 clerk or assistant clerk.
 Provided further, that
 said County Board of
 Education may employ
 such other assistants
 as is necessary to
 perform the proper
 functions of the school
 units.

Section 16

Natural Gas Corporation, 85 P.	:	<u>Duties Of President.</u> (6870)
(2d) 986.	:	It shall be the duty of
A town constitutes an independent	:	the president to
school district if it maintains a	:	preside at all meetings
four year course accredited by	:	of the Board of
the University of Oklahoma.	:	Education; to appoint
O. A. G. September 9, 1936.	:	all committees whose
Cited: Hoffsommer v. Hayes, 92	:	appointment is not
Oklahoma 32, 217 P. 477. Board	:	otherwise provided for;
of Education, Sapulpa v. Board of	:	and to sign all
Commissioners, 127 Oklahoma 132,	:	warrants ordered by the
260 P. 22.	:	board of education to
Statutes do not require board of	:	be drawn upon the
education of independent district:	:	treasurer for school
to make a financial statement at	:	money.
annual school meeting. O. A. G.	:	<u>Section 17</u>
August 9, 1933.	:	<u>Vice President To Act</u>
All territory within newly	:	<u>In Absence Of President.</u> (6871)
created city is a part of the	:	It shall be the duty of
independent school district of	:	the vice president to
such city. O. A. G. June 9, 19-	:	perform all the duties
31.	:	of the president in
A consolidated district or union	:	case of his absence or
graded school district automati-	:	disability.
cally assumes the status of an	:	<u>Section 18</u>
independent district upon main-	:	<u>Duties Of The Clerk--</u>
taining a four-year fully ac-	:	<u>Bond.</u>
credited high school and	:	(6872)

including within its boundaries
 an incorporated town. O. A. G.
 June 5, 1922.

Section 6854

Districts Containing Two Or More
 Cities Or Towns.

S. L. 1927, Chapter 79, Section 1.

Where there are two statutes on
 the same subject, the earlier
 being special and the latter be-
 ing general, the presumption is
 in absence of express repeal, or
 an absolute incompatibility, that
 the special is to remain in force
 as an exception to the general.

State v. White, 170 Oklahoma
 126, 39 P. (2d) 69.

Section 6855

Board Of Education--Members--
 Elections.

S. L. 1927, Chapter 79, Section 2.

This section is not applicable to
 an independent school district
 containing only one city.

O. A. G. March 6, 1935.

Section 6856

Primary And General Elections--
 Notice.

S. L. 1927, Chapter 79, Section 3.

It shall be the duty of
 the clerk to be present
 at all meetings of the
 board; to keep an
 accurate journal of its
 proceedings; to take
 charge of its books and
 documents; to countersign
 all warrants for school
 moneys drawn upon the
 treasurer by order of
 the board of education;
 and perform such other
 duties as the board of
 education, or its
 committees, may require;
 and before entering
 upon the discharge of
 his duties, the clerk
 of the board of education
 shall give a bond in
 the sum of not less than
 twenty five hundred
 (\$2500.00) dollars,
 with good and sufficient
 sureties to be approved
 by the board, conditioned
 for the faithful
 performance of the

<u>Section 6857</u>	:	duties of his office.
<u>Terms Of Office.</u>	:	<u>Section 19</u>
S. L. 1927, Chapter 79, Section 4.	:	<u>Duties Of The Assistant</u>
<u>Section 6858</u>	:	<u>Clerk.</u>
<u>Organization--Conduct Of Business.</u>	:	It shall be the duty
S. L. 1927, Chapter 79, Section 5.	:	of the assistant clerk
<u>Section 6859</u>	:	to perform the duties
<u>Treasurer--Election.</u>	:	of the clerk in case
S. L. 1927, Chapter 79, Section 6.	:	of his absence or
<u>Section 6860</u>	:	disability; to perform
<u>Attaching Or Detaching Adjacent</u>	:	such other duties as
<u>Territory.</u>	:	the board of education,
C. O. S. 1921, Section 10405; S.L.	:	or its committees, may
1913, Chapter 219, Article 6,	:	require; before entering
Section 2.	:	upon the discharge of
Final unless appeal taken in ten	:	his duties, the
days. Fowler v. Green, 73 Okla-	:	assistant clerk of the
homa 319, 176 P. 222.	:	board of education
Where an appeal from order of	:	shall give a bond in
county superintendent of schools	:	the sum of not less
transferring territory to an in-	:	than two thousand
dependent district, county	:	(\$2,000.00) dollars,
commissioners exceed jurisdiction:	:	with good and
in affirming order. Writ of	:	sufficient sureties to
certiorari will lie from Supreme	:	be approved by the
Court and order will be set	:	board.
aside. Common School District v.	:	<u>Section 20</u>
Independent School District. 75 :	:	<u>Treasurer--Duties--Bond.</u>

Oklahoma 70, 181 P. 938	:	(6873)
Petition to be signed by majority	:	The treasurer of each
of electors in territory to be	:	of the sub-
attached--signatures of majority	:	administrative units
in whole district insufficient.	:	for school purposes
School District #9 v. Board of	:	shall be the duly
Commissioners, 138 Oklahoma 254,	:	elected treasurer for
280 P. 307.	:	the county in which
Division of district and annexat-	:	each said unit is
ion of two municipalities not	:	located. Before
authorized by one petition signed	:	entering upon the
by majority of electors of dis-	:	duties of his office,
trict. Ibid.	:	the treasurer shall
Annexation of territory to a city	:	subscribe to the oath
under section 6130, O. S. 1931	:	of office and execute
does not operate to annex the	:	an official bond made
territory to the independent	:	to the state of
school district, when such change	:	Oklahoma, conditioned
would result in a reduction of	:	for faithful discharge
the taxable value of the original	:	of his duties as such
district more than five (5) per-	:	treasurer, as provided
cent. State v. City of Lawton,	:	for in Chapter 35,
101 Oklahoma 176, 224 Pac. 347.	:	Article 20 of the
Five percent reduction in assessed	:	Compiled Oklahoma
valuation provision not applica-	:	Statutes 1931. The
ble where entire district, com-	:	official bond of the
mon, annexed to independent	:	county treasurer shall
district for school purposes	:	stand for any and all

only. Common School District #49 :
v. Wolfe, 94 Oklahoma 88, 221 :
Pac. 42. :

moneys or securities :
coming into his :
hands. :

Petition held to state cause of :
action for enjoining county :
superintendent and board of edu- :
cation from proceeding to annex :
territory to independent school :
district. Hayes v. Hoffsommer. :
120 Oklahoma 157, 250 Pac. 1009. :

The treasurer shall :
pay moneys only upon :
warrants signed by :
the president of the :
board of education, in :
his absence, by the :
vice president of said :
board and countersigned :
by the clerk of the :
board of education or, :
in his absence, the :
assistant clerk. :

One or more persons may appeal :
from order of county superinten- :
dent changing boundary of dis- :
trict. Graves v. Bowles, 135 :
Oklahoma 109, 274 Pac. 467. :

S. L. 1937, Chapter 34, Article :
9, Section 1 amends Section 6860 :
O. S. 1931. :

Section 21 :
Unconstitutionality :
Of Sections. :

Authorizes annexation of part of a :
consolidated district to an in- :
dependent district which includes :
a city or town. O. A. G. :
June 12, 1936. :

If any part of this bill :
shall be held :
unconstitutional it :
shall not affect the :
validity of the :
remainder of the :
bill. :

Common school district joining an :
independent district, must assist :
in paying existing bonded in- :
debtedness. O. A. G. July 20, :
1935. :

Section 22 :
Annual Meeting Of :
Board--Election Of :

Signers may withdraw their names : County Administrator,
from a petition to detach territ- : Principals, Assistant
ory from an independent district : Principals, Teachers,
at anytime before the county sup- : And Supervisors.
erintendent acts upon it. : (6875)

O. A. G. June 19, 1936. : The regular election
Applies to the annexation of an : of County School
entire school district to an : Administrator,
independent school district : principals, assistant
within which there is a city or : principals, teachers,
town. O. A. G. February 5, 1936. : and supervisors shall
In a joint consolidated district : be held after the
territory of more than five (5) : second Monday of
percent of the valuation cannot : March each year, and
be attached in the current year. : at said time the board
O. A. G. January 6, 1937. : may, by a majority
Where the district to which a- : vote, elect a county
nother is to be annexed is an : school administrator
independent district Section 6860 : for all districts,
amended applies. O. A. G. : the present elected
July 8, 1937. : county superintendent
Cited: In re School District #62, : of public instruction
180 Oklahoma 297, 69 P. (2d) 367. : to serve in that
Territory of an entire common : capacity until his
school district may be annexed to : term of office
an independent district, composed : expires, principals,
of a city and adjacent territory. : assistant principals,
All property subject to taxation : teachers, and

so annexed is taxable for full	:	supervisors for a
proportion of bonded indebtedness:	:	period of one (1)
of district at the time of an-	:	year, and said
nekation. Protest of St. Louis	:	board may, at any
S. F. Railway Company, 164 Okla-	:	such meeting by a
home 229, 23 P. (2d) 699.	:	three-fourths (3/4)
Legislature has authority to fix	:	vote, elect a
limits of district and may sub-	:	County School
sequently annex or provide for	:	Administrator and
annexation of contiguous ter-	:	principals for a
ritory, and provide for payment	:	period not to exceed
of prior indebtedness. St. Louis:	:	three (3) years and
S. F. Railway Company v. Comanche:	:	all county school
County, 136 Oklahoma 265, 277 P.:	:	administrators and
932.	:	principals who have
Property in territory annexed held:	:	performed services as
subject to taxation to pay bonded:	:	such county school
indebtedness of independent	:	administrators or
district. Ibid.	:	principals in the
County superintendent may not make:	:	county or sub-
order annexing territory to an	:	administrative school
independent district so as to	:	units in this state,
reduce valuation of original	:	under contract
district more than five percent.:	:	signed by a majority
Protest of Hamilton, 164 Oklahoma:	:	of the members of
116, 23 P. (2d) 198.	:	the board of
Dissolution of common school dis-	:	education of such
trict and annexation of territory:	:	county administrative

<p>to an independent district are governed by this amended Section 6860. School District #65 v. Board of Commissioners, 148 Oklahoma 5, 236 P. 485.</p> <p>Validity of order of county superintendent not dependent upon notice, but of valid petition. Ibid.</p> <p>Board of County Commissioners acquires jurisdiction over appeals by virtue of Section 6960 or Section 6771, O. S. 1931. Ramsey v. County Commissioners, 149 Oklahoma 289, 300 P. 389.</p> <p>Withdrawal of signature from petition after action by county superintendent not considered on appeal. Ibid.</p> <p>Cited: Lowe v. Consolidated School District #97, 79 Oklahoma 115, 191 P. 737.</p> <p>Proviso of this section does not apply when territory is detached from an independent school district: it only applies when territory is being annexed to an independent district. O. A. G.</p>	<p>school unit, and such contract shall be valid. The Board shall also appoint three (3) competent persons who, with the County School Administrator as chairman and the principal of the sub-administrative school unit involved, shall be styled the "Personnel Committee of the County Board of Education", whose duty it shall be to examine the credentials of all persons applying to them as assistant principals, teachers, or supervisors. The Personnel Committee shall make a written report to the board of education who may issue a certificate of competency and</p>
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January 19, 1931.	:	fitness to hold such
Independent district may attach	:	position or may
adjacent territory of consolidat-	:	require any or all
ed district. O. A. G. March 26,	:	applicants to pass
1929.	:	such an examination
Territory attached to consolidated:	:	as will satisfy the
or independent district is sub-	:	board and Personnel
ject to assessment and taxation	:	Committee as to their
for paying indebtedness of the	:	competency and
district to which it is attached.	:	fitness to hold such
O. A. G. November 10, 1925.	:	position.
Territory of a Union Graded Dis-	:	<u>Section 23</u>
trict may be attached to in-	:	<u>Property Subject To</u>
dependent school district.	:	<u>Taxation--Tax</u>
O. A. G. August 24, 1927.	:	<u>Collection To County</u>
Annexation of a town to a city	:	<u>Treasurer.</u>
does not operate to annex in-	:	The taxable property
dependent school district of said:	:	of the whole sub-
town to the independent school	:	administrative school
district of city but annexation	:	unit, including city,
should be as herein provided.	:	incorporated town or
O. A. G. April 27, 1927.	:	territory attached
General election to be held in	:	for school purposes,
independent school districts	:	shall be subject to
should be held in each of the	:	taxation. All taxes
regular voting precincts.	:	collected for the
O. A. G. March 24, 1933.	:	benefit of the school
Levy for sinking fund for retire-	:	shall be placed in

ment of bonds of independent school district should be extended to cover territory annexed to said district. O. A. G. September 6, 1929.

Order annexing territory to independent school district is void where assessed valuation of original district would be reduced more than five percent. Means v. Consolidated School District #1, 171 Oklahoma 225, 42 P. (2d) 809. Cited and Construed: School District #84 v. Asher School District #112, 168 Oklahoma 282, 32 P. (2d) 897.

School district may be reduced to less than six square miles where part is annexed to an independent district. O. A. G. September 29, 1937.

Not applicable where part of an independent district is detached and annexed to a consolidated district. O. A. G. July 8, 1937.

Section 6860a

Independent Districts--

Disorganization--Annexation.

the hands of the county treasurer and credited to the schools, subject to the order of the board of education.

Section 24

Meetings Of Board.

(6877)

The regular meeting of the board of education shall be upon the first Monday of each month, but special meetings may be held from time to time, as circumstances may demand.

Section 25

Expenditures--Restrictions.

(6879)

No expenditure involving an amount greater than two hundred (\$200.00) dollars shall be made except in accordance

O. S. L. 1933, Chapter 93,	:	with the provisions
Section 1.	:	of a written contract,
Not applicable to common school	:	and no contract
districts. O. A. G. September	:	involving an
25, 1935.	:	expenditure of more
Governs the Independent School	:	than five hundred
District Oklahoma City as to the	:	(\$500.00) dollars
Board of Education. Territory	:	for the purpose of
annexed thereto is not entitled	:	erecting any public
to elect a member of the Board of	:	building or making
Education. O. A. G. July 6, 1937.	:	any improvements
<u>Section 6860b</u>	:	shall be made except
<u>Petitions--Requisites.</u>	:	upon sealed proposals
O. S. L. 1933, Chapter 93, Sec-	:	and to the lowest
tion 2.	:	responsible bidder.
<u>Section 6860c</u>	:	Should the board of
<u>Petition--Verification.</u>	:	education violate
O. S. L. 1933, Chapter 93,	:	this provision of this
Section 3.	:	Article, the members
<u>Section 6860d</u>	:	shall be disqualified
<u>Unauthorized Signature--Penalty.</u>	:	from further service
O. S. L. 1933, Chapter 93,	:	on said board and
Section 4.	:	shall be liable for
<u>Section 6860e</u>	:	twice the amount of
<u>Petition Filed With County</u>	:	money involved in
<u>Superintendent--Notice--Posting.</u>	:	the transaction.
O. S. L. 1935, Chapter 93,	:	<u>Section 26</u>
Section 5.	:	<u>Board May Borrow</u>

<u>Section 6860f</u>	:	<u>Money And Issue Bonds</u>
<u>Notice--Contents--Objections.</u>	:	<u>For Improvements.</u>
O. S. L. 1933, Chapter 93,	:	(6880)
Section 6.	:	Whenever it shall
<u>Section 6860g</u>	:	become necessary for
<u>Objections--Filing--Hearing--Order</u>	:	board of education of
<u>Record Of Boundaries--Appeals.</u>	:	a county to raise
O. S. L. 1933, Chapter 93,	:	sufficient funds for
Section 7.	:	use in any of the
<u>Section 6860h</u>	:	sub-administrative
<u>Indebtedness--Separate Levy In</u>	:	school units therein,
<u>Old District.</u>	:	for the purchase of
O. S. L. 1933, Chapter 93,	:	school site or sites,
Section 8.	:	or to erect or
<u>Section 6860i</u>	:	purchase and equip a
<u>Former Annexations Validated.</u>	:	suitable school
O. S. L. 1933, Chapter 93, Sec-	:	building or buildings,
tion 9.	:	or both, or for the
<u>Section 6860j</u>	:	purpose of making
<u>Board of Education--Members--</u>	:	repairs of such school
<u>Election.</u>	:	building or buildings
O. S. L. 1933, Chapter 93,	:	or purchasing a
Section 10.	:	school site or sites
<u>Section 6860k</u>	:	for such building or
<u>Treasurer--Board Members--</u>	:	buildings, either
<u>Nomination, And Election--Terms.</u>	:	or both, it shall be
O. S. L. 1933, Chapter 93,	:	lawful for such
Section 11.	:	board of education of

Section 6860LPrimary And General Elections--
Special Elections--Ballots and
Supplies.

O. S. L. 1933, Chapter 93,
Section 12.

Section 6860mConstruction of Account.

O. S. L. 1933, Chapter 93,
Section 13.

Section 6860nTransfer Of Territory.

S. L. 1937, Chapter 34, Article
8, Section 1.

Section 686lIndependent District A Body
Corporate--Powers.

C. O. S. 1921, Section 10406.

S. L. 1913, Chapter 219, Article
6, Section 3.

Board of Education in cities of
first class possesses power to
sell real estate and said board
may exercise this power without
the necessity which induces the
exercise of its discretions.

Cosden v. Board of Education, 60
Oklahoma 214, 159 P. 1108.

: the county to borrow
: money for which they
: are hereby authorized
: and empowered to
: issue bonds bearing
: a rate of interest,
: not exceeding five
: (5) percent, per
: annum, payable semi-
: annually, at such
: place as may be shown
: on the face of such
: bonds, which bonds
: shall be payable in
: not more than twenty-
: five (25) years from
: date; and the board
: of education is
: hereby authorized and
: empowered to sell
: such bonds at not
: less than their par
: value: Provided,
: that before any
: bonds shall be
: issued, the clerk of
: the county board of
: education shall

School district taking lands by eminent domain, in absence of showing necessity for fee simple title, held to take only a determinable fee and not be able to convey greater interest. Carter v. Davis, 141 Oklahoma 172, 248, P. 3.

Board of Education of city schools may take notes and mortgages to secure debts due district. Board of Education v. Colvert, 162 Oklahoma 121, 19 P. (2d) 359.

Cited: Urie v. Board of Education: 86 Oklahoma 265, 20 P. 210. In re, Gypsy Oil Company, 141 Oklahoma 291, 285 P. 67.

Cited: State v. Morley, 168 Oklahoma 259, 34 P. (2d) 259. Board of Education of a city has no authority to operate a cafeteria or serve hot lunches or operate a night school for adults out of public funds. O. A. G. September 27, 1927.

Board of Education may include in its estimate an item for attorney fees. O. A. G. May 13, 1927.

cause an election to be held in sub-administrative school unit as herein provided: Provided, further, that bonds may be valid in one issue at the same election, for any or all of the purposes hereinbefore enumerated. Provided, further, that all bond issues be based on the county as the unit of taxation.

Section 27

Bond Election--

Procedure.

(6881)

It shall be the duty of the board of education governed by this Article, upon the request of the board of education, forthwith to call an election,

<p>Real estate located in S. County and owned by board of education of city located in P. County is exempt from taxation. O. A. G. March 2, 1933.</p> <p>Board of education may sell a school building which is no longer needed without taking it before the people for a vote. O. A. G. February 18, 1935. (86).</p> <p>Technical error in name of school board on ballot will not void the election. O. A. G. July 16, 1935: (25).</p> <p><u>Section 6862</u></p> <p><u>Transfer Of School Property From City To School Board.</u></p> <p>C. O. S. 1921, Section 10407. S. L. 1913, Chapter 219, Article 6, Section 4.</p> <p><u>Section 6863</u></p> <p><u>Formal Requisites Of Transfers.</u></p> <p>C. O. S. 1921, Section 10408. S. L. 1913, Chapter 219, Article 6, Section 5.</p> <p><u>Section 6864</u></p> <p><u>Officers--Term--Qualifications-- Place Of Election--Charter Cities.</u></p>	<p>to be conducted in all respects as are all special elections, except that the returns shall be made to the board of education for the purpose of taking the sense of such sub-administrative school unit upon the question of issuing such bonds, naming in the clerk's proclamation of such election the amount of bonds to be voted on and the purpose for which they are to be issued; and he shall cause to be published in a newspaper of general circulation published in said unit the time and place of such election or in case of no</p>
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C. O. S. 1921, Section 10409. : published newspaper,
S. L. 1915, Chapter 278, Section 3: posted in five (5)
amends S. L. 1913, Chapter 219, : public places in said
Article 6, Section 6. : sub-administrative
Provisions as to nomination of : school unit, such
board members applicable to both : notice to be given at
charter and non-charter cities. : least twenty (20)
Searcy v. State, 64 Oklahoma 257. : days before such
Cited: School District #7, Creek : election.
County v. Board of Commissioners, : Section 28
35, Oklahoma 1, 275 P. 292. : Electors--Qualifications--
Cited: Angle v. Blake, 113 Okla- : Majority Vote.
homa 236, 241 P. 197. : (6882)
In re Gypsy Oil Company, 141 : On the question of
Oklahoma 291, 285 P. 67. : issuance of said bonds
Extension of city limits to in- : no person shall be
clude site of domicile of member : qualified to vote
of city board of education nom- : unless he be in all
inated from outlying district : respects a qualified
does not vacate the office of : elector in such sub-
said board member. O. A. G. : administrative school
February 27, 1923. : unit. In case a
Successor or "hold over" member of : majority of the
board should be elected at end of : voters thereof voting
term to which he succeeded. : at such special
O. A. G. March 7, 1933. : election shall vote
Voters in outlying territory to : affirmatively for
cities of the first class have : the issuance of said

<p>right to participate in election of school treasurer. O. A. G. March 7, 1933.</p> <p>School election should be held in regular manner although no city election is held. O. A. G. February 24, 1933.</p> <p>Person appointed to fill vacancy on board of education holds for unexpired term. O. A. G. May 21, 1929.</p> <p>Members of board of education in a city of less than 5000 population are elected by the voters of the respective ward and outlying ter- ritory, and not by city and school district at large. O. A. G. April 23, 1929.</p> <p>In absence of city charter pro- vision to the contrary, qualified election of an independent dis- trict comprising a city, must vote in the precinct established for school district purposes in which they reside and are quali- fied electors. O. A. G. April 4, 1931.</p> <p>In contest over school board</p>	<p>bonds, then the said board shall issue the same and not otherwise.</p> <p><u>Section 29</u> <u>Bonds--Sinking Fund--</u> <u>Limit On Indebtedness.</u> (6883)</p> <p>The said bonds shall contain all necessary provisions as to form; and such county administrative school unit shall, before or at the time of issuance of the same, provide for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to institute a sinking fund for the payment of the principal thereof within the time for which the said bonds are fun: Provided,</p>
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office, pleading held to raise : that no indebtedness
issue of plaintiff's title to : shall ever be incurred
office, but evidence did not sus- : to an amount, including
tain finding he was in possession : this indebtedness,
and entitled to injunction. : exceeding in the
Moore v. Thayer, 167 Oklahoma : aggregate five (5)
292, 29 P. (2d) 106. : percent of the valuation
Illegally elected school trustee : of the taxable property
held de facto officer and office : of such county school
not vacant within meaning of : administrative unit,
Section 6866, O. S. 1931. : to be ascertained from
In charter cities having a popu- : the last assessment
lation of less than 5000 not : for state and county
only the number but the time and : purposes, previous to
manner of election of members of : the incurring of such
board of education are governed : indebtedness.
by State statute rather than : Section 30
city charter. O. A. G. March 28, : Bonds--Signing And
1935. (86). : Certifying--Denominations.
Persons may not hold office as : (6884)
member of school board and city : The bonds, the issuance
marshall. O. A. G. August 9, : of which is provided in
1933. (2). : the preceding sections,
School board member elected from : shall be signed by the
territory outside city limits : president of the board
forfeits his office by moving to : of education, attested
ward inside city limits. O. A. G. : by the clerk and
February 13, 1934 (41). : countersigned by the

<p>Expense of ballots and official salaries in election of school board members at general city election is proper charge against city. O. A. G. April 12, 1935.</p> <p>Board of independent district may vote by ballot or by acclimation. O. A. G. January 28, 1937.</p> <p>Independent district school having a four-year course accredited by Oklahoma University, must have three members on the board of education. O. A. G. September 9, 1936.</p> <p>When a city of the first class becomes a town the school board becomes one of the three members, by operation of law. Two may be appointed by the Governor where vacancy occurs, then the board may fill the other. O. A. G. January 29, 1937.</p> <p>In an independent school district of a town the board of education cannot choose its officers. O. A. G. April 16, 1937.</p> <p>A charter city of over 5000 population may regulate the</p>	<p>treasurer of the board of education and county and shall have endorsed thereon a certificate signed by the county clerk or other officer authorized by law to sign such certificate and the county attorney of the county wherein such county administrative unit is located, stating that said bonds, or evidence of debt is issued pursuant to to law and that said issue is within the debt limit: Provided, that each of said bonds shall be for a sum of not less than one hundred (\$100.00) dollars.</p> <p><u>Section 31</u> <u>Members Of Board And</u> <u>Officers--Oath.</u> (6885)</p> <p>Each member of the board</p>
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number of school board members. : of education and
: :
O. A. G. April 16, 1937. : officers provided for
: :
Section 6865 : in this Article shall
: :
Cities Of Population Exceeding : take and subscribe to
: :
50,000--Two Members From Each Ward : the following oath:
: :
C. O. S. 1921, Section 10410. : "I, _____,
: :
S. L. 1913, Chapter 219, Article : hereby declare under
: :
6, Section 6a. : oath that I will
: :
Resignation of member of board of : faithfully perform the
: :
independent district filed with : duties of _____ of
: :
county superintendent is inef- : county administrative
: :
fectual and no vacancy is created : unit _____
: :
unless member abandons office as : County of _____,
: :
a matter of fact. O. A. G. : to the best of my
: :
June 8, 1929. : ability and that I will
: :
Section 6866 : faithfully discharge
: :
Board Of Education--Independent : all the duties to said
: :
Districts--Filling Vacancies. : office and obey the
: :
S. L. 1931, Chapter 34, Article : Constitution and laws
: :
3, Section 1 amends Section 10411 : of the United States
: :
C. O. S. 1921. : and of Oklahoma."
: :
S. L. 1937, Chapter 34, Article 3, : Section 32
: :
Section 3 amends Section 6866, : Qualifications Of
: :
O. S. 1931. : Electors.
: :
Where two members of the board of : (6888)
: :
education of an independent dis- : That all elections
: :
trict resigns, Governor should : hereafter held in
: :
appoint one member and the two : sub-administrative

members then should appoint a
third member. O. A. G. May 29,
1929.

Where a vacancy occurs in the
school board and no election is
held at the annual election, there
is no authority to fill the
vacancy at the next election.

O. A. G. March 25, 1936.

Where a school board member moves
from his outlying district to a
ward district, there is a vacancy
in the former. O. A. G. June 9,
1936.

Where a school board member is
appointed and no election is held
at the next regular municipal
election as required by law or
charter, no authority is given to
elect the member at the following
election. O. A. G. January 15,
1937.

Section 6867

Powers Of Boards--Rules and
Regulations.

S. L. 1923, Chapter 87, Section 1.
Amends C. O. S. 1921, Section
10412 and S. L. 1913, Chapter 219:

school units in said
county of the state of
Oklahoma for the
election of members of
the board of education,
and all elective
officials, the following
persons shall be
qualified and entitled
to vote at such election
and for the class of
officers above named
to wit: All persons,
male or female, over
the age of twenty-one
(21) years, who possess
the other qualifications
prescribed by the
Organic Act and the
general election laws
of the state of Oklahoma.

Section 33

Separate Ballot Box
For School Election.
(6889)

At all such elections
a separate ballot
box for the class of

Article 6, Section 8. : officers designated
S. L. 1937, Chapter 34, Article : in the preceding
2, Section 1. Amends Section : section shall be
6867, Chapter 34, Article 9, : provided for the
O. S. 1931. : reception of such
Cited: Hull v. Board of Educa- : ballots, but the
tion, 150 Oklahoma 30, 300 P.775. : votes shall be
Where person elected to school : received at the
board fails to qualify, the board : regular polling place
of education may make an appoint- : or places and shall
ment to fill vacancy and such : be under the
appointee to serve the unexpired : supervision of the
term. O. A. G. March 2, 1931. : regular county
Person appointed to fill vacancy : board of education
is entitled to fill the unexpired : in said county.
term. O. A. G. April 15, 1931. : Section 34.
Public schools may maintain sum- : Investment Of Sinking
mer schools on a tuition basis. : Fund.
O. A. G. March 17, 1933. : (6890)
Cited: State v. Morley, 168 Okla- : All moneys raised for
homa 258, 34 P. (2d) 259. : the purpose of
Board member illegally appointed : creating a sinking
by county superintendent instead : fund for the final
of board of education is de facto : redemption of all
officer. O. A. G. March 28, 1932 : bonds issued under
Board of education has the respon- : this Article shall be
sibility for determining whether : invested by the county
afflicted child should be per- : treasurer in the

mitted to attend public schools. :
 O. A. G. September 20, 1932. :
 This section is applicable to :
 vacancies which occur in a board :
 of education of a town. O. A. G. :
 March 17, 1933. :

Where a vacancy occurs in two :
 offices of a school board at the :
 same time, Governor may appoint :
 to one vacancy and the two mem- :
 bers select the third member. :
 O. A. G. August 9, 1933. :

Persons appointed to fill vacancies :
 in boards of education hold :
 office for the unexpired term of :
 their respective predecessors. :
 O. A. G. March 17, 1936. :

The construction of a school :
 building is a public governmental :
 function and a school district is :
 not liable for personal injuries :
 sustained by a person employed to :
 assist in such construction. :

O. A. G. October 9, 1936. :

A school board or a school dis- :
 trict is not liable for injuries :
 sustained by a school child :
 while engaging in normal activ- :
 ities of the school. March 2, :

manner prescribed by :
 law governing the :
 investment of other :
 sinking fund moneys :
 in his possession. :

Section 35

Payment And Cancellation Of Interest Coupons.

(6891)

Whenever the interest :
 coupons of the bonds :
 hereinbefore :
 authorized shall :
 become due, they shall :
 be promptly paid on :
 presentation by the :
 county treasurer, out :
 of any money in his :
 hands collected for :
 that purpose, and he :
 shall endorse the :
 face of such coupons :
 in red ink the word :
 "Paid" and the date :
 of payment, and sign :
 in initials of his :
 name. :

Section 36

School Property Pledged.

1937. : (6892)

If there is a change of residence : The school funds and
 by the board member elected to : property of such said
 represent Ward I, to another ward : sub-administrative
 in the same town, then it will be : school unit for
 the duty of the board to declare : school purposes is
 a vacancy in that body and pro- : hereby pledged to
 ceed to fill the same as required : the payment of the
 by law provided. O. A. G. June : interest and principal
 25, 1923. : of the bonds
 A board of education of a city may : mentioned in this
 not by rule or regulation deny a : Article, as the same
 student of high school in said : may become due.
 city his credentials on the : Section 37
 ground that such student has not : Register Of Bonds And
 paid certain fees prescribed by : Warrants.
 the board of education. O. A. G. : (6893)
 December 10, 1932. : It shall be the duty
 : of the board of
Section 6868 : education to register
Cities Of 30,477--30,500--Election : in a book provided
Of Members At Large. : for that purpose the
 S. L. 1923, Chapter 87, Section 2. : bonds issued under
 Amends S. L. 1919, Chapter 97, : this Article, and
 Section 5. : all warrants issued
Section 6869 : by the board, which
Organization--Clerk--Compensation. : said register shall
 S. L. 1931, Chapter 34, Article : show the number,
 3, Section 2. Amends C. O. S. :

1921, Section 10413.

Members of a board of education cannot act as a board until the first Monday in May following their election. O. A. G. April 17, 1937.

The clerk of the board of education of an independent school district must be a resident of the district which he serves. O. A. G. May 9, 1931.

Board of education in independent district having a separate school may not pay the secretary a salary for his services in connection with separate school work out of separate school funds. O. A. G. May 20, 1926.

Cited: Harp v. Consolidated District #1, 115 Oklahoma 48, 241 P. 287. School District #7 v. Board of Commissioners, 135 Oklahoma 1, 275 P. 292.

Cited: In re Gypsy Oil Company, 141 Oklahoma 291, 285 P. 67.

Elected clerk of an independent district of a town may receive compensation for his services.

date, and amount of said bonds, and to whom made payable.

Section 38

Playgrounds.

(6894)

The Board of Education of the county is hereby authorized to establish and maintain for children and adults public recreation places and playgrounds, in public school buildings, on public school grounds, or other public property under the custody and management of said board; on suitable and desirable private property, by and with consent of the owners, and in public parks, public libraries, or public property of whatever sort, by and with consent of the

O. A. G. September 7, 1932.	:	authorities having
Statute does not authorize payment:	:	custody and management
of salary to clerk of a common	:	of such public
school district. O. A. G.	:	property.
February 8, 1929.	:	<u>Section 39</u>
<u>Section 6870</u>	:	<u>Levy.</u>
<u>Duties Of President.</u>	:	(6895)
C. O. S. 1921, Section 10414.	:	The board of education
S. L. 1913, Chapter 219, Article	:	of the county is hereby
6, Section 10.	:	authorized to include
Warrants cannot be legally issued	:	in the annual estimate
by the board of education of a	:	such sums as it may
city unless same is signed by the	:	deem proper for the
president of the board of edu-	:	support of these
cation. O. A. G. June 6, 1933.	:	recreation places and
<u>Section 6871</u>	:	playgrounds within the
<u>Duties of Vice-President.</u>	:	constitutional and
C. O. S. 1921, Section 10415.	:	statutory limitations
S. L. 1913, Chapter 219, Article	:	and restrictions as to
6, Section 11.	:	taxation within the
Vice-President of the board may	:	county administrative
sign warrants in the absence of	:	init involved, and
the president. O. A. G.	:	the county excise boards
January 22, 1935.	:	are hereby authorized
<u>Section 6872</u>	:	to make such levy for
<u>Duties Of The Clerk--Bond.</u>	:	said purposes.
C. O. S. 1921, Section 10416.	:	<u>Section 40</u>
S. L. 1913, Chapter 219, Article	:	<u>Gifts And Donations--Terms.</u>

6, Section 12.	:	(6900)
Where the clerk of the board of	:	The County Board of
education fails to give official	:	Education may accept
bond, the office shall be deemed	:	gifts, donations and
vacant and filled by appointment.	:	bequests of property,
O. A. G. April 27, 1931.	:	and money to be
School district warrant which is	:	used for the purposes
not countersigned by the duly	:	contemplated by this
elected and qualified clerk of	:	Act, upon such terms
the district, is not a valid	:	and conditions not in
warrant. O. A. G. October 7,	:	conflict with the
1930.	:	Constitution and laws
Clerk of an independent district	:	of the state of
not in the first class, must file	:	Oklahoma, as may be
bond even though he is a member	:	agreed upon by the
of the board of education.	:	said board of one
O. A. G. April 14, 1937.	:	part and the donors of
<u>Section 6873</u>	:	the second part. The
<u>Treasurers Of Independent Districts</u>	:	title of the property
<u>Duties--Bond-Security For Deposits:</u>	:	so given, donated and
<u>Reports--Suspension From Office--</u>	:	bequeathed, shall be
<u>Payments Of Warrants.</u>	:	vested in the County
S. L. 1929, Chapter 261, Section 1:	:	Board of Education.
amends C. O. S. 1921, Section	:	<u>Section 41</u>
10417 and S. L. 1913, Chapter	:	<u>Excess Levy--Election.</u>
219, Article 6, Section 13.	:	(6902)
O. S. L. 1933, Chapter 83 amends	:	The county board of
Section 6873 O. S. 1931.	:	education on or before

Section 683. Note. New Amsterdam, five (5) days
preceding the first
Cas. County v. Board of Education: Tuesday in March, of
Board of education may fix amount each year, prepare a
of treasurer's bond. O. A. G. budget of the amount
December 9, 1927. of money that will be
Statutes do not authorize school required to be raised
boards to insert conditions o- by taxation for the
ther than the statutory and support and maintenance
common law conditions in a school of the school or
treasurer's bond. O. A. G. schools in each county
November 9, 1928. administrative school
Amount of treasurer's bond should unit of the county
be equal to the largest amount of controlled by the
funds, exclusive of securities county board of
held as sinking fund investment, education for the
as it is estimated treasurer will ensuing fiscal year,
have on at any one time. and if an excess levy
O. A. G. September 12, 1929. be necessary, submit
County treasurer is not charged same to the electors
with duty of enforcing this act. for approval at the
O. A. G. May 26, 1931. regular annual election
County treasurer is not liable on of officers on the
bond for money or securities not first Tuesday in March.
coming into his hands. O. A. G. Section 42
May 26, 1931. Excess Levy--Publication
County treasurer is liable only Of Statement--Election.
for moneys and securities of If the assessed valuation
independent school districts

<p>coming into his hands. O. A. G. : December 27, 1932. : County treasurer may deposit sec- : urities received from independent : school districts in a bank. : O. A. G. August 9, 1935. : Law does not authorize treasurer : to pay bank a fee for keeping : such securities. Ibid. : Board of education of independent : district may declare county trea- : surer official depository of such : district and 1933 amendment did : not intend to provide that county : treasurer may be official depos- : itory only in those districts : where the treasurer has been ap- : pointed or elected. O. A. G. : December 29, 1933. : County treasurer should give : receipt to bank and to school : treasurer for securities which : bank deposits to secure funds of : district. O. A. G. March 27, : 1933 (86). : Federal Deposit Insurance Law did : not repeal, amend or modify Act : of Congress of June 25, 1930,</p>	<p>said county administrative : school unit controlled by : the county board of : education for the current : fiscal year is not : sufficient by a levy : of five (5) mills to : create a fund necessary : for the support of the : schools in said county : administrative school : units, as determined : in the budget as : prepared by virtue of : the above section, the : county board of : education shall determine : the amount of excess : levy above the five (5) : mills that will be : required to raise the : amount as determined : by the assessed : valuation for the : current fiscal year : for the support of the : public schools in such : county administrative</p>
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specifically authorizing national banks to give security for deposit of public funds. O. A. G. January 30, 1934. (35).

Chapter 21, S. L. 1933 is applicable to deposits made hereunder. O. A. G. October 30, 1934 (35).

Board of education may accept and approve personal surety bond of treasurer of independent school district. O. A. G. August 2, 1933. (35).

Treasurer of independent school district may make personal surety bond. O. A. G. May 29, 1935 (35).

It is county clerk's duty to issue warrant for funds due school district although same is in excess of school treasurer's bond. O. A. G. April 18, 1935. (35).

Where board reduced the bond of the treasurer below the statutory amount, the members voting for such a reduction would be liable in case of loss. O. A. G. August 18, 1936. (36).

Where insurance money is paid to school unit for such year, and make out an itemized statement showing all unexpended balance of the county administrative school unit for any previous year, or years for the current expenses of said school unit, also the estimated income from sources other than ad valorem taxation, including the apportionment of the income from the common school fund based on the distribution, for the next preceding year, and further, an itemized estimate of the amount necessary for the current expenses for such county administrative school unit for the ensuing fiscal year,

<p>the Board of education, which refuses to turn it over to the county treasurer the latter is not liable for shortages.</p> <p>O. A. G. October 28, 1936. (86).</p> <p>County treasurer may not withhold money of an independent school district when proper collateral is not provided. O. A. G. November 5, 1936.</p> <p><u>Section 6874</u></p> <p><u>Unconstitutionality Of Sections.</u></p> <p>S. L. 1929, Chapter 261, Section 2</p> <p><u>Section 6875</u></p> <p><u>Annual Meeting Of School Board--</u> <u>Election Of Superintendent And</u> <u>Teachers--Examination.</u></p> <p>C. O. S. 1921, Section 10418.</p> <p>S. L. 1915, Chapter 71, Section 1 amends S. L. 1913, Chapter 219, Article 6, Section 14.</p> <p>Section 6814, O. S. 1931 also ap- plies with this section.</p> <p>1917 amendment cited: Urie v. Board of Education, 86 Oklahoma 265, 208 Pac. 210.</p> <p>Contract purporting to employ a school superintendent prior to</p>	<p>and, in addition thereto, the amount necessary for a sinking fund sufficient to pay at maturity any bonded indebtedness coming due on account of any bonds issued by said school unit for said school unit, and also the amount necessary to pay the interest coupons falling due on such outstanding bonded indebtedness, and such estimate shall be published in some newspaper in such school unit having newspaper publication for four (4) consecutive issues, if published in a daily paper, and two (2) consecutive issues if in a weekly paper, and in addition thereto, by</p>
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statutory for making same, does :
 not bind new board. Harp v. :
 Consolidated School District, 115 :
 Oklahoma 48, 241 Pac. 787. :
 Cited: School District #7, Creek :
 County v. Board of County Com- :
 missioners, 135 Oklahoma 1, 275 :
 Pac. 292. :
 Teachers elected may be designated :
 as supervisors or principals. :
 Protest of C. R. I. and P. R. :
 Company, 164 Oklahoma 239, 25 :
 P. (2d) 690. :
 Superintendent of an independent :
 district is agent of the board of :
 organizing departments and as- :
 signing teachers employed. Board :
 of Education v. Schmidt, 111 :
 Oklahoma 277, 239 P. 580. :
Section 6876 :
Property Subject To Taxation-- :
Taxes Turned Over To Treasurer. :
 C. O. S. 1921, Section 10419. :
 S. L. 1913, Chapter 219, Article :
 6, Section 15. :
 Section 7040 applies to taxes for :
 separate schools. Jones v. Board :
 of Education, 90 Oklahoma 233, :

giving an additional
 notice by posting
 notices in five (5)
 or more public places
 in said school unit.
 After such publication
 or posting of such
 notices, the county
 board of education
 shall issue a call for
 and hold an election
 in the manner herein-
 after provided as
 follows:
 Such call shall be a
 part of said published
 estimate, provided, that
 the same shall be
 published and posted in
 such a way as to
 indicate that it is such
 estimate, and also that
 it contain such call
 and notice thereof, and
 provided further, that
 such county board of
 education shall see that
 it contains the annual

217 Pac. 400.

Section 6877

Independent School Districts--

Meeting Of Board.

C. O. S. 1921, Section 10420.

S. L. 1913, Chapter 219, Article
6, Section 16.

S. L. 1937, Chapter 34, Article 3,
Section 1. Amends Section 6877,
O. S. 1931.

Salary claims may be approved at a
special meeting of the board of
education. O. A. G. July 30,
1936.

Section 6878

Annual Report To County

Superintendent.

C. O. S. 1921, Section 10421.

S. L. 1913, Chapter 219, Article
6, Section 17.

Statute does not require board of
education of independent district
to make a financial statement at
the annual school meeting.

O. A. G. August 9, 1932.

Section 6879

Expenditures--Restrictions.

C. O. S. 1921, Section 10422.

election date, and
they shall have the
power to fix the
number of voting
places in said school
unit for such
purpose, such call
for said election to
particularly describe
such place or places,
provided, that such
shall be held between
the hours prescribed
by law for the holding
of other elections in
cities of the first
class for those
school units in cities
of the first class,
and in all other
school units the
election shall be
held between the hours
of two (2) p.m. and
six (6) p.m.
The election officers
for holding such
elections shall be

S. L. 1913, Chapter 219, Article 6, Section 18.

This section does not apply to contract with an architect for plans and specifications preliminary to receipt of sealed proposals for the erection of a building. *Weathers v. Layton*, 104 Oklahoma 14, 230 Pac. 750.

This section does not apply to common school districts.

O. A. G. May 6, 1930.

County attorney is authorized to bring quo warranto action against board members violating this section. O. A. G. May 6, 1929.

Bonds may be voted for the purpose of improving school sites and erecting a school building.

O. A. G. November 29, 1927.

Use of the word "repealing" for "repairing" in title of the act held mere clerical error and should be construed to read "repairing". O. A. G. April 25, 1927.

Section 6880

Board May Borrow Money And Issue Bonds For Improvement.

selected by the said board of education.

Said board shall cause to be set forth in the foregoing notice the amount of the levy, in excess of the five (5) mills, to be voted on, and shall also appropriate funds from the current expenses of such county school unit for holding said election, and provided further, that the return of said election shall be made to the board of education who shall canvass the same and certify the result thereof to the county excise board.

Section 43

Levy--How Made.

If the majority of those voting on said excise levy shall vote in favor thereof at the election held as provided by

C. O. S. 1921, Section 10423 and
S. L. 1913, Chapter 219, Article
6, Section 19 are amended by
S. L. 1927, Chapter 23.

Section 10, Article 10 of the
Oklahoma Constitution is not ex-
clusive and Section 6880 and 6882
are not in conflict herewith but
relate to issuing bonds provided
for in Section 26, Article 10 of
the Oklahoma Constitution. Board
of Education v. Woodworth, 89
Oklahoma 192, 214 P. 1077.

Section 6881

Bond Election--Procedure.

C. O. S. 1921, Section 10424.
S. L. 1913, Chapter 219, Article
6, Section 20.

Bond election in school district
comprising city and outlying ter-
ritory should be conducted ac-
cording to provisions of this
section. Special polling places
should be provided for electors
residing in outlying territories.
O. A. G. March 29, 1927.

Mandamus will lie to compel mayor
to call special election. Cook

the above section of
this Act, then it shall
be the duty of the
county board of education
to attach to the estimate
sheet, when making the
estimate required by law,
a transcript showing
the record of the board
of education in calling
the election, and the
returns received from
said election. It
shall be the duty of the
county excise board, if
any excess levy be
required to raise the
amount of the estimate
as approved by the
board of education, to
make such excess levy
in such amount as will
be required to produce
the amount of the
approved estimate not
to exceed, however, the
amount of such excess
levy as had been voted

v. Board of Education, 61 Okla-
homa 152, 160 P. 1124.
See Section 6880 Note. Board of
Education v. Woodworth.

Section 6882
Electors--Qualifications--Majority
Vote.
C. O. S. 1921, Section 10425.
S. L. 1913, Chapter 219, Article
6, Section 21.
Section 6880 Note. Board of
Education v. Woodworth.

Section 6883
Bonds--Sinking Fund--Indebtedness.
C. O. S. 1921, Section 10426.
S. L. 1913, Chapter 219, Article
6, Section 22.

Section 6884
Bonds--Signing And Certifying--
Denominations.
C. O. S. 1921, Section 10427.
S. L. 1913, Chapter 219, Article
6, Section 23.

Section 6885
Members Of Board And Officers--
Oath.
C. O. S. 1921, Section 10428.
S. L. 1913, Chapter 219, Article

as provided by the
above section of this
Act.
Section 44
Contracts--When Made.
(6906)
For the purpose of
preventing a deficiency
in the revenues in the
county board of education
no contract shall be
made with teachers,
assistant principals and
supervisors until after
the election has been
held as provided by the
above section of this
Act.
Section 45
Financial Reports.
(6908)
The county board of
education is hereby
required to make an
annual financial and
statistical report to
the County School
Administrator and the

6, Section 24. : the State Superintendent
 Failure of member of board of : of Public Instruction
 education to take oath of office : from each of the sub-
 does not ipso facto work a for- : administrative school
 feiture of office. O. A. G. : units on forms to be
 August 9, 1933. : prescribed and supplied
 School board officers may take : by the State Superintendent
 office immediately after election : of Public Instruction.
 Any person authorized to take : This report shall be made
 oaths may swear in such officers. : on or before the first
 O. A. G. April 6, 1937. : day of July of each
 See Section 6834 Note. New Am- : year.
 sterdam Cas. Co. v. Board of : Section 46
 Education. : State Funds Withheld.
Section 6836 : (6909)
Bonds To Buy School Property From : The secretary of the
City--Conveyance To Board. : School Land Commission
 C. O. S. 1921, Section 10429. : shall withhold the
 S. L. 1913, Chapter 219, Article : July apportionment of
 6, Section 25. : the School Land Fund
Section 6837 : for all sub-administrative
Limit Of Indebtedness. : school units until he
 C. O. S. 1921, Section 10430. : has been advised by the
 S. L. 1913, Chapter 219, Article : State Superintendent
 6, Section 26. : of Public Instruction
Section 6838 : and the County School
Qualifications Of Electors. : Administrator that the
 C. O. S. 1921, Section 10431. : annual report herein

S. L. 1913, Chapter 219, Article 6, Section 27. : required has been
 : made and approved by
 : them.
Section 6889 :
Separate Ballot Box For School : All such reports shall
Election. : be promptly examined by
 : the said State
 C. O. S. 1921, Section 10432. : Superintendent of Public
 S. L. 1913, Chapter 219, Article 6, Section 28. : Instruction and he shall
 : advise the secretary as
Section 6890 : to all reports as they
Investment Of Sinking Fund-- : are approved on or
Redemption Of Bonds. : before the fifteenth
 C. O. S. 1921, Section 10433. : (15th) day of July.
 S. L. 1913, Chapter 219, Article 6, Section 29. : Section 47
 : Indebtedness.
 Treasurer has no power to cancel : (6912)
 bonds. Board of Education, City : If an original district
 of Shawnee v. American National : uniting to form a
 Company, 135 Oklahoma 253, 275 : sub-administrative
 Pac. 285. : school unit under the
 School treasurer may invest sink- : provisions of this
 ing fund in warrants. O. A. G. : Act shall have at the
 January 14, 1932. : time of its disorganization
Section 6891 : a legal outstanding
Payment And Cancellation Of : warrant, judgement and
Interest Coupons. : indebtedness, such
 C. O. S. 1921, Section 10434. : indebtedness shall
 S. L. 1913, Chapter 219, Article 6, Section 30. : attach to and remain

Section 6892School Property Pledged To Pay Bonds.

C. O. S. 1921, Section 10435.

S. L. 1913, Chapter 219, Article 6, Section 31.

Section 6893Register Of Bonds And Warrants.

C. O. S. 1921, Section 10436.

S. L. 1913, Chapter 219, Article 6, Section 32.

Section 6894Playgrounds.

C. O. S. 1921, Section 10437.

S. L. 1917, Chapter 242, Section 1. Amends S. L. 1915, Chapter 35, Section 1.

Section 6898, Note. Excise Board of Carter Co. v. C. R. I. and P. R. Company, 152 Oklahoma 120, 3 P. (2d) 1037.

Funds raised by levy for playground purposes may be used to repair floor of gymnasium used as a recreation center for schools.

O. A. G. October 1, 1927.

Section 6895Levy To Be Included In Annual Estimate.

against the territory comprised in said disorganized district as it existed at the time of its disorganization and it shall be the duty of the county excise board of the county or counties in which such territory is located to cause annually to be levied upon all the taxable property, in such disorganized district, a tax sufficient to meet the interest and provide a sinking fund for the payment of such indebtedness, which money, when collected, shall be held by the treasurer of the newly formed sub-administrative school unit as a separate fund and apply only for the purposes for which it was

C. O. S. 1921, Section 10438. : collected; provided, that
S. L. 1915, Chapter 35, Section 2. : the assets and property
Section 6896 : of any disorganized
Neglect Of Board--Petition By : district having an
Voters. : indebtedness, if any,
C. O. S. 1921, Section 10439. : and then its bonded
S. L. 1915, Chapter 35, Section 3. : indebtedness, and the
Section 6897 : residue, if any, shall
Special Tax May Be Voted. : belong to the new
C. O. S. 1921, Section 10440. : sub-administrative
S. L. 1915, Chapter 35, Section 4. : school unit.
Section 6898, Note. Excise Board : Any warrant or bonded
of Carter County v. C. R. I. and : indebtedness incurred
P. R. Company, 152 Oklahoma 120, : subsequent to the
3 P. (2d) 1037. : organization of the
Section 6899 : sub-administrative
City May Appropriate Money For : school unit shall
School Board. : attach to and become
C. O. S. 1921, Section 10442. : a charge against all
S. L. 1917, Chapter 242, Section : property in the
2 amends S. L. 1915, Chapter 35, : sub-administrative school
Section 6. : unit, and said unit
Section 6900 : shall have the power
Gifts And Donations--Terms. : to issue bonds as
C. O. S. 1921, Section 10443. : provided in previous
S. L. 1915, Chapter 35, Section 7. : sections of this
Cited: Board of Education v. : Act; provided, further
Colvert, 162 Oklahoma 121, 19 P. : that the calling of
(2d) 359. : election and the

Section 6901Construction--Validity Of Act In General.

C. O. S. 1921, Section 10444.

S. L. 1915, Chapter 35, Section 8.

S. L. 1915, Chapter 35, Section 9

repeals all acts in conflict.

Section 6902Excess Levy--Election.

C. O. S. 1921, Section 10446.

S. L. 1917, Chapter 247, Section 1

amends S. L. 1915, Chapter 192,

Section 1.

Section 6903Boards Of Education--BudgetPrepared.

C. O. S. 1921, Section 10447.

S. L. 1917, Chapter 254, Section 1

amends S. L. 1915, Chapter 192,

Section 1.

Independent districts are governed

by the Article in making excess-

ive levies. State v. Excise

Board, 155 Oklahoma 227, 7 P.

(2d) 473.

Excess levy voted by the people at

an election is valid. Branch v.

Excise Board. 171 Oklahoma 585,

voting regarding said
bonds shall be as
previously provided in
this Act.

Section 48Governing Law

(6914)

Except as herein provided

and consistent with the

provisions of this Act,

the laws herein set up

in this Act shall

govern and apply to all

sub-administrative school

units formed by this the

provisions of this Act.

Section 49Transportation Of Pupils.

It shall be a mandatory

duty of the county

board of education to

cause transportation

to be provided for all

pupils living one (1)

or more miles from

school in sub-administrative

school units not located

in cities of the first

43 P. (2d) 585.

Section 6904

Excess Levy--Publication Of
Statement--Election.

C. O. S. 1921, Section 10448.

S. L. 1917, Chapter 254, Section
2. Amends S. L. 1915, Chapter
192, Section 2.

S. L. 1917, Chapter 254, Section
3 repeals all acts in conflict.

Excess school levy election need
not be held in every regular
voting precinct in the city.

O. A. G. August 10, 1927.

Cited and applied: Vogel v. Steel
man, 53 Oklahoma 557, 157 P. 280.

It is clear that it was not the
intention of the Legislature that
only a summary of the financial
statement and estimate be pub-
lished. Therefore you are ad-
vised that it is the opinion of
the Attorney General that the
law requires that a complete
financial statement and estimate
of the board of education as made
for the excise board be publish-
ed. O. A. G. July 29, 1929.

class and in school
units located in
cities of first class
to furnish transportation
to all pupils living
one (1) or more miles
from the boundary of
the city proper. This
transportation to be
furnished in busses
approved by the
Safety Division of
Bureau State Highway
Patrol: Provided, that
the general laws of the
state in regard to
school transportation
apply and govern to
all newly organized
school units.

Procedure for election for ad- :
ditional school levy in cities is :
governed by this section. In re :
Bliss, 142 Oklahoma 1, 285 P. 73. :

Section 6905 :

Levy--How Made. :

C. O. S. 1921, Section 10451. :

S. L. 1915, Chapter 192, Section :
3. :

See Section 6903 Note. Branch v. :
Excise Board, 171 Oklahoma 585, :
43 P. (2d) 90. :

Section 6906 :

Teachers Contracts--When Made. :

C. O. S. 1921, Section 10452. :

S. L. 1917, Chapter 247, Section :
2, Amends S. L. 1915, Chapter :
192, Section 4. :

S. L. 1917, Chapter 247, Section :
3 repeals all acts in conflict. :

Section 6907 :

Local Aid To State School--Per :
Capita Tax. :

C. O. S. 1921, Section 10454. :

S. L. 1915, Chapter 84, Section 1. :

Section 6908 :

Financial Reports--Boards-- :
Duties. :

C. O. S. 1921, Section 10455. :

S. L. 1917, Chapter 259, Section :

1. :

Statute does not require the board :

of education of an independent :

district to make financial report :

at the annual meeting. O. A. G. :

August 9, 1933. :

Section 6909 :

State Fund Withheld. :

C. O. S. 1921, Section 10456. :

S. L. 1917, Chapter 259, Section :

2. :

Section 6910 :

Adjacent Districts May Unite-- :

Procedure. :

C. O. S. 1921, Section 10457. :

S. L. 1919, Chapter 69, Section 1. :

Not applicable to common school :

districts, O. A. G. September 25, :

1935. :

Section 6911 :

Legal Status Of United District. :

C. O. S. 1921, Section 10458. :

S. L. 1919, Chapter 69, Section 2. :

Section 6912 :

Indebtedness. :

C. O. S. 1921, Section 10459. :

S. L. 1919, Chapter 69, Section 3.:
 Property of district annexed to
 consolidated district not tax-
 able to pay existing bonded in-
 debtedness of consolidated dis-
 trict. St. Louis--S. F. Railway
 Company v. Bonaparte, 142 Okla-
 homa 177, 286 P. 343.

Section 6913

Election Of Board--Treasurer Of
Disorganized District To Transfer
Funds.

C. O. S. 1921, Section 10460.

S. L. 1919, Chapter 69, Section 4.:

Section 6914

Governing Law.

C. O. S. 1921, Section 10461

S. L. 1919, Chapter 69, Section 5.:

CONSOLIDATED DISTRICTS

Section 6915

Consolidation--Petition--Notice
Meeting--Election Of Board
Members--Area And Valuation.

C. O. S. 1921, Section 10462.

S. L. 1919, Chapter 186, Section

1. Amends S. L. 1917, Chapter
 258, Section 1.

Signers of petition may withdraw :
 :
 names any time before petition is :
 :
 acted on and election called. :
 :
 School District #24 v. Renick, 83 :
 :
 Oklahoma 158, 201 P. 241. :
 :
 No appeal from order attaching :
 :
 territory to consolidated dis- :
 :
 trict, and such territory becomes :
 :
 part of consolidated district :
 :
 from the day the order is made. :
 :
 Lowe v. Consolidated District, 79 :
 :
 Oklahoma 115, 191 P. 737. :
 :
 Cited and Construed: Smith v. :
 :
 State, 47 Oklahoma 682, 149 P. :
 :
 884. :
 :
 Quo warranto not proper remedy to :
 :
 inquire into legality of form- :
 :
 ation of consolidated district. :
 :
 Smith v. Barry, 84 Oklahoma 283, :
 :
 201 P. 1046. :
 :
 Appeal not allowed from action of :
 :
 people and county superintendent :
 :
 in creating consolidated district :
 :
 Cleal v. Higginbotham, 49 :
 :
 Oklahoma 562, 153 P. 64. :
 :
 This section and not section :
 :
 6771, govern formation of con- :
 :
 solidated districts. State ex :

rel. v. Smith, 142 Oklahoma 264, :
 286 P. 805. :

Equitable relief from orders of :
 county superintendent attaching :
 territory to consolidated school :
 district denied where statutory :
 remedy is by appeal. Darnell v. :
 Higgins, 140 Oklahoma 3, 282 P. :
 132. :

Duties of county superintendent in :
 consolidation of districts stated :
 State v. Sullivan, 80 Oklahoma :
 81, 194 P. 446. :

Method of determining valuation :
 stated. McCarter v. State, 82 :
 Oklahoma 78, 198 P. 303. :

Where several districts consoli- :
 dated under this article and the :
 consolidated districts attempt to :
 issue bonds, such will be invalid :
 if aggregate of bonded indebted- :
 ness of any district added to :
 new proposed indebtedness, will :
 exceed the constitutional limit :
 of five percent of taxable :
 property as provided by Section :
 26, Article 10 of Oklahoma :
 Constitution. Mistler v. Ege, :

107 Oklahoma 289, 231 Pac. 1045. :
: Assets of disorganized district :
: may be considered in determining :
: validity of subsequent issue. :
: Ibid. :
: Where adjacent district is at- :
: tached, notice is jurisdictional. :
: Gregg v. Hughes, 89 Oklahoma :
: 168, 214 P. 904. :
: Cited: Hoffsommer v. Hayes, 92 :
: Oklahoma 32, 217, Pac. 477. :
: See Section 6759 Note. :
: See Section 6771 Note. Chandler :
: v. Barber. :
: Signer of petition may withdraw :
: name any time before petition is :
: acted upon. Mills v. Lynch, 121 :
: Oklahoma 101, 247 Pac. 981. :
: See Section 6773 Note. King v. :
: State ex rel. :
: Majority of legal voters is :
: necessary to give superintendent :
: jurisdiction in annexation of :
: adjacent territory to consolida- :
: ted district. Coon v. Robinett, :
: 135 Oklahoma 114, 274 Pac. 669. :
: In attaching adjacent territory :
: notice required by Section 10321 :

is jurisdictional. *Weathers v. Leibhart*, 129 Oklahoma 185, 263 Pac. 1108.

Cited: *Protest of St. Louis-- S. F. Railway Company*, 164 Oklahoma 229, 23 P. (2d) 699.

Functioning of officers of consolidated district of 140 sections not subject to judicial interference on sole ground that district is too large. *Robinson v. Thorpe*, 147 Oklahoma 150, 295 P. 603.

See Section 6924 Note. *School District #60 v. Crabtree*.

Cited in dissenting opinion.

Board of Commissioners v. Woodford Consolidated School District, 165 Oklahoma 227, 25 P. (2d) 1057.

School districts to be annexed or consolidated should be adjoining or connected together. O. A. G. May 22, 1923.

County superintendent does not have power to make order attaching territory to a school district to take effect in the

future. O. A. G. January 3, 19- :
24. :

Two school districts which merely :
meet at a corner are not :
"adjacent". O. A. G. March 22, :
1928. :

Petition asking that territory be :
detached from a common school :
district and attached to a con- :
solidated district must be signed :
by a majority of the legal voters :
of the territory desiring to be :
attached. O. A. G. June 27, :
1930. :

Part of the territory of a consol- :
idated district may be detached :
and annexed to another consoli- :
dated district. O. A. G. :
October 1, 1929. :

Territory adjacent to a consoli- :
dated district may not be at- :
tached to such district if it :
will cause the territory of the :
district from which the same is :
taken to not contiguous :
territory. O. A. G. August 4, :
1930. :

Sections 6771 and 6915 should be :

together and in harmony with
each other. O. A. G. May 19,
1931.

Territory attached to a consoli-
dated or independent district is
subject to assessment and tax-
ation for paying indebtedness of
the district to which it is at-
tached. November 10, 1925.

Common school district, which is
less than 25 square miles, but
has a valuation of more than
\$200,000.00 cannot become a con-
solidated district without taking
in new or additional territory.
O. A. G. May 9, 1935.

When two districts unite to form a
consolidated district, all three
members of the school board may
be selected from one of the dis-
tricts. O. A. G. March 25, 1935.

Consolidation can be effected only
by vote of the people. In re
Consolidation of School Districts:
#1's 14 and 20. Carter County,
180 Oklahoma 271, 69 P. (2d) 365.

A common school district cannot be
attached to a consolidated dis-

trict where they are not adjacent. O. A. G. September 2, 1936. Territory may be detached from a consolidated school district and attached to an independent school district, provided there are left 25 square miles of at least \$500,000.00 valuation. Property annexed is subject to taxation for indebtedness at the time of annexation. O. A. G. June 12, 1936.

Where the county superintendent gives proper notice of attachment of a common school district to a consolidated district, the signers of the petition do not oust his jurisdiction by subsequent withdrawal of names. O. A. G. April 6, 1936.

A petition addressed to the county superintendent signed by more than one-half the qualified electors of a school district petitioning said official to annex all of said district to another and containing conditions that the district to which said

territory is annexed shall
 "guarantee transportation to all
 the school children residing in
 the school district so annexed
 and that this petition become
 void if the district fails to
 furnish transportation," is
 insufficient to give the county
 superintendent jurisdiction to
 make an order annexing such ter-
 ritory to an independent school
 district. School District #84 of
 Pottawatomie County et al v.
 Asher School District #112, 168
 Oklahoma 282.

In attaching territory to a con-
 solidated school district, notice
 must be posted as required by
 Section 6771, O. S. 1931. Gregg
 v. Hughes, 89 Oklahoma 168.

A consolidated district may be
 formed from territory lying in
 two or more counties. 33 Okla-
 homa 204. Specht v. Joint Dis-
 trict 54, 97 Oklahoma 202.

The Supreme Court holds that
 slight defects in the notices
 calling for consolidated

elections and other technical
procedure previous thereto will
not invalidate such election if
the law has been complied with in
a substantial manner. State v.
Sullivan, 194 Pac. 446.
Ratliff v. State, 79 Oklahoma 152.
Lowe v. Consolidated District #97,
79 Oklahoma 115.
Pitcher v. Dervage, 56 Oklahoma
583.
State ex rel Freeling v. Sullivan,
80 Oklahoma 81.
Smith v. State ex rel Barry, 84
Oklahoma 283.
An independent district and com-
mon school district cannot be a
consolidated district. Walker v.
Chambers, 219 Pac. 659.
Negro voters are not qualified in
any election called for the pur-
pose of consolidating districts
for white children. Ratliff v.
State, 79 Oklahoma 152.
A person of one race cannot
legally hold office as a member
of the school board in a district
where the other is the majority

race. *Jellsma v. Butler*, 194

Pac. 436.

Section 6916

Duties Of County Superintendent--

Disorganization.

C. O. S. 1921, Section 10463.

S. L. 1913, Chapter 219, Article

7, Section 2.

Superintendent's duty ministerial

and may be compelled by mandamus.

State v. Rose, 76 Oklahoma 11,

183 P. 918.

Supreme court will take original

jurisdiction of school contro-

versy to prevent great delay in

opening schools and to prevent

denial of justice. *Ibid.*

A consolidated district may not be

formed by the county superinten-

dent arbitrarily dissolving two

or more common school districts.

Woolsey v. Nelson, 43 Oklahoma

97.

Section 6917

Officers And Term.

C. O. S. 1921, Section 10464.

S. L. 1913, Chapter 219, Article

7, Section 3.

Where more than two districts unite
to form a consolidated district
not more than one member of the
board shall be elected from the
territory of any one of the dis-
organized districts either at
first election or any subsequent
election. O. A. G. June 24,
1933.

Civil action in nature of quo
warranto is proper action to re-
move school board member illegal-
ly holding office for the reason
two or more members were elected
from same territory of consoli-
dated district. O. A. G.
June 3, 1933.

Where more than two districts
organize and one member of the
school board moves into another
district, he loses his office.
O. A. G. April 8, 1937.

Where two members of a disorgan-
ized district are elected to the
school board, the first elected
is entitled to the office. The
incumbent holds over if his
successor is illegally elected.

O. A. G. January 25, 1937.

The courts may not restrain the school board officers of a consolidated district from performing the duties of such officers when the legality of the organization of such a district is questioned. *Shose v. Board of Education*, 97 Oklahoma 273.

Quo warranto is the proper procedure to dislodge illegal school board officers of a consolidated school board. *Smith v. State*, 47 Oklahoma 682.

Section 6918

District Boards--Provide Transportation--Independent Districts.

C. O. S. 1931, Section 10465.

S. L. 1913, Chapter 219, Article 7, Section 4.

S. L. 1915, Chapter 36, Section 1.

S. L. 1919, Chapter 93, Section 1.

S. L. 1929, Chapter 55.

Neither school district nor individual school board members are liable for injuries to pupils caused by negligent operation of school bus. *Wright v. Consolidated School District #1*, 162

Oklahoma 110, 19 P. (2d) 369. :

Transportation of school children :
 not required without valid :
 appropriation for such purpose. :
 Protest of Carter Oil Company, :
 148 Oklahoma 1, 296 P. 486. :

Question as to how near to resi- :
 dence of a child entitled to :
 transportation, the school bus :
 must come is an administration :
 matter of the school board. :

O. A. G. February 21, 1933. :

School districts may not buy :
 liability insurance insuring :
 children against injury while :
 riding in school bus. O. A. G. :
 January 17, 1928. :

Consolidated district may not :
 dispense with transportation of :
 pupils except as to those under :
 ten years of age who live less :
 than two miles from school. :

O. A. G. June 24, 1926. :

School district may not send its :
 truck outside the limits of the :
 district and furnish transport- :
 ation to pupils of another :
 district. O. A. G. September 23, :

1930.

School board may not enter into a contract with a person to furnish transportation to school children and for such person in turn to employ sons of school board members to drive such trucks.

O. A. G. April 18, 1929.

Transportation should only be furnished pupils who reside in or may be picked up in the district.

O. A. G. May 27, 1931.

It is mandatory duty of consolidated school districts to provide transportation to and from school for all pupils residing two or more miles therefrom.

O. A. G. September 17, 1931.

Transportation may not be furnished pupils outside the district.

O. A. G. November 15, 1932.

Independent city school district having an area less than 25 square miles and a total valuation over \$500,000.00 may provide transportation for pupils in outlying portions of the district.

O. A. G. June 14, 1927.

This section does not include
dependent school districts.

O. A. G. July 19, 1935.

School district which furnishes
transportation to pupils is not
authorized to carry liability
insurance but may request owner
of private bus to carry same.

O. A. G. July 12, 1934.

Does not authorize transportation
to other towns. O. A. G.
March 29, 1937.

Does not authorize transportation
in dependent school districts.

O. A. G. July 19, 1935.

An independent district not having
the area and valuation prescribed
by law for a consolidated dis-
trict may not provide transport-
ation within the district, but
when said independent district is
providing transportation for
pupils transferred to the dis-
trict, pupils living within the
district along the bus routes may
ride the busses to and from
school provided their doing so
will not prevent pupils legally

entitled to said transportation :
 from receiving same and will not :
 increase the tax burden of the :
 district. O. A. G. February 28, :
 1936. :

A consolidated school district :
 board may be compelled by manda- :
 mus to provide transportation to :
 all pupils entitled to same. :
 Willston Consolidated District #1 :
 v. Mathews, 104 Oklahoma 185. :

Neither the school district, :
 school board, nor individual :
 members thereof are liable in :
 damages for the injury of a :
 pupil, caused by its officers, :
 agents or employees in the con- :
 trol or operation of its motor :
 truck for the purpose of trans- :
 portation, where they have acted :
 in good faith and without malice. :
 Consolidated District #1 v. :
 Wright, 128 Oklahoma 193. :

The usually traveled road, :
 whether it be public or private :
 way, should govern in determin- :
 ing the distance to be traveled :
 in attending school in consoli- :
 dated districts. O. A. G. :

October 31, 1913.

A common school district that has dispensed with its school and transferred its pupils to an adjoining school district may not use its funds to provide transportation of its children to the district to which the transfer is made. O. A. G. April 8, 1937.

A school district authorized by law to furnish transportation for school children may use its transportation equipment only for the purpose of transporting school children to and from school. O. A. G. March 29, 1936.

Children may not legally be transported at public expense to private schools. O. A. G. September 11, 1936.

House Bill 29, Section 2, First Special Session of the Fourteenth Legislature.

A school district maintaining a high school which is not a consolidated, union graded, or independent school district has authority to transport high

school pupils transferred to it :
 if the transfer fees secured by :
 said district on account of such :
 pupils are sufficient to pay the :
 cost of instructing the children :
 transferred and the additional :
 cost of such transportation out- :
 side the district. O. A. G. :
 August 18, 1936. :

The law applicable to drivers in :
 consolidated school districts is :
 the same that applies to teachers :
 in all of the districts in the :
 state of Oklahoma, and that un- :
 less the contract, whether oral :
 or written, existing between the :
 board of education, or school :
 board, as the case may be, and the :
 driver makes provision as to the :
 loss of such time, that the :
 school board is under the same :
 obligation to pay the driver for :
 his time that it is to pay the :
 teacher. O. A. G. November 20, :
 1918. :

School board members who purchase :
 liability insurance and pay a :
 claim for the premium on said :

insurance are liable for double
 the amount of the funds of the
 district so paid. O. A. G.
 May 18, 1936.

Section 6919

Consolidated Districts--

Transportation Of Pupils.

C. O. S. 1921, Section 10467.

S. L. 1910--11, Chapter 122,
 Section 1. Amends Chapter 33,
 Article 1, Section 3, supposedly
 S. L. 1905.

S. L. 1910--11, Chapter 122,
 Section 2 repeals all acts in
 conflict.

Provision authorizing discontin-
 uance of transportation of pupils:
 in conflict with Section 6918 and:
 is therefore repealed. O. A. G.
 June 24, 1926.

Section 6920

Vehicles Must Come To Full Stop--
When.

S. L. 1923-24, Chapter 89,
 Section 1.

Section 6921

Penalty.

S. L. 1923-24, Chapter 89,

Section 2.

Section 6922

Contract--Subject To This Act.

S. L. 1923-24, Chapter 89,

Section 3.

Section 6923

Damages--Provisions Not To Abridge:

Right To Recover.

S. L. 1923-24, Chapter 89,

Section 4.

Section 6924

Adjustment Of Finances Of Dis-
organized Districts.

C. O. S. 1921, Section 10469.

S. L. 1913, Chapter 219, Article
7, Section 5.

Where several school districts
are organized into a consolidated
district, it becomes the duty of
the school board of said consol-
idated district, where one of
said disorganized districts has a
bonded indebtedness, to dispose
of the property of said dis-
organized district and apply the
proceeds therefrom on the bonded
indebtedness and the residue, if
any, becomes the property of the

consolidated district. Consoli- :
 dated District #97 v. Sloan, 135 :
 Oklahoma 29. :

Also O. A. G. November 19, 1934. :

When a consolidated district votes :
 bonds and attempts to determine :
 its indebtedness, the outstanding :
 bonds of a member district should :
 be charged as a debit, but credit :
 to offset this may be entered in :
 the amount of the assets, in- :
 cluding a school building of a :
 member district. Wright v. :

Consolidated School District #1, :
 109 Oklahoma 147. :

Property in district annexed to :
 consolidated district not subject :
 to taxation to pay existing :
 bonded indebtedness of latter. :

St. Louis S. F. Railway Company :
 v. Bonaparte, 142 Oklahoma 177, :
 286 P. 343. :

When proposed bond issue of a new :
 district makes property in old :
 district subject to school tax in :
 excess of five percent, such bond :
 issue is illegal. Check v. Eye, :
 96 Oklahoma 44, 219 P. 883. :

Resident tax payer of a disorgan- :
 ized district can maintain action: :
 to compel school board of consol- :
 idated district to perform legal :
 duty hereunder. Consolidated :
 School District #97 v. Sloan, 135 :
 Oklahoma 29, 273 P. 271. :
 :

Cited: Protest of St. Louis--S. :
 F. Railway Company, 164 Oklahoma :
 229, P. (2d) 699. :
 :

Where school districts are dis- :
 solved and annexed to consolida- :
 ted or union graded districts :
 the bonded indebtedness of such :
 districts remain a charge against :
 the territory of such districts :
 and is not assumed by the dis- :
 trict to which such territory is :
 attached. O. A. G. January 29, :
 1932. :
 :

Consolidated district is liable :
 for all but bonded indebtedness :
 of adjacent district so annexed. :
 School District #60 v. Crabtree, :
 146 Oklahoma 197, 294 Pac. 171. :
 :

Property in the territory annexed :
 to an independent district held :
 subject to taxation to pay bonded :
 :

indebtedness of district as well :
 as expense of maintenance. :

Protest of St. Louis--S. F. Rail- :
 way Company, 186 Oklahoma 265, :
 277 P. 932. :

Funds of disorganized districts :
 should be handled by county trea- :
 surer until existing prior in- :
 debtedness is paid. O. A. G. :
 August 16, 1926. :

Residue in sinking fund of dis- :
 organized district should be :
 credited to the general fund of :
 the consolidated school district. :
 O. A. G. March 1, 1934. :

Indebtedness of original district :
 uniting to form a consolidated :
 district is not assumed by the :
 consolidated district but re- :
 mains a charge against the ter- :
 ritory of such original district. :
 O. A. G. September 14, 1931. :

Where district is divided and :
 annexed to two consolidated :
 districts, any surplus on hand :
 goes to such districts to be :
 apportioned as they agree, or if :
 they cannot, as the Legislature :

may direct. O. A. G. September
5, 1933.

Where consolidated district is
organized, assets of disorganized
district shall be applied to
floating indebtedness of district
and then to the bonded indebt-
edness any residue going to the
consolidated district, Crawford
v. Brisley, 131 Oklahoma 230,
268 Pac. 713.

Section 6925

Disposition Of School Property.

C. O. S. 1921, Section 10470.

S. L. 1913, Chapter 219, Article
7, Section 6.

Property of school district may be
sold at private sale without
advertisement. O. A. G. August
12, 1924.

There is no authority for funds of
a disorganized district which an
auditor may discover to be set
up and appropriated as a current
fund to pay for the service
rendered in making the audit.

O. A. G. September 5, 1933.

Section 6926

Annual Meetings.

C. O. S. 1921, Section 10471.

S. L. 1913, Chapter 219, Article
7, Section 7.

Election of a district clerk by
acclamation held valid where no
objection thereto by electors.

McCarter v. Spears, 157 Oklahoma
168, 11 P. (2d) 489.

Clerk's election not invalidated
by taking oath before closing
time for annual meeting. Ibid.

Not necessary to stay open until
six o'clock. O. A. G. August 29,
1936.

Section 6927General School District LawApplicable.

C. O. S. 1921, Section 10472.

S. L. 1913, Chapter 219, Article
7, Section 8.

Remedy of protestants against
attachment of territory to a
consolidated district is by
appeal and not certiorari.

Darnell v. Higgins, 124 Oklahoma
201, 124 Oklahoma 201, 255 Pac.
678.

See Section 6773, Note. King v. :
 State ex rel. :

This section and section 7781, :
 R. L. 1910, provide for appeal :
 from action of superintendent in :
 calling election to consolidate :
 school districts. King v. State, :
 83 Oklahoma 297. :

This section and Section 7281, :
 R. L. 1910, authorize appeal from :
 action of county superintendent's :
 actions in organizing consolida- :
 ted district. Smith v. Barry, 84 :
 Oklahoma 283, 203 P. 1046. :

Cited: Myers v. Independent :
 School District, 104 Oklahoma 51, :
 230 P. 498: Chandler v. Barber, :
 113 Oklahoma 222, 241 P. 145: :
 Coon v. Robinett, 135 Oklahoma :
 114, 274 P. 669: Consolidated :
 School District #8 v. Wilder, 148 :
 Oklahoma 91, 297 P. 280. :

Where school building has been :
 condemned and it is proposed to :
 construct new building and to use :
 old building in construction of :
 new building, such proposition :
 must be first voted upon by :

voters of the first district. :
 O. A. G. August 16, 1927. :
 Cited and applied: Dowage v. :
 Consolidated District #3, 73 :
 Oklahoma 66, 174 P. 575. :
 Cited: Board of Commissioners v. :
 Woodford Consolidated School Dis- :
 trict, 165 Oklahoma 227, 25 P. :
 (2d) 1057. :
 When school board member presents :
 his resignation to and it is :
 accepted by the county superin- :
 tendent, a vacancy arises. :
 O. A. G. June 14, 1937. :
 If no appeal is taken within ten :
 days from the action of the :
 county superintendent in dissolv- :
 ing district and annexing it to :
 two more, such action is final. :
 O. A. G. March 5, 1936. :
 Where the county superintendent :
 gives proper notice of attach- :
 ment of a common school district :
 to a consolidated district, the :
 signers of the petition do not :
 oust his jurisdiction by sub- :
 sequent withdrawal of their :
 names. O. A. G. November 20, 1935.

Section 6928Name Of District--Powers.

S. L. 1923-24, Chapter 56, Section:

1. Amends C. O. S. 1921, Section:
10473 and S. L. 1913, Chapter
219, Article 7, Section 9.

Section 6929Name Of District Determined By
Electors.

S. L. 1923-24, Chapter 56, Section:

2.

One must be present to vote in
order to vote at the annual
school district meeting. O. A.
G. March 20, 1936.

Section 6930Union Graded Or Consolidated
School District Fund--Section 33,
Greer County.

C. O. S. 1921, Section 10474.

S. L. 1913, Chapter 219, Article
7, Section 10.

Section 6931Greer County, Section 33--Lands May Be Sold.

C. O. S. 1921, Section 10475.

S. L. 1913, Chapter 219, Article
7, Section 11.

Section 6932

Accrued Fund At Disposal Of State
Board Of Education.

C. O. S. 1921, Section 10476.

S. L. 1913, Chapter 219, Article
7, Section 12.

Section 6933

Apportionment Of Accrued Funds.

C. O. S. 1921, Section 10477.

S. L. 1913, Chapter 219, Article
7, Section 13.

Section 6934

Maximum Amount For Schools.

C. O. S. 1921, Section 10478.

S. L. 1913, Chapter 219, Article
7, Section 14.

Section 6935

Districts Of 25 Square Miles'
Area--Apportionment Of Funds.

C. O. S. 1921, Section 10479.

S. L. 1913, Chapter 219, Article
7, Section 15.

Section 6936

Districts Less Than 25 Square
Miles' Area--Apportionment Of
Funds.

C. O. S. 1921, Section 10484.

S. L. 1917, Chapter 252, Section 2:

Question of due incorporation of :
 union graded school district :
 cannot be raised by proceedings :
 instituted by private individual. :
 Shore v. Board of Education, 97 :
 Oklahoma 273, 223 Pac. 867: :
 Griffin v. Thomas, 86 Oklahoma :
 70, 206 Pac. 604. :
 Title of act relates to general :
 subject and not contrary to :
 Section 57, Article 5, Constitu- :
 tion of Oklahoma. Ibid. :
Section 6937 :
Election To Dissolve Consolidated :
Or Union Graded District. :
 C. O. S. 1921, Section 10480. :
 S. L. 1919, Chapter 148, Section :
 1. Amends S. L. 1915, Chapter :
 202, Section 1. :
 S. L. 1937, Chapter 34, Article :
 10, Section 1. Amends Section :
 6937 of C. O. S. 1931. :
 Union graded school must be dis- :
 solved prior to being changed to :
 a consolidated school district. :
 O. A. G. June 25, 1930. :
 Where a district was organized as :
 union graded district but failed :

to function as such, such non use:
of the powers and rights of a
union graded district would not
effect its dissolution. O. A. G.
March 23, 1931.

Where two consolidated districts
desire to consolidate, they
should first dissolve. O. A. G.
April 18, 1929.

Where union graded district dis-
solves after assessment has been
made, county assessor should make
division of such assessment.
O. A. G. November 17, 1931.

Statutes do not provide a method
for detachment of territory from
a union graded district except by
dissolving said district by vote
of seventy percent of the voters
of the district.

A school board and county super-
intendent cannot dissolve a
district, it must be by vote of
the electors. Same rule applies
to disposition of building.

O. A. G. August 5, 1936.

Section 6938

Dissolution Of Districts--Revivor :
Of Original Districts--County :
Superintendent To Appoint Boards. :

C. O. S. 1921, Section 10481. :

S. L. 1919, Chapter 148, Section :
 2 amends S. L. 1915, Chapter 202, :
 Section 2. :

Duties imposed on county superin- :
 tendent in respect to declaring :
 consolidated district dissolved :
 and filling vacancies in revived :
 districts are purely ministerial :
 and enforceable by mandamus. :

Rasure v. Sparks, 75 Oklahoma :
 181, 183 P. 495. :

Upon dissolution of a consolidated :
 district original districts are :
 revived. School District #39 v. :
 School District #20, 119 Oklahoma :
 291, 249 P. 690. :

Action of board of county com- :
 missioners on appeal from ruling :
 of county superintendent as to :
 alteration of boundaries final. :
 Ibid. :

Cited in dissenting opinion: :
 Board of Commissioners v. Wood- :
 ford Consolidated School District: :

165 Oklahoma 227, 25 P. (2d) :

1057. :

After union graded district is :
 dissolved the original districts :
 are revived: if one of the :
 original districts was an in- :
 dependent district it may not :
 join with common school districts: :
 to form a consolidated district. :

O. A. G. April 14, 1930. :

Statutes do not provide a method :
 for detachment of territory from :
 a union graded district except by: :
 dissolving said district by vote :
 of seventy percent of the voters :
 of the district and forming a new: :
 district. O. A. G. August 1, :
 1935. :

Cited: Sheffield v. Fountain, :
 101 Oklahoma 168, 224 P. 359. :

A common school district and a :
 union graded district which are :
 joined cannot separate until the :
 latter is dissolved. O. A. G. :
 August 1, 1935. :

Negro voters are not qualified :
 voters in a question of the :
 dissolution of a consolidated :

district in existence for the
benefit of the white children.

Section 6939

Distribution Of Indebtedness And
Assets On Dissolution--Levy To
Reimburse State.

C. O. S. 1921, Section 10482.

S. L. 1919, Chapter 148, Section
3. Amends S. L. 1915, Chapter
202, Section 1.

Where the school district is in
two counties, only the county
superintendent in which the
larger part of the district lies,
can call an election for dis-
solution. O. A. G. June 16,
1937.

UNION GRADED SCHOOLS

Section 6940

Petition Of Voters--County Super-
intendent To Call Election--
Notice--Election Of Officers--
Course Of Study--Transportation Of
Pupils--Indebtedness--School
Superintendent.

C. O. S. 1921, Section 10483.

S. L. 1921, Chapter 117, Section

I amends S. L. 1915, Chapter 187,
Section 1, as amended by S. L.
1917, Chapter 252, Section 1.
Cited: Sheffield v. Fountain,
101 Oklahoma 168, 224 Pac. 339.
1917 amendment held constitutional.
Griffin v. Thomas, 86 Oklahoma
70, 206 Pac. 604; Shore v. Board
of Education, 97 Oklahoma 273,
223 Pac. 367.
Meeting to decide whether district
will furnish transportation for
pupils held prerequisite to tax
levy--meeting after first Tues-
day in July not authorized.
Dixon v. Johnson, 157 Oklahoma
170, 11 P. (2d) 477.
Quo warranto, not injunction, is
proper remedy to determine
validity of the organization of a
school district. Chambers v.
Walker, 85 Oklahoma 289, 206 P.
202.
Cited and applied: Cox v. Bowles,
124 Oklahoma 117, 254 P. 101;
St. Louis - S. F. Railway Company
v. Bonaparte, 142 Oklahoma 177,
236 P. 343.

School board of union graded school
 district may with the consent of
 the voters, abolish wing schools
 and provide other facilities in
 any school within district; but
 the board may not without the
 vote at regular meeting of sixty
 percent of voters attending,
 furnish transportation of pupils
 necessitated by such change.

Reynolds v. Tankersley, 167
 Oklahoma 425, 29 P. (2d) 976.

County superintendent may tem-
 porarily discontinue school in
 the original district comprising
 part of a union graded district
 where there are only three chil-
 dren of school age in such dis-
 trict. O. A. G. August 4, 1925.

District comprising part of a
 union graded district may by
 majority vote to change the
 schoolhouse site, the cost of
 moving same to be paid by the
 union graded district. O. A. G.
 1927.

Union graded district cannot pro-
 vide instruction for pupils below:

the sixth grade in the central :
 school. O. A. G. June 15, 1928. :
 Maintenance of central school for :
 instruction above sixth grade is :
 mandatory. O. A. G. May 3, 1928. :
 Location of schoolhouse in union :
 graded district may be made :
 anywhere in the district by a :
 majority vote of the electors. :
 O. A. G. June 26, 1928. :
 School board of union graded :
 school is without authority to :
 designate a school building be- :
 longing to one of the component :
 districts of the union graded :
 district as the central building :
 for the purpose of conducting the :
 seventh, eighth and high school :
 grades. O. A. G. October 1, 1929. :
 Election authorizing furnishing of :
 transportation is effective until :
 such action is rescinded in a :
 legal manner. O. A. G. October :
 1, 1929. :
 "Of two or more adjacent school :
 districts" means only common :
 school districts. O. A. G. :
 August 1, 1935. :
 Union graded school district must :

be organized before a meeting may:
 be called to vote on furnishing :
 transportation therein. O. A. G. :
 April 14, 1930. :

"One-third of the legal voters" :
 means one-third of the actual :
 number of legal voters in said :
 district, such number to be de- :
 termined by actual count and :
 enumeration. O. A. G. March 21, :
 1935. :

When special election on propo- :
 sition of furnishing transport- :
 ation to pupils fails to carry, :
 a special meeting may later be :
 called in said district for such :
 purpose. O. A. G. :

There is no authority for trans- :
 forming an independent school :
 district into a union graded :
 district. O. A. G. July 23, 1937. :

Money appropriated to a union :
 graded district cannot be used to :
 retire indebtedness of the dis- :
 trict which dissolved to form the :
 union graded district. O. A. G. :
 August 14, 1935. :

In order to become a consolidated :

district, a union graded school
 district must first be disor-
 ganized as provided by law, then
 organized as a consolidated dis-
 trict as prescribed by law. The
 elections for dissolving the
 union graded school district and
 the formation of the consolidated
 district may not be held at the
 same time. O. A. G. March 10,
 1937.

There is no method provided by law
 for the attachment to or detach-
 ment of territory from a union
 graded school district except by
 dissolving said union graded
 school district. O. A. G.
 June 19, 1932.

The school board of a union graded
 school district may sell such
 schoolhouse, or schoolhouse and
 school site, when the same is no
 longer needed for school purposes
 only when authorized to do so by
 the voters of the union graded
 school district at any regular
 or special meeting. O. A. G.
 April 5, 1933.

Insurance money paid for the total:
 loss of a wing school of a union :
 graded school district should be :
 placed in the general fund of the :
 union graded district. If such :
 general fund reflects a surplus :
 such surplus may be appropriated :
 for the purpose of building the :
 schoolhouse in the place of the :
 one burned. O. A. G. June 8,
 1937.

Chapter 34, Article 10, Section 1 :
 of the S. L. 1937, as it amends :
 Section 6937, C. O. S. 1931,
 provides for the dissolution of a :
 union graded district.

Section 6941

Board Of Directors--Duties And
Powers.

C. O. S. 1921, Section 10485.

S. L. 1913, Chapter 219, Article
 8, Section 2.

Union graded school district
 board is without power or author-
 ity to discontinue the central
 high school in such district.

O. A. G. May 3, 1932.

Section 6942

Building And Furnishings--Tax Levy:

C. O. S. 1921, Section 10486. :
 S. L. 1915, Chapter 187, Section :
 4. Amends S. L. 1913, Chapter :
 219, Article 8, Section 4. :
 Union graded districts may provide :
 for repairs to school by voting :
 levy at annual meeting where :
 same does not create debt or :
 exceed constitutional limit. :
 Ogden v. Hardy, 124 Oklahoma :
 223, 254 Pac. 961. :

Statutes do not provide what :
 should be done with money re- :
 ceived by school district on :
 insurance policy where school :
 building burns up but it should :
 be placed in the general fund. :
 O. A. G. March 13, 1931. :

Section 6943-44 :

State Aid--Union Graded Or :
Consolidated District. :

C. O. S. 1921, Section 10487a. :
 S. L. 1919, Chapter 185, Section :
 1. Amends S. L. 1915, Chapter :
 187, Section 2. :
 C. O. S. 1921, Section 10487b. :
 S. L. 1915, Chapter 187, Section :
 3. Amends S. L. 1910-11, Chapter :

112, Section 6.

Cited: Consolidated School District #15 of Texas Company v. Green, 180 Oklahoma 567, 71 P. (2d) 712.

A union graded district cannot receive more than \$1,250.00.

O. A. G. July 6, 1935.

Section 6945

School Money--Procedure To Secure.

C. O. S. 1921, Section 10488.

S. L. 1913, Chapter 219, Article 8, Section 5.

Section 6946

Single District May Form Graded School.

C. O. S. 1921, Section 10489.

S. L. 1913, Chapter 219, Article 8, Section 6.

Section 6947

Annual Meetings.

S. L. 1923-24, Chapter 109, Section 1.

Section 6948

Majority Of Electors May Select Schoolhouse Site.

C. O. S. 1921, Section 10491.

S. L. 1913, Chapter 219, Article

8, Section 8. :

This section and not Section 6789 :
controls selection of schoolhouse :
site. McCutcheon v. Bennett, :
137 Oklahoma 65, 277 P. 925. :

Selection of site and plans and :
specifications for schoolhouse :
for union graded district by :
district board are validated :
when ratified by voters at a :
subsequent election. Woods v. :
Board of Directors, 133 Oklahoma :
249, 271 Pac. 424. :

Site for union graded school :
building may be redesignated by :
majority vote. O. A. G. July 1, :
1929. :

Section 6949 :

Expenditures And Contracts-- :
Restrictions. :

C. O. S. 1921, Section 10492. :

S. L. 1913, Chapter 219, Article :
8, Section 9. :

JOINT DISTRICTS IN TWO OR MORE :
COUNTIES :

Section 6796 :

Formation--Alteration. :

C. O. S. 1921, Section 10349. :
 S. L. 1913, Chapter 219, Article :
 4, Section 1. :
 This section has no application or :
 organization of consolidated :
 school districts. State ex rel. :
 v. Specht, 83 Oklahoma 31, 200 :
 P. 211. :
 Statutes relating to joint school :
 districts applicable to separate :
 schools in so far as their :
 application relates to creation :
 and existence of the school for :
 the entire district. Board of :
 Commissioners v. Ventess, 138 :
 Oklahoma 231, 280 P. 830. :
 County superintendent of counties :
 affected must act jointly. :
 Specht v. Joint School District, :
 97 Oklahoma 203, 223 Pac. 386. :
 When county boundary line is :
 changed so as to place a school :
 district in two counties such a :
 change does, ipso facto, make the :
 district a joint school district :
 and such district should be :
 regarded as unorganized territory. :
 O. A. G. June 9, 1924. :

When county boundary line is
 changed so as to place a school
 district in two counties such
 change does not ipso facto make
 the district a joint district.

O. A. G. September 5, 1924.

When city is situated in two
 counties, property is taxable in
 the county in which it lies.

O. A. G. January 13, 1925.

One county superintendent may not
 dissolve a joint school district.

Fennell v. Lamon, 46 Oklahoma
 519.

County commissioners have no
 authority in matters which relate
 to joint districts and may not
 hear appeals taken from the
 county superintendent. Appeals

may be taken only to the State
 Superintendent of Public In-
 struction. Woodward et al. v.
 Strosnider, 33 Oklahoma 277.

Section 6297

Appeal--Control Of Joint Districts:

C. O. S. 1921, Section 10350.

S. L. 1913, Chapter 219, Article
 4, Section 2.

Injunction held not proper remedy :
 in action opposing the change of :
 boundaries of joint school dis- :
 trict: proper remedy is by :
 appeal to State Superintendent of :
 Public Instruction. Cox v. :
 Bowles, 124 Oklahoma 117, 254 :
 Pac. 101. :

Mandamus refused where no appeal :
 is taken from superintendent's :
 action in appointing member and :
 clerk of consolidated district. :
 State v. Meachom, 63 Oklahoma 27, :
 164 P. 971. :

Affords no remedy to officers or :
 patrons of a consolidated dis- :
 trict when county superintendent :
 fails to perform duties under :
 Section 6916. State v. Ross, :
 26, Oklahoma 11, 183 P. 918. :

Cited: Pickett v. Smith, 75 :
 Oklahoma 155, 182 P. 680. :

Appeal to State Superintendent is :
 not authorized where two county :
 superintendents do not agree on :
 formation of a joint district. :
 O. A. G. October 1, 1931. :

15, Section 2.

For determination of the race of
pupils. See Marion v. Territory,
1 Oklahoma 210, also Cole v.
School Board District #29,
McIntosh County, 32 Oklahoma 692.

Section 7035

Separate School Defined

C. O. S. 1921, Section 10569.

S. L. 1913, Chapter 219, Article
15, Section 3.

See Section 6950 Note. Board of
Education v. Board of Commission-
ers.

County superintendent may desig-
nate the separate school and
where white school is designated
as district school. Negroes may
not be school directors. Jelsma
v. Butler, 80 Oklahoma 46, 194
P. 436.

County superintendent may desig-
nate separate schools. Jumper
v. Lyles, 77 Oklahoma 57, 185
P. 1084.

County superintendent may desig-
nate white school as district
school, although whites are in

minority and white school had
previously been maintained as
separate school. State v. Al-
britton, 98 Oklahoma 158, 224
Pac. 511.

Judgment of district court in
injunction action against super-
intendent in designation of
separate school not disturbed
unless against weight of evidence.
Moore v. Porterfield, 125 Okla-
homa 217, 257 Pac. 307.

In suit for injunction to restrain
county superintendent from des-
ignating white school as district
school, allegations that negroes
were in majority and, when negro
school had been district school,
had voted bonds and erected a
district schoolhouse held in-
sufficient. Moore v. Porterfield:
113 Oklahoma 234, 241 Pac. 346.

School population of the county
consists of all persons of school
age, whether white or negro.

Board of Commissioners v. School
District #19, 119 Oklahoma 20,
248 P. 324.

Funds received by independent
 district based upon separate
 scholastic enumeration must be
 used solely for the benefit of
 minority schools. Board of
 Education, City of Muskogee, v.
 Board of Commissioners, 140
 Oklahoma 229, 282 P. 670.

Electors of one race are not per-
 mitted to vote in elections per-
 taining to the schools of another
 race. It was not the intention
 of the Legislature, by placing
 separate schools of an independ-
 ent district under the Board of
 Education of the district, to
 authorize electors of separate
 schools to participate in elec-
 tion of members of the board of
 education. O. A. G. March 11,
 1935.

Section 7036

Attendance Of One Race With
 Another--Penalty.

C. O. S. 1921, Section 10570.
 S. L. 1913, Chapter 219, Article
 15, Section 4.

Section 7037Mixed Schools--Punishment.

C. O. S. 1921, Section 10571.

S. L. 1913, Chapter 219, Article
15, Section 5.

Section 7038Punishment For Teaching In Mixed
School.

C. O. S. 1921, Section 10572.

S. L. 1913, Chapter 219, Article
15, Section 6.

Section 7039Punishment For Attending Mixed
School.

C. O. S. 1921, Section 10573.

S. L. 1913, Chapter 219, Article
15, Section 7.

Section 7040Tax Levy--Regulations.

S. L. 1937, Chapter 34, Article
13, Section 1. Amends Section
7040 of C. O. S. 1931.

Voluntary estimate made by county
superintendent preliminary to
estimate for separate schools
made by commissioners does not
affect right of teacher to
holding valid contract to recover:

for breach thereof on ground that:
 indebtedness of district is in
 excess of superintendent's es-
 timate. Sams v. Creek County, 72:
 Oklahoma 84, 178 P. 668.

Where Legislature prescribes a
 manner of providing funds for
 colored schools different from
 that for white schools, same will
 not be held unconstitutional un-
 less discrimination is shown.
 Jones v. Board of Education, 90
 Oklahoma 233, 217 Pac. 400.

Mandamus will lie to compel ex-
 cise board to make proper levy.
 Board of Education v. Excise
 Board, 86 Oklahoma 24, 206 Pac.
 517; Jones v. Board of Education,
 90 Oklahoma 233, 217 Pac. 400.

Cited: School District #7, Creek
 County v. Board of Commissioners,
 135 Oklahoma 1, 275 Pac. 292.

In preparing budget for separate
 school, board of education need
 not separately state amounts
 necessary to purchase sites and
 erect buildings. Protest of
 Downing, 164 Oklahoma 181, 23 P. :

(2d) 173. :

Legal status of separate schools :
in joint district defined. :

Board of Commissioners v. Venters: :
138 Oklahoma 231, 280 P. 830. :

Separate school fund in a county :
tax fund, levied upon taxable :
property of county and it is the :
duty of county to maintain :
separate schools. American State: :
Bank, 143 Oklahoma 1, 286 P. 902.: :

Board of education of independent :
district is agent of county in :
creating debts for the support of: :
separate schools. Ibid. :

Formation of minority district is :
analogous to formation of new :
district. Board of Commission- :
ers of Okmulgee County v. Board :
of Education, 141 Oklahoma 55, :
283 P. 1011. :

Independent district held not en- :
titled to recover from county :
commissioners the amount of state: :
and county aid payable on account: :
of minority enumeration, where :
full benefit of funds was re- :
ceived by district. Ibid. :

Excise board has mandatory duty
 to approve budget, but may make
 adjustment where total for separate
 schools is excessive and
 budgets of some districts inequitable. *Hull v. Board of Education*, 150 Oklahoma 30, 300 P. 775.

Funds appropriated for separate schools may not be transferred to independent district to pay employees of independent district giving only part time to separate schools; and such items properly stricken by excise board. *Ibid.*

See Section 7035. *Moore v.*

Porterfield.

Cited: *C. R. I. and P. Railway Company v. Lane*, 69 Oklahoma 145, 170 P. 502; *Board of Education v. Thurman*, 12 Oklahoma 108, 247 P. 996.

Separate school funds of county may not be used to compensate officers, employees, or superintendent of independent district for superintending separate schools within that district.

Pottawatomie County v. C. R. I. :
 and P. Railway Company, 167 Okla- :
 homa 325, 29 P. (2d) 493. :
 Cited: K. C. Southern Railway :
 Company v. Excise Board of Lefflore :
 County, 168 Oklahoma 408, 33 P. :
 (2d) 493. :
 Separate school funds may be used :
 only for separate schools. :
 O. A. G. May 31, 1928. :
 Salary of superintendent of city :
 schools should be paid entirely :
 from funds of the majority school :
 district and no part of same :
 should be paid from funds of :
 separate schools. O. A. G. :
 September 29, 1931. :
 Deficit resulting from shortage in :
 tax collection for separate :
 schools is county obligation al- :
 though such school be located in :
 independent city district. :
 O. A. G. May 4, 1933. :
 For maintaining a separate school :
 all statutory rules as to levy :
 are removed except that the :
 constitutional limit of eight :
 mills for county purposes and an :

additional two mills for school
 purposes may not be exceeded.
 Oklahoma News Company v. Ryan,
 224 Pac. 969.

There is no authority for the
 board of education of an indepen-
 dent district, as the managing
 board of the separate schools
 therein, to purchase liability
 insurance for said separate
 schools. O. A. G. June 9, 1936.

A board of education of an inde-
 pendent district of a city has no
 right to use money which it
 receives from the gross produc-
 tion taxes apportioned on the
 basis of negro scholastics, on
 the white schools. That said
 money collected should be used on
 the separate school and that
 money collected on the white
 scholastic be used in the major-
 ity schools. Board of Education
 of the City of Sapulpa v. Board
 of Commissioners. October 18,
 1927.

Section 7041

Transfer Of Children To Adjoining
 Districts.

C. O. S. 1921, Section 10575. :

S. L. 1913, Chapter 219, Article :
15, Section 9. :

Cannot provide transportation nor :
transfer children to another :
district where there are more :
than ten pupils. O. A. G. :

December 21, 1935. :

Section 7042 :

Transfer Of Pupils--Transfer Of :
Funds. :

C. O. S. 1921, Section 10576. :

S. L. 1913, Chapter 219, Article :
15, Section 10. :

See Section 6916 Note. Wellston :
v. Consolidated School District. :

S. L. 1933, Chapter 280, Section :
1. Amends Section 7042 of C. O. :
S. 1931 and Section 2 repeals :
all acts in conflict. :

Section 7043 :

Duties Of County Superintendent. :

C. O. S. 1921, Section 10577. :

S. L. 1919, Chapter 28, Section :
2. Amends S. L. 1913, Chapter :
219, Article 15, Section 11. :

See Section 7035 Note. State v. :
Albneton. :

See Section 7040 Note. Hull v. :
Board of Education. :

Section 7044 :

Action On Report. :

C. O. S. 1921, Section 10578. :

S. L. 1913, Chapter 219, Article :
15, Section 12. :

Contract to construct a school :
building cannot be made legally :
unless an appropriation is made :
in the same fiscal year. O. A. G. :
July 21, 1936. :

County commissioners do not have :
control of separate schools and :
building after they have once :
been provided. Such schools and :
buildings are under the control :
of the local school authorities. :
School District #71 v. Overholser, :
17 Oklahoma 147. :

Section 7045-46 :

Teachers--Employment And Qual- :
ifications. :

C. O. S. 1921, Section 10579. :

S. L. 1919, Chapter 28, Section 3. :
Amends S. L. 1913, Chapter 219, :
Article 15, Section 13. :

S. L. 1917, Chapter 257, Section 1. :

Amends S. L. 1913, Chapter 219,
 Article 15, Section 13.
 1917 amendment cited and held to
 have no application to the case.
 Urie v. Board of Education, 86
 Oklahoma 265, 208 Pac. 210.
 Cited: School District #7, Creek
 County v. Board of Commissioners,
 135 Oklahoma 1, 275 Pac. 292.
 See Section 7040 Note. Pottawat-
 omie County v. C. R. I. and P.
 Railway Company, 167 Oklahoma
 325, 29 P. (2d) 587.
 The supplies necessary for the
 operation of a separate school
 should be purchased by the county
 superintendent of public in-
 struction. O. A. G. July 21,
 1927.

Section 7047

Employment Of Teachers--

Qualifications.

C. O. S. 1921, Section 10581.
 S. L. 1911, Chapter 98, Section 1.

Section 7048

County Superintendent To Prescribe
Rules.

C. O. S. 1921, Section 10582.

S. L. 1911, Chapter 98, Section 2.:

Section 7049

Payment Of Teachers.

C. O. S. 1921, Section 10583.

S. L. 1919, Chapter 28, Section 4.:

Amends S. L. 1913, Chapter 219,

Article 15, Section 14.

See Section 7040 Note. Hull v.

Board of Education.

Said sections clearly indicate

that the salaries of school

teachers of separate schools in

independent school districts shall

be approved by the board of

education of said district and

that the salaries of school

teachers of separate school dis-

tricts which are not located in

independent districts shall be

approved and countersigned by the

county superintendent of public

instruction. In neither event is

it necessary for the board of

county commissioners to approve

claims for said salaries.

O. A. G. December 30, 1927.

Section 7050

Selection Of Schoolhouse Sites.

C. O. S. 1921, Section 10585.

S. L. 1913, Chapter 219, Article
15, Section 15.

Section 7051

Sale Of Unused School Property.

C. O. S. 1921, Section 10586.

S. L. 1913, Chapter 219, Article
15, Section 16.

Not applicable to independent
school districts. Carter v.
Davis, 141 Oklahoma 172, 284 P.
3.

County superintendent is not
authorized to sell or move prop-
erty used for separate school
purposes. O. A. G. December 17,
1935.

Proceeds from the sale of separate
school property should be placed
in the separate school fund.
O. A. G. July 21, 1936.

Not applicable to sale by county
superintendent of public in-
struction. O. A. G. December 17,
1935.

Section 7052

Sale Of Property--Resolution--
Appraisement.

C. O. S. 1921, Section 10587.

S. L. 1913, Chapter 219, Article :
 15, Section 17. :

Section 7053 :

Return Of Appraisement--Notice Of :
Sale. :

C. O. S. 1921, Section 10588. :

S. L. 1913, Chapter 219, Article :
 15, Section 18. :

See Section 7051 Note. Carter v. :
 Davis. :

Section 7054 :

Bids--Sale To Highest Bidder. :

C. O. S. 1921, Section 10589. :

S. L. 1913, Chapter 219, Article :
 15, Section 19. :

Section 7055 :

Conveyance. :

C. O. S. 1921, Section 10590. :

S. L. 1913, Chapter 219, Article :
 15, Section 20. :

Proceeds from the sale of separate :
 school property should be placed :
 in the separate school fund and :
 must be appropriated before used. :

O. A. G. July 21, 1936. :

CHAPTER FOUR

STRATHE ORE PAROCHIE

100% MADE IN USA

SCHOOL REVENUES

Oklahoma ranks forty-eighth (48th) in percent of attendance based upon enrolled pupils in all grades and thirty-fifth (35th) among the states in the percentage of total high school enrollment, yet the state of Oklahoma spends about nineteen (19) percent per pupil more than the national average based upon total annual income. With this expenditure above the average for the nation, why then does the state of Oklahoma rank so low with the other states of the nation in all phases of elementary and secondary education? Several of our larger elementary and secondary schools, for instance Tulsa and Oklahoma City public school systems, rank with the best of public schools in the nation. If these public school systems can compete with the best of the nation's systems, why not adjust the public educational system through the state on an equality with the better school systems of the nation?

There are several factors that have tended to bring about this situation. One of these factors, and the one to be dealt with in this discussion, is the unequal ability of the local district to support education according to the standards we desire. As long as the range of ability to finance local schools is from \$1.50 to \$750.00 per pupil based upon the ad valorem tax this inequality will exist.

The state Legislature has kindly sought to alleviate this condition by granting an admirable sum of money from taxes to be distributed to the approximately 4500 school districts in the state of Oklahoma. This noble response by

the Legislature does not eliminate entirely the conditions in the counties nor the districts therein.

The allocation of the fifteen (15) mills by the excise board ranges from 1.5 mills in Adair county for schools to thirteen (13) mills in Sequoyah county for schools.¹ This does not give a true picture as the report does not show just how many districts in these counties failed to vote the excess levy of ten (10) mills. Then again the district levying the possible twenty-three (23) mills might not have the assessed valuation to produce as much in ad valorem taxes as the district levying the possible 11.5 mills. In Payne county the assessed valuation per child in one district is some \$3,000.00 while another district in the same county has an assessed valuation of nine (9) times as much.

It is true that prior to the operation of the present system of state school finance a majority of the districts affected were unable to provide as satisfactory and educational program as they can today. With this present plan of state finance for schools in operation, local taxing power in many communities is completely exhausted. It should be the aim and purpose of the state finance program never to let the local taxing power of any locality be exhausted.

The purposes of a state fund for education are two. The first purpose is to supplement local revenues so that all districts will have an opportunity to increase their school offerings beyond the state minimum program if they are able and desire to do so. The second purpose of the state fund for education is to equalize the burden of school

¹. Statistical Circular No. 89, A.L. Grable, February 23, 1938.

support up to the cost of a minimum program.²

The following recommendations should tend to better equalize the finances in all of the units for school purposes and bring about a more equal educational opportunity:

Recommendations For Changes In School Revenues In

The State Of Oklahoma

1. The county should be made the basis of taxation for school purposes.
2. All counties should be required to levy a minimum ten (10) mill ad valorem tax as a prerequisite to participation in the State School Fund.
3. The County Excise Board should allocate five (5) of the fifteen (15) mill limit to the schools.
4. That all funds collected by the county treasurer go into a common fund and be distributed on the "needed" teacher basis.
5. That subsection 2 of Section 4, House Bill 6, be changed so as to assure enough money in the primary aid fund for distribution on the salaries of needed teachers for not less than five (5) months of school instead of the present three (3) and one-third (1/3) months.
6. That the basis for distributing the amount of transportation be on the average number of pupils transported over the entire year rather than on the month of the greatest haul.
7. That the "needed" teacher basis be changed in accordance with the proposed reorganization plan for districts.
8. Schools employing teachers not having the minimum professional requirement under proposed plan not be eligible for primary or secondary aid.

2. The Brookings Institution, Organization and Administration of Oklahoma, page 29.

<u>SOURCES OF SCHOOL REVENUES</u>	<u>SUGGESTED LAWS TO FIT</u>
(1) State And Federal Revenues	<u>RECOMMENDED CHANGES</u>
(a) Interest from Permanent	<u>Section 1</u>
School Fund	<u>Rate Of Levy.</u>
<u>Section 5461</u>	*(13642)
<u>Monthly Apportionment Of Funds.</u>	The annual rate of five (5)
C. O. S. 1921, Section 10236.	mills based upon total
S. L. 1917, Chapter 244, Section	assessed valuation of all
1 amends R. L. 1910, Section 7657.	property within the county
Separate schools are entitled to	allocated by the county
share in the common school fund.	excise board for school
Prince v. Oklahoma Natural Gas	purposes may be increased
Company, 139 Oklahoma 185, 281	by the county administrative
P. 795.	unit for schools by an
Funds received by independent dis-	amount not to exceed ten (10)
trict based upon minority schol-	mills on the dollar valua-
astic enumeration are to be used	tion over the entire county
only for benefit of minority	on condition that a majority
school. Board of Education v.	of the tax paying voters
Board of Commissioners, 140 Okla-	thereof voting shall vote
homa 229, 282 P. 670; Board of	for such additional levy,
Commissioners v. School District	levy, and by their majority
25, 141 Oklahoma 65, 283 P. 1008.	vote approve an estimate to
Separate schools are entitled to	be submitted to the
equal rights under scholastic	county excise board.
enumerations. Board of Education:	<u>The election so</u>

* C. O. S. 1931, Section 13642.

v. Board of Commissioners, 127 Oklahoma 132, 260 Pac. 22. Cited: School District #7, Creek County v. Board of Commissioners, 135 Oklahoma 1, 275 P. 292.

Section 5462
Apportionment Based On School Census.

C. O. S. 1921, Section 10237.
R. L. 1910, Section 7658.
S. L. 1907--1908, Chapter 76, Article 3, Section 1.

Income hereunder should not be deducted by the excise board from the total appropriations for current expenses in determining the amount to be raised by ad valorem tax. *Going v. A. T. and S. F. Railway Company*, 88 Oklahoma 283, 213 Pac. 84.

See Section 5461 above, Note.

Board of Education v. Board of Commissioners, 140 Oklahoma 229, P. 670; *Board of Commissioners v. School District #25*, 141 Oklahoma 65, 283 P. 1008; *School District #7, Creek County v. Board of Commissioners*, 135 Oklahoma 1,

held for such purpose shall be by ballot, and the additional levy, so made shall be certified to the county excise board along with said estimate. The excise board shall have no power or authority to reduce the levy, so voted and made at the sub-administrative school unit meeting, neither shall the said board have the authority to reduce the estimate, unless the rate of levy so voted, shall be insufficient after adding other estimated incomes to raise the amount thereof, in which case the board shall reduce and adjust the items of the estimate based on recommendations of local governing board to an amount within the limits of the levy.

275, P. 292.

Section 13667

Interest And Income.

Constitution Of Oklahoma, Article
II, Section 3.

Interest and income of the permanent school fund, the net income from leasing for use and benefit of common schools, together with any revenues derived from taxes authorized to be levied for such purposes, and any other sum that may be added there to by law, may be apportioned among all and the several common school districts of the state by said school land commissioners in proportion to the school population of the several districts under rules and regulations prescribed by the Legislature; and same may be paid to the proper officers under the direction of the commissioners under rules and regulations as previously prescribed by the Legislature, without any specific appropriation as required by the Constitution,

Section 2

Ad Valorem Taxes--Limit.

(13642)

Except as herein otherwise provided, the total taxes for all purposes, on an ad valorem basis, shall not exceed in any taxable year, fifteen (15) mills on the dollar, to be apportioned as follows: To the county and cities or towns for general purposes ten (10) mills; and to the county for school purposes in the sub-administrative school units therein the remaining five (5) mills by the County Excise Board, until such time as a fixed apportionment is otherwise provided for by the Legislature. No ad valorem tax shall be levied for state

Article 5, Section 55, Betts v. Commissioners, 27 Oklahoma 64, 110 P. 766.

(b) Beverage Tax

Section 2607g

Tax--Apportionment To Schools.

C. O. S. 1931, 1938 Supplement, O. S. L. 1933, Chapter 153, Section 10.

(c) Gross Production Tax

Section 12445

Apportionment Of Tax--Schools.

S. L. 1935, Chapter 66, Article 4, Section 2. Amends Section 12445, C. O. S. 1931.

Basis to be used in distribution of funds is the average daily attendance in each district entitled to participate therein, such average daily attendance to be determined by dividing the number of days actually taught during the school year into the aggregate days attendance of all pupils. O. A. G. August 10, 1935:

(d) I. Primary Aid

Section 7113

(1) Primary Aid Appropriation :

purposes, nor shall any part of the proceeds of any ad valorem tax levy upon any kind of property in this state be used for state purposes; provided, however, any county of the state may make an additional ad valorem levy, not exceeding two (2) mills on the dollar valuation, on all property in the county, for separate schools for white and negro children, such aid or money to be apportioned by law; provided further, the annual ad valorem tax rate for school purposes may be increased in the entire county, by an amount not to exceed ten (10) mills on the dollar valuation upon all property in

House Bill #6, Session Laws 1937. : the county, on condition
 Repeals all Acts or parts of Acts: that a majority of the
 in conflict herewith in Section : qualified voters of such
 12. : district voting at an
 (2) Appropriation : election, vote for such
 House Bill 6, 1937, Section 1. : increase, provided, how-
 (3) Apportionment of Funds : ever, that the Legislature
 Section 2, House Bill 6, 1937. : shall by proper laws
 (4) Division of Appropriation-- : prescribe the manner and
 Provisions. : method of conducting
 Section 4, House Bill 6, 1937, : said election, but until
 Subsections II and III. : such legislative provision
 (d) II. Secondary Aid : is made, said levy may
 House Bill 6, Session Laws 1937. : be made and said election
 Repeals all acts or parts of acts: held as now provided by
 in conflict herewith in Section : law; and provided further,
 12. : that limitations on the
 (1) Appropriation For Sec- : levy of such additional
 ondary Aid. : ten (10) mill levy may
 House Bill 6, 1937, Section 1. : be made hereafter by the
 Apportionment of Funds. Section : Legislature.
 2, House Bill 6, 1937. : Section 3
 (2) Amount of Appropriation-- : General Revenue Fund--
 Provisions for Qualifying. : County.
 Section 4, House Bill 6, 1937, : (Common School Fund--County)
 Subsections I, II, and III. : All county funds and
 (d) III. Homestead Exemption : revenues for school
 Aid. : purposes in majority

Reimbursement by Homestead Exemption Aid.

House Bill 6, 1937, Section 4.

(e) Indian Tuition.

Department of Interior, 1938 Regulations, paragraph 6, provides for the amount of tuition and prerequisites of Indian children. Also provides for the enrichment program from the tuition.

(f) Vocational--Reimbursement.

Section 7185

Duties--Expenses.

C. O. S. 1921, Section 10690.

S. L. 1919, Chapter 235, Section 2.

Section 7193

Issue Of Warrants.

C. O. S. 1921, Section 10698.

S. L. 1917, Chapter 155, Section

6. Section 5 of same is the appropriation.

(g) Income Tax

Section 12498a

Supplement To C. O. S. 1931--

Income Tax Law.

S. L. 1935, Chapter 66, Article

6, Section 1. Repeals Section 12498--12526, C. O. S. 1931.

schools other than those received from the state shall hereafter be levied for and/or paid into the General Revenue Fund of the County and be used to defray the expenses of the sub-administrative school units therein. It is not the intention to repeal any law the revenue from which had been levied and paid into a fund for the benefit of common schools, but it is the intention that such revenue shall hereafter be paid into the General Revenue Fund as herein provided and thereafter provided by law.

Section 4

Apportionment Of Funds.

On or before the twentieth (20th) day of July of each year and

Where 1931 income taxes collected : at such other times as
prior to June 30, 1932, were not : may be necessary, the
distributed until after June 30, : County Treasurer shall
1932 to various counties for : make apportionments
support of common schools, the : from the General
same if received prior to ap- : Revenue Fund for the
proval and certification of : purposes as shown on
levies, should be deducted from : the estimate sheet of
the requirements. O. A. G. : each sub-administrative
October 8, 1932. : school unit therein.

Separate schools are entitled to : The funds appropriated
share in the income tax. O. A. : to each sub-administrative
G. September 29, 1932. : school unit of the
Last report of the State Super- : county shall be for the
intendent showing the numbers of : purpose of financing
scholastics in each county filed : its school budget for
with the state treasurer and land : said fiscal year.
office should be used as a basis : Provided that the
for distributing tax to the : revenues apportioned to
schools. O. A. G. August 2, : said school units be
1932. : apportioned according
Penalties should be distributed in : to the provisions used
the same manner as the tax. : by the State Board of
O. A. G. August 15, 1932. : Education in apportion-
Collections under this Act should : ing state funds on the
be apportioned for the support of : needed teacher basis.
common schools upon a scholastic : The County treasurer
enumeration per capita basis. : shall notify the County
O. A. G. October 3, 1936. : Board of Education and

Income tax collections made prior : the County Excise
to July 1, 1935, should be ap- : Board, the amount
portioned according to the in- : each said sub-
come tax under which the taxes : administrative school
accrued. O. A. G. July 1, 1935. : unit is to receive
It is a mandatory duty of the : from the funds
county excise board to apply a : appropriated hereby
school district's share of : and apportioned
income tax collections in hands : according to the
of state treasurer on June 30, : provisions hereof, for
1936, to reduction of the dis- : each fiscal year.
trict's ad valorem tax levy for : Section 5
the fiscal year 1936--37. Em- : State Fund Apportionment.
pire Pipe Line Company v. Logan : (House Bill 6, 1937--
County, 179 Oklahoma 48, 64 P. : Section 4, Subsection 2)
(2d) 301. : The State Board of
(2) County and Local Revenues. : Education shall each
(a) Common School Fund. : year apportion the
(1) Choses in Action Law. : money, the sum of
C. O. S. 1921, Section 9611. : which is not to exceed
(2) Gross Production Tax. : Eight Million
C. O. S. 1921, Section 9822. : (\$8,000,000.00) Dollars,
(3) Money and Credits Tax. : plus any unexpended
S. L. 1927, Chapter 72, Section 4. : balance of the fund
(4) Mortgage Tax. : provided to replace
C. O. S. 1921, Section 8585. : loss of funds
(5) Fines For Coach Law : sustained because of
Violations. : the exemptions of

- C. O. S. 1921, Section 4962. : homesteads from ad
- (6) Fines and Forfeitures for : valorem taxation for
- Violations of Criminal : the purpose of
- Code Unless Otherwise : distribution to the
- Specified Provided by Law. : school units of the
- C. O. S. 1921, Sections 1499 to : state as Primary Aid,
- 2336. : and Four Million
- (7) Escheats. : (\$4,000,000.00) Dollars
- C. O. S. 1921, Sections 1132 and : to be apportioned as
- 7815. : Secondary Aid. Primary
- (8) Estrays. : Aid to be apportioned
- C. O. S. 1921, Section 3912. : for the purpose as set
- (9) Fines for Violations of : out in sub-section III
- Article 9, Chapter 86, : of Section 4 of House
- C. O. S. 1921, relating to : Bill Six (6) as herein-
- Schools. : after provided, and
- C. O. S. 1921, Section 10574. : Secondary Aid to be
- (10) Fines for Violation of : apportioned as set out
- Trademarks and Labels Law. : in sub-section IV of
- Section 11007, C. O. S. 1921, : Section Four (4) of
- applies to Chapter 89, C. O. S. : House Bill Six (6) as
- 1921, being Sections 11004 to : hereinafter provided.
- 11016 of C. O. S. 1921. : (An adoption of the
- (11) Sale of County Property : proposed reorganization
- Acquired at Resale. : plan and the slight
- S. L. 1923, Chapter 158, Section : increase in the above
- 5. : Section will increase
- (12) Tax Resale. : the amount of revenues

Senate Bill #58, Section 1 and : for each school
 :
 Section 2 with sub-sections 1, : approximately ten (10)
 :
 2, 3, and 4 under Section 2. : percent.
 :
 (b) I. Local Tuition--Parents.: Section 6
 :
 All moneys derived from tuition : Primary Aid.
 :
 paid by parents must become a : (H. B. 6, 1937, Section
 :
 part of the miscellaneous fund of : 2.)
 :
 the general fund and must be : There shall be apportioned
 :
 appropriated by the excise board. : as Primary Aid to each
 :
 (b) II. Transfer Fees-- : county for the sub-
 :
 District--State. : administrative school
 :
Section 7056z : units therein levying
 :
 O. S. L. 1933, Chapter 13, Section : a minimum of ten (10)
 :
 5. : mills and using not less
 :
 In case a child is regularly : than eight (8) mills
 :
 transferred from District A to : (one (1) mill combined
 :
 District C, attends District C : levy in minority schools)
 :
 only a part of the school year, : on the lawfully assessed
 :
 and moves from District A to : valuation and voting a
 :
 District B and continues : nine (9) month term of
 :
 attending school in District C, : school a sum to
 :
 School District A is liable for : supplement the sub-
 :
 transfer fees of said child for : administrative school
 :
 only that part of the year that : unit's fund appropriated
 :
 said child resides in District : for the payment of
 :
 A. O. A. G. August 26, 1936. : salaries of teachers.
 :
Section 7056f : (1) The following
 :
Transfer Fees--Payment. : schedule shall be

O. S. L. 1933, Chapter 13, Section 6. used as a basis for the apportionment of Primary Aid for the payment of teachers' salaries:

A school district accepting students from a transferring district may not collect transfer fees unless an appropriation has been made therefor by the transferring district. O. A. G. February 26, 1936. (I would suggest that as quickly as possible all teachers have at least three (3) years of college preparation.)

Funds received from the Federal Government for Indian tuition would not affect the liability of a transferring district or change the method prescribed for computing the amount it owes or the amount payable to a receiving district. O. A. G. July 14, 1936. (a) That the salary of all teachers having less than three (3) years of college preparation be governed by the regulations of the State Board of Education.

School districts are not authorized to pay transfer fees in an amount different from the fees prescribed by law. O. A. G. May 5, 1937. (b) For each teacher holding a state certificate issued on three (3) years of college work, eighty (\$80.00) per month.

The county excise board is authorized by law to reduce a school board's estimate for transfer fees in order to bring the total of all appropriations within the

constitutional limit for school district levy of five mills, or such increased sum as voters of the district may by proper election approve within a maximum of 15 mills. School District #56, v. School District #58, 169 Oklahoma 613, October 16, 1934.

The right of a public school district to recover and maintain an action for transfer fees is dependent upon an estimate made and approved in which is included an item to pay transfer fees, where a school district fails to include in its estimate an item for transfer fees and the excise board arbitrarily adds an item for such purposes, and such additional item is not advertised and published by the excise board in Section 12677, O. S. 1931, the same is noneffective and the appropriation therefor is void. School District 78, Grady County, v. School District 51, Grady County, 24862, May 11, 1937.

- (c) For each teacher holding a state certificate issued on a bachelor's degree, ninety (\$90.00) dollars per month.
- (d) For each teacher holding a state certificate issued on a master's degree or a higher grade certificate, one hundred (\$100.00) dollars per month.
- (e) Provided, that five (\$5.00) dollars per month for each year of experience but not to exceed five (5) years, shall be added to the monthly schedule to be used as a basis for apportionment of

Funds held in the transfer fund of:
 a school district as authorized
 by Chapter 13, O. S. L. 1933, are:
 not subject to being transferred
 or reapportioned as a supplement-
 al or additional appropriation.
 O. A. G. February 25, 1935.

The county treasurer may at any
 time after the expiration of the
 fiscal year close the transfer
 fund account of a school district:
 from which transfers have been
 made and credit the actual cash
 balance therein, if any, to the
 general fund of said district.

O. A. G. August 20, 1935.

If at the end of the fiscal year
 an actual cash balance remains to:
 the credit of the district's
 transfer fund in excess of all
 obligations against such fund,
 such balance may not be trans-
 ferred or reappropriated as a
 supplemental or additional
 appropriation, but must be
 credited to the general fund of
 said district. O. A. G.
 April 17, 1934.

Primary Aid.

(2) The total number
 of needed elementary
 teachers in any
 sub-administrative
 school unit shall,
 on the basis of
 average daily
 attendance for the
 previous year be as
 follows:

(a) In school units
 having one hundred
 eighty-one (181)
 or more pupils,
 six (6) teachers
 for the first one
 hundred eighty
 (180) pupils and
 one (1) teacher for
 each additional
 thirty-five (35)
 pupils.

(b) Provided that the
 State Board of
 Education shall
 make provisions
 for the special

Transfer funds received by a school district become a part of the general fund subject to a supplemental appropriation to such uses as other cash in the general fund. O. A. G. May 27, 1936.

Transfer fees may be paid after the close of the fiscal year. O. A. G. August 20, 1935.

Right of a school district to recover transfer fees depends upon the approved estimate including item for transfer fees, School District #4 v. Independent School District, 153 Oklahoma 171, 4 P. (2d) 1031.

(c) Ad Valorem Tax Levy

Section 13642

Ad Valorem Tax Levy--Limitation--

Separate Schools--Additional Levy.

O. S. 1938 Supplement to C. O. S. 1931.

Oklahoma Constitution, Article 10, Section 9, 1933.

Compliance with statutory procedure for additional school levy is mandatory. Prince v. S. L.

school units below the minimum requirements that have been created by the State Legislature.

(3) The total number of needed junior and senior high school teachers in any sub-administrative school unit, on the basis of average daily attendance for the previous year, shall be as follows:

(a) In school units having one hundred forty-five (145) or more pupils, seven (7) teachers for the one hundred forty (140) pupils and one (1) teacher for each additional thirty (30) pupils.

(b) Provided, that the State Board of Education shall

and S. F. Railway Company, 110	:	made provisions
Oklahoma 141, 237 P. 108.	:	for the special
Provision of Section 6998 author-	:	school units below
izing continuing levy for	:	the minimum
physical education in schools	:	requirements for
held void. Excise Board of	:	reorganization
Carter County v. C. R. I. and P.	:	that have been
R. Company, 152 Oklahoma 120, 3	:	created by the
P. (2d) 1037.	:	State Legislature.
Authorization by voters of in-	:	<u>Section 7</u>
creased levy for school district	:	<u>Apportionment of Secondary</u>
purposes held not to constitute	:	<u>Aid Money for Transportation.</u>
provision for annual tax to pay	:	Transportation on the
interest on indebtedness and	:	basis of the following
create sinking fund. Board of	:	scale, where the average
Education v. Challey, 153 Okla-	:	number of legally
homa 273, 5 P. (2d) 747.	:	transported pupils per
Excise board may not reduce es-	:	square mile during the
timate for school purposes which	:	preceding year was:
is in accord with authorized	:	(a) Eight (8) or more,
increased levy--appropriations by:	:	Ten (\$10.00)
excise board may not be used for	:	Dollars per year
other than specified purposes--	:	per pupil.
appropriations based on rate of	:	(b) 5.0 to 7.9,
levy exceeding that authorized by:	:	Fifteen (\$15.00)
voters of district held invalid.	:	Dollars per year
School District #4 v. Independent:	:	per pupil.
District, 153 Oklahoma 171, 4 P. :	:	(c) 2.0 to 4.9,

(2d) 1031.	:	Eighteen (\$18.00)
School district levy may not	:	Dollars per year
exceed 15 mills, Palmer v. Yale	:	per pupil.
Consolidated District. Shaw v.	:	(d) 1.0 to 1.9, Twenty
State, 115 Oklahoma 70, 241 P.	:	(\$20.00) Dollars
496; School District #85 v.	:	per year per pupil.
School District #71, 135 Oklahoma:	:	(e) Less 1.0, Twenty-
270, 276 P. 187.	:	five (\$25.00)
Duty of excise board to make	:	Dollars per year
adequate levy for separate schools:	:	per pupil.
within limitations, though such a:	:	The amount of transport-
levy may exceed other statutory	:	ation shall in each
limitations, Board of Education	:	school unit be
v. Excise Board, 86 Oklahoma 24,	:	determined by
206 P. 517.	:	multiplying the
Levy for playground purposes may	:	average number of
not be in excess of the 15 mill	:	pupils legally trans-
school levy. O. A. G. April 2,	:	ported daily by school
1929.	:	unit during the entire
Where voters, in March 1933,	:	year by the appropriate
authorized school levy of ten	:	amount per pupil set
mills additional, prior to the	:	out in the foregoing
adoption of this amendment,	:	schedule. When the
general fund levy for school dis-	:	number of pupils per
trict of ten mills plus the	:	square during the
millage allocated by the excise	:	preceding year was less
board is legal. Oklahoma Pipe-	:	than 0.6, however, the
line Company v. Excise Board of	:	State Board of

Carter County, 171 Oklahoma 203,	:	Education is
42 P. (2d) 499.	:	authorized to make
Excise board has authority to	:	special adjustments
apportion between county, city,	:	to meet the actual
town and school district the	:	costs of transportation.
maximum of 15 mills on the dollar:	:	The average number
until such time as the regular	:	of pupils per square
apportionment is otherwise provi-	:	mile shall be
ded for by the Legislature.	:	determined by
Oklahoma Pipe Line Company v.	:	dividing the number
Excise Board, Carter County, 171	:	of legally transported
Oklahoma 203, 42 P. (2d) 499.	:	pupils living inside
Additional levy for a school dis-	:	the school unit.
trict will be authorized if a	:	
majority of the qualified elec-	:	
tors voting vote in favor of the	:	
increased levy. O. A. G.	:	
October 6, 1933.	:	
Excess school levy carried when	:	
vote in that question was 43 to	:	
12 in favor of the levy although	:	
total vote for the levy was not a	:	
majority of all votes cast at the	:	
annual meeting or election on	:	
other questions. O. A. G.	:	
May 19, 1933.	:	
A majority of the electors of a	:	
dependent school district at	:	

their annual meeting may vote ten:
mills above that allowed by the
county excise board. O. A. G.
March 27, 1936.

Cited: Stubbs v. Excise Board of
Muskogee County, 173 Oklahoma
341, 49 P. (2d) 83.

Where ten mills are authorized by
the school district and other
levies bring it below ten mills,
such district may get secondary
aid. O. A. G. December 1936.

Statute not void because it per-
mits some school districts to
levy greater amounts than others
with greater enumeration and less
valuation. Tulsa County Excise
Board v. St. Louis S. F. Railway
Company, 180 Oklahoma 294, 68 P.
(2d) 868.

Duty of excise board to apportion
full fifteen mill limit of tax
levy between governmental sub-
divisions. Excise Board of Tulsa
County v. Board of Education,
City of Tulsa, School #22, 180
Oklahoma 251, 68 P. (2d) 827.

County excise boards may apportion:

between county, city, town, and
 school districts the maximum
 fifteen mills, until otherwise
 provided by the Legislature.

Lowden et al. v. Stephens County
 Excise Board, 177 Oklahoma 83,
 57 P. (2d) 598; A. T. and S. F.
 Railway Company v. Excise Board,
 Washington County, 168 Oklahoma
 619.

Evidence held not to show arbit-
 rary action by excise board in
 allocating to a school district
 4.5 mills levy of 15 mill limit.
 Board of Education of Oklahoma
 City v. Excise Board, 175 Okla-
 homa 363, 53 P. (2d) 565.

A maximum amount of mills for
 general and special county
 purposes which must be uniform
 throughout the county, a maximum
 amount of mills for general and
 special town or city purposes,
 and a maximum amount of mills for
 general and special school dis-
 trict purposes which must be
 uniform as to each school dis-
 trict in the county is to be

levied by the excise board. The
 Total must not exceed the
 fifteen mill levy limit. O. A.
 G. September 23, 1933.
 Appropriations for School Dis-
 tricts. S. B. 206, 1935, Section:
 d and e.
 If the estimated needs of an
 independent school district for
 the general fund expenses of
 such district can be supplied
 with the statutory limitations,
 it is the duty of the excise
 board to make the appropriations
 therefor in the amounts estimated
 to be needed for that purpose in
 view of Constitutional Article
 10, Section 9. State ex rel. v.
 Excise Board, 155 Oklahoma 227,
 7 P. (2d) 475.
 There is nothing contained in
 Section 12305, O. S. 1931, to
 prevent an excise board, at a
 proper time, from withdrawing
 budgets and levies filed with
 the State Auditor, to which no
 protest has been filed, and
 correcting them to show additional

or increased appropriations and
levies which should have been
included therein originally.

The mere expiration of the forty-
day protest period is no statuto-
ry bar thereto. *Lowden v. Caddo*
County Excise Board, 176 Oklahoma
213.

An estimate made by a common
school district for the conduct
of a school may not be reduced by
the excise board if the rate of
levy authorized by the voters of
the district under the statutory
and constitutional limitations is
sufficient to produce the amount
of the estimate made. *Excise*
Board v. School District #34, 156
Oklahoma 261.

A county excise board is without
authority of the law to reduce an
estimate of a school district for
salaries of teachers, although in
the judgment of the excise board
the number of teachers employed
by the district is in excess of
its needs. *Excise Board v.*
School District 34, 156 Oklahoma
261.

There is no authority of law for :
an appropriation for a school dis- :
-trict for a salary or the ex- :
penses of a principal and super- :
visor while attending a meeting :
of the National Educational :
Association. Chicago R. I. and :
P. Railway Company v. Excise :
Board of Oklahoma County, 168 :
Oklahoma 428. :

A school district may make a levy :
to pay current and past due :
installments on an assessment for :
local improvements, but property :
owned by a school district cannot :
be subjected to a forced sale in :
payment of special assessments :
for local improvements. O. A. G. :
October 23, 1936. :

An estimate made by a school dis- :
trict for conduct of its schools :
may not be reduced by the excise :
board, if the rate of levy :
authorized by the voters of the :
school district under the pro- :
visions of Section 12675, O. S. :
1931, together with the amount :
regularly allocated by the excise :

board under the 1933 amendment to:
Section 9, Article of the
Constitution, is sufficient to
produce the amount of the estim-
ate made. Board of Education of
Oklahoma City v. Excise Board of
Oklahoma County, 175 Oklahoma 363.
S. L. 1953, Chapter 85, outlines
very clearly the necessary steps
and the order in which they shall
be taken to make a levy. The
act deals with two surplus
balances, the first being a cash
surplus balance and the other a
surplus balance represented by ad
valorem taxes in process of col-
lection. It provides that the
Excise Board must first compute
and determine the total approp-
riation and the next step is to
deduct therefrom the cash sur-
plus balance. Thereafter there
must be added the amount fixed
for reserve, and thereafter there
must be deducted the amount of
any surplus balance represented
by ad valorem taxes in the pro-
cess of collection, together with:

the amount of probable income :
 from all sources other than ad :
 valorem taxation, and for the :
 balance so remaining the excise :
 board must make a levy. :

A cash surplus balance on hand :
 must be deducted from the total :
 appropriation. Protest of St. :
 Louis--S. F. Railway Company, 169 :
 Oklahoma 648. :

The excise board is authorized to :
 deduct from the balance on hand :
 at the end of the fiscal year an :
 amount sufficient to liquidate :
 all valid unsettled contracts :
 made during that fiscal year. :
 C. D. Coggeshall Company v. :
 Smiley, 142 Oklahoma 8, 285 P. :
 48, Syl. 15. :

In determining the amount of valid :
 unsettled contracts made during :
 the fiscal year and the amount :
 necessary to liquidate such :
 contracts, the amount of interest :
 on outstanding warrants that have :
 accrued and will probably accrue :
 in the future may be added to the :
 principal amount of such warrants. :

It is the duty of the board of
 education of an independent
 school district to include in its
 estimate of needs a sum sufficient
 to pay interest on outstanding
 warrants issued during the fiscal
 year. If the board wholly fails
 to discharge the duty, the excise
 board may add an item of approp-
 riation reasonably adequate for
 the purpose. Morley et al., v.
 State ex rel., Board of Educa-
 tion, City of Tulsa. Oklahoma
 Appellate Court Reporter, Volume
 72, Page 678.

The following items become a part
 of the general fund of any fiscal
 year of any municipal subdivision
 of this state. First, the sur-
 plus balances on hand at the
 beginning of the year, which is
 confined to cash on hand at the
 beginning of the fiscal year in
 excess of all legal general fund
 obligations of the fiscal year
 immediately preceding, for which
 it was intended or pledged;
 second, all cash collections

during the current fiscal year :
 from sources other than ad :
 valorem taxes for the current :
 fiscal year, which includes all :
 back tax collections in excess of :
 the obligations of the fiscal :
 year in which it was originally :
 levied irrespective of the amount :
 of such collections estimated to :
 be received from such sources; :
 and third, the total amount of :
 the current year's tax levy in :
 whatever year collected. O. A. :
 G. :

The whole general fund of a par- :
 ticular fiscal year is pledged :
 to the payment of all general :
 fund obligations of that year, :
 only the part thereof which is in :
 excess of such obligations may be :
 used or employed for any other :
 purpose. O. A. G. :

A surplus balance, for the purpose :
 intended by the term as first :
 used in Section 12678, O. S. :
 1932 as amended by Chapter 85, :
 S. L. 1933, does not exist in a :
 general fund and become a part of :
 :

the general fund of a succeeding :
 fiscal year, except when it is :
 cash on hand in excess of any or :
 all legal obligations for which :
 it had become pledged. Gallion :
 v. Excise Board of Oklahoma Coun- :
 ty, 171 Oklahoma 76. :

Taxes of next preceding fiscal :
 year in the process of collection :
 to the extent of the excess :
 thereof of outstanding warrants :
 of such fiscal year, may be taken :
 into consideration, and treated :
 as cash in making up the finan- :
 cial statement and estimate of :
 the amount necessary to be raised :
 by ad valorem taxes, but if not :
 collected within the fiscal year :
 for which they are so taken into :
 consideration, are not to be :
 treated as cash on hand applic- :
 able to payment of warrants :
 issued against a valid approp- :
 riation based upon such estimate. :
 Board of Commissioners of Leflore :
 County et al. v. Central :
 National Bank of Poteau, 171 :
 Oklahoma 42. :

Insurance money obtained upon
 burning of a school should be
 deposited in the general fund of
 the district. O. A. G. October
 28, 1936.

A surplus balance and net unen-
 cumbered ad valorem taxes in the
 process of collections, within
 legal limitations, are available
 for appropriation in addition to
 the amount that may be raised by
 ad valorem taxation. Morley v.
 State, 171 Oklahoma 46.

The county excise board may not
 arbitrarily make a levy against
 the property of any school dis-
 trict when such levy has not been
 authorized by the district.

Bakin v. Chapman, 44 Oklahoma 51.

General Fund monies of a specific
 year cannot be used for payment
 of obligations of a prior fiscal
 year. St. Louis and S. F. Rail-
 way Company v. Choctaw County
 Excise Board, 173 Oklahoma 312.

Taxes collected from general fund
 levies become a part of the
 general fund, and there is no

authority of law to transfer :
such fund or monies from the :
general fund to the sinking fund :
of the county nor to use the same :
to pay judgements against the :
county though said judgements may :
have been based upon prior :
obligations of the general fund. :
Tulsa County Excise Board v. :
Texas Empire Pipe Line Company, :
Case No. 27376, May 18, 1937. :
In making calculations to deter- :
mine whether there is a surplus :
balance on hand in the general :
fund at the end of the fiscal :
year to be used in financing :
appropriations for the ensuing :
fiscal year, it is proper to :
consider all legally issued out- :
standing warrants drawn against :
that fund. Excise Board of :
Oklahoma County v. Continental :
Oil Company, 173 Oklahoma 577. :
General fund collections from :
sources other than ad valorem :
taxation become a portion of the :
general fund of the fiscal year :
in which the same are received by:

treasurer of the municipality :
 involved, unless otherwise :
 specified provided by Statute. :
 St. Louis and S. F. Railway :
 Company v. Choctaw County Excise :
 Board, 173 Oklahoma 312. :
 Net, uncollected and unencumbered :
 taxes, referred to as taxes in :
 the process of collection, are :
 not a part of a surplus balance :
 as the term is employed in :
 Section 12678; as amended by :
 Chapter 85, S. L. 1933. Such :
 taxes of the year immediately :
 preceding the year for which the :
 appropriations are being made may :
 be considered as an anticipated :
 income from sources other than :
 ad valorem taxation for the :
 purpose for in said section. It :
 is mandatory that it be so used :
 in an amount not exceeding the :
 amount collected from the same :
 source the immediately preceding :
 year. Ibid. :
 In considering a tax protest, the :
 court of Tax Review may not :
 determine or decree that a :

municipality had a surplus
 balance on hand at the end of a
 fiscal year, unless evidence
 shows that the legal assets,
 properly calculated, exceed the
 legal liabilities properly cal-
 culated. Excise Board of Okla-
 homa County v. Continental Oil
 Company, 173 Oklahoma 577.

The county excise board is not
 vested with discretion to de-
 termine the necessity for sup-
 plemental appropriations of
 school districts. Excise Board
 of Oklahoma County v. Board of
 Education of Oklahoma City. 178
 Oklahoma 545.

Appropriations for independent
 school districts for the purpose
 of purchasing building sites are
 for current purposes of said
 school district, and supplemental
 appropriations for such purposes
 are authorized by the provisions
 of Section 12680, O. S. 1931.

Ibid.

The use of the word "may" in
 Section 12680, O. S. 1931, does

not vest the excise board with
the power to refuse the make
supplemental appropriations where
income and revenue provided or
accumulated is available for the
purpose for which the appropria-
tions are sought; and where the
governing body of a school dis-
trict has certified its needs
therefor in the manner provided
by law to the excise board.

Excise Board of Tulsa County v.
State ex rel. Board of Education
of the City of Tulsa, 168 Okla-
homa 216.

A special fund cannot be trans-
ferred to the teachers salaries
fund. An unexpended balance of
an appropriation for current
expenses may be reappropriated
for such salaries. O. A. G.
April 6, 1937.

(d) Cafeterias--Bookstores--
Print Shop Fund.

S. L. 1937, House Bill 319,
Section 1.

(e) Rentals--Long Term Leases
Section 7428b O. S. 1938 Supplement:

S. L. 1935, Chapter 35, Article 4.:

S. L. 1935, Senate Bill 234, Part :

A, Section 23. :

(f) Leases--Oil and Gas :

Section 5959 :

C. O. S. 1921, Section 9504. :

S. L. 1921, Chapter 189, Section 1:

Procedure for a common school :

district to follow in leasing land :

for oil and gas. O. A. G. :

February 29, 1936. :

Money obtained from the sale of :

oil and gas lease by school dis- :

trict must be accredited to the :

general fund and may not be used :

in defraying expenses of sale or :

for repair of school building. :

O. A. G. 1934, February 1. :

Unclaimed Protested Taxes. :

Section 12545t :

1938 Supplement to O. S. 1931. :

Refunds. :

S. L. 1937, Chapter 66, Article :

3, Section 20 and 21. :

Section 12383 :

O. S. 1931. :

O. S. L. 1933, Chapter 135, :

Section 10. :

(g) Prior Years' Taxes-- :

Supplemental Appropriations: :

Section 12680. :

O. S. 1938 Supplement. :

S. L. 1937, Chapter 66, Article
18, Section 1. Amends Section
12670, O. S. 1931. :

Funds collected in any fiscal year:
from general fund tax levies for
prior years, in excess of the
obligations for which same were
originally levied, become a part
of the general fund of the year
in which they are collected and
may in proper cases form a basis
for making supplemental approp-
riations the same as any other
proper general fund asset. :

Excise Board of Oklahoma County
v. Continental Oil Company. 173
Oklahoma 577. :

(h) Thirty Percent of Sales Tax
of Prior Years. :

House Bill No. 619, 1933. :

Section 2. :

Common School Relief Fund--
Collection Fund. :

- Subsection B Seventeen Percent :
 and Subsection C Thirty Percent. :
 (1) Investment in non-payable :
 school district warrants :
 for current fiscal year. :
 (2) Investment in non-payable :
 warrants reduced to :
 judgement. :
 (3) For payment into sinking :
 fund for paying at par :
 with accrued interest and :
 principal for the current :
 fiscal year. :

Then placed in "Common School :
 Equalization Fund" for district. :
 Any money not used will be used :
 to reduce ad valorem taxation as :
 provided by Paragraph A of :
 Section 2. :

Apportionment changed under S. L. :
 1937, Chapter 66, Article 10, :
 Section 1. :

Section 5925 :

- (1) Sinking Fund Surplus. :

S. L. 1929, Chapter 5. :

Subsection 1 :

- (1) To the retirement of any :
 delinquent warranted :

indebtedness.

(2) To the payment of any
outstanding judgement
against school district.

(3) To the payment of interest
and principal on bonded
debt of the school district.

(4) To the payment of the
current expenses of the
school district.

(1) Sinking Fund Surplus.

S. L. 1929, Chapter 5.

(j) Money from Sale of Fox
Pelt.

Section 4804

S. L. 1931, Chapter 24, Article
8, Section 2.

CHAPTER FIVE

SUMMARY

A study of the present school laws of Oklahoma leads us to the following conclusions:

1. Oklahoma, though a comparatively young state, has progressed far in Education. Public interest has been shown as is evidenced by the action of the state legislature, and this body should be commended for its actions and the enthusiasm that it has manifested. The legislature is realizing its responsibility more and more as each biennium a sizeable sum of money is being appropriated for use by the schools of the state of Oklahoma. Our state is steadily trying to improve her youth by giving them good educational opportunities.

2. There are many features of the school system in Oklahoma at present which are far from being the best practices. Some of the defects have been pointed out by surveys made in this state. These surveys have offered recommendations, some of which have been incorporated in legal enactments, while other important ones have not as yet enacted into laws.

3. Oklahoma still has the local administrative control which is primitive and far from satisfactory. The district system is still used in its extreme form, and the result is that the schools are often isolated, poorly supported financially, and ineffectually administrated.

Political rights and vested privileges seem to be the cause for demand for the continuance of the district system. In this changing society, education is quite more than a local matter. It is becoming more complex and it is requiring more expert administration to adequately meet its needs. Twenty-four (24) of the forty-eight (48) states are successfully trying the county unit or the larger administrative unit plan. Oklahoma could materially improve her schools by using the larger administrative unit for schools and the county as the unit of taxation.

4. The County School Administrator should be appointed by the county board of education so that his time could be better utilized for supervisory and executive work rather than for political, clerical, and statistical details as is now the case. With the adoption of the administrative unit his clerical work would decrease as a large percentage of the legal quibbles concerning boundary changes, district organization, transfer of pupils from one school to another, and transportation of pupils from transferred territory would be automatically disposed of.

5. Oklahoma is taking rapid steps in assisting the local district to meet the needs of education financially, but the division of the constitutional fifteen (15) mill levy should be divided ten (10) mills between the county and cities or towns and five (5) mills for the schools. The county should be the basis for taxation for schools and

all revenues or monies collected should be distributed on the needed teacher basis. The needed teacher year stick is to be scientifically determined and not left to political manipulation.

6. A concluding statement regarding the school statutes of Oklahoma is pertinent at this point. The code in use at the present time is for the most part a conglomeration of legislative acts, enacted as various emergencies have arisen, and very definitely lacks a systematized, well-planned unity. What is most needed at present is a carefully revised school code, written to conform with the best educational practices. As now constituted, the Oklahoma statutes are in many instances far from the best practices and an interpretation of them is often vague and ambiguous.

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